

**CONSTRUCTION INDUSTRY ARBITRATION COMMISSION**

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**RESOLUTION NO. 11-2007**

**PRESCRIBING NEW POLICY GUIDELINES IN PLACE OF CIAC  
RESOLUTION NO. 04-2004 (POLICY GUIDELINES IN THE TREATMENT OF  
POST-AWARD PROCEEDINGS) AND CIAC RESOLUTION NO. 21-2006  
(CLARIFICATORY GUIDELINES ON CIAC RESOLUTION NO. 04-2004)**

**WHEREAS**, CIAC Resolution No. 04-2004 was passed by the Commission in its 75<sup>th</sup> Regular Meeting held on 30 April 2004, providing for, among others, additional compensation to arbitrators for post-award activities not expressly authorized by the CIAC Rules of Procedure Governing Construction Arbitration (CIAC Rules);

**WHEREAS**, to clarify the scope of compensable activities and the basis for additional arbitrators' fees under CIAC Resolution No. 04-2004, the Commission in its special meeting held on 15 November 2006, passed CIAC Resolution No. 21-2006;

**WHEREAS**, during its 99<sup>th</sup> Regular Meeting held on 26 July 2007, the Commission agreed to revisit the above resolutions in light of the observation made by CIAC Legal Counsel, Atty. Alfredo F. Tadiar, that specific motions which are not part of the usual work of arbitrators in regular arbitration proceedings and which entail so much work to be done, were recommended as compensable in 2003 by the Committee on Compensation for Post-Award Proceedings which he chaired, but were not considered in the preparation of CIAC Resolution Nos. 04-2004 and 21-2006 which, in effect, limit the coverage of compensable activities to those NOT expressly authorized by the CIAC Rules; and

**WHEREAS**, in its initial discussions on the matter during its 99<sup>th</sup> Regular Meeting and its 100<sup>th</sup> Regular Meeting held on 28 August 2007, the Commission agreed that except for motions borne out of the inadequacy of the final award/decision in threshing out the issues raised in the motions, the arbitrators, under certain conditions, should be compensated for post-award proceedings regardless of whether or not these are expressly authorized by the CIAC rules;

**NOW, THEREFORE, WE THE UNDERSIGNED MEMBERS OF THE COMMISSION**, after due deliberations in the 102<sup>nd</sup> CIAC Regular Meeting and by virtue of the powers vested in us by law, **HEREBY RESOLVE**, as it is **HEREBY RESOLVED**, to prescribe new policy guidelines in the treatment of post-award proceedings in place of CIAC Resolution Nos. 04-2004 and 21-2006, as follows:

1. These Guidelines shall apply to motions filed by any party after an award has been rendered and to requests of arbitrators for additional compensation in post-award proceedings.