

Republic of the Philippines
Department of Trade and Industry
Construction Industry Authority of the Philippines
CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

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RESOLUTION NO. 10 – 2005

**APPROVING THE REVISED RULES OF PROCEDURE
GOVERNING CONSTRUCTION ARBITRATION**

WHEREAS, the Construction Industry Arbitration Commission (CIAC), pursuant to its rule-making power granted by Executive Order No. 1008, promulgated the first Rules of Procedures Governing Construction (the "Rules") in August 1988;

WHEREAS, over the years, the Rules have been amended several times to address on an *ad hoc* basis the particular problems which the CIAC had during those times encountered in the administration of construction arbitration, the last amendments of which were made in August 2002;

WHEREAS, the previous amendments covered a vast range of concerns, from the filing of a case to the appointment of arbitrators, conduct of hearings, rendition of arbitral award, and execution/enforcement of arbitral awards, and other interim matters occurring in between the entire gamut of the arbitration process down to post award procedures were also considered;

WHEREAS, the Rules have been in effect for about 17 years and certain developments have occurred since then in the field of alternative dispute resolution such as the passage of the Republic Act No. 9285 or the Alternative Dispute Resolution Act of 2004 which affirmed CIAC's jurisdiction over disputes arising from construction contracts entered into by the parties in the Philippines, and the need to align with international practices, as far as practicable;

WHEREAS, the CIAC, responding to these developments, has created a Committee on the Revision of the CIAC Rules (the "Committee") composed of distinguished personalities in the field of ADR, headed by Prof. Alfredo F. Tadiar, incumbent legal counsel of CIAC and Chairman of the Philippine Judicial Academy's ADR Department, with the following members: Dean Custodio O. Parlade, Of counsel to Parlade, Hildawa, Parlade and Eco Law office and former legal counsel also of CIAC; Atty. Victor P. Lazatin, incumbent President of PICA and a Senior Partner of the ACCRA Law Offices; Mr. Joven B. Joaquin, CEO of Adrian Wilson International Associates and President of ADR Management, Inc.; and Engr. Joel J. Marciano, President of Telecommunications and Computer Technologies, Inc.;

WHEREAS, the Committee, after meeting and deliberating on the revisions from August to November 2005, in close consultation with the CIAC, has finally completed the Revised Rules of Procedures Governing Construction Arbitration (the "Revised Rules"), attached as Annex "A" hereof which shall form part of this Resolution;

WHEREAS, the Committee has recommended to CIAC the Revised Rules for the its consideration and approval;

WHEREAS, the CIAC, during its Special Meeting held on November 19, 2005 has thoroughly reviewed the Revised Rules and finds the same to be in conformity with the direction it has provided to the Committee;

WHEREAS, Section 6 and 21 of Executive Order No. 1008 empowers the Construction Industry Arbitration Commission (CIAC) " to enunciate policies and prescribe rules and procedures for construction arbitration" and "to formulate necessary rules and procedures for construction arbitration"


NOW THEREFORE, we the undersigned Commissioners by virtue of the powers vested in us by law do hereby resolve as it is hereby resolved to APPROVE the REVISED RULES OF PROCEDURES GOVERNING CONSTRUCTION ARBITRATION which shall govern all arbitration proceedings conducted under the auspices of CIAC upon its affectivity.

UNANIMOUSLY APPROVED.

Done in the City of Makati, Philippines, this 19th day of November 2005.

THE COMMISSION


SEDFREY A. ORDONEZ
Chairman


ISAAC S. DAVID
Member


SAMSONIC. LAZO
Member