

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. 04-2008

AMENDING CIAC RESOLUTION NO. 12-2006
(Prescribing Policy Guidelines and a Schedule of Penalties for Delayed Rendition of Arbitral Awards)

WHEREAS, on 27 April 2006, the Commission passed **CIAC Resolution No. 12-2006, Prescribing Policy Guidelines and a Schedule of Penalties for Delayed Rendition of Arbitral Awards**, requiring all arbitrators to render the Arbitral Award in a timely manner as prescribed under the CIAC Rules in order to preserve CIAC's reputation as a reliable venue for speedy resolution of construction disputes;

WHEREAS, under said resolution, monetary penalties by way of deductions from arbitrators' fees, and sanctions consisting of suspension (**i.e., disqualification from appointment as arbitrator**) or expulsion of the arbitrator/s, may be imposed for delays beyond the following prescribed periods for rendition of arbitral awards under the CIAC Rules:

1. Thirty (30) days from the date of the termination of hearing, or from the filing of additional documents, or from the submission date of memoranda, pleadings, documents or evidence, whichever is later (Section 13.18, CIAC Rules); and
2. Six (6) months from the date of signing of the Terms of Reference (TOR), or in cases where a TOR is absent, from the date of the last preliminary conference called for the purpose of finalizing and/or signing of the TOR (Section 16.1, CIAC Rules);

WHEREAS, the Commission, in its 107th Regular Meeting held on 28 March 2008, revisited the guidelines under said resolution and agreed that amendments were necessary to provide for the following:

1. Clear guidelines on the penalties and sanctions to be imposed on arbitrators for delays in the rendition of arbitral awards beyond the 6-month period;
2. Considering that the primary intent of the Commission is to ensure that awards are rendered within the CIAC target of six (6) months from TOR signing/start of proceedings, the sanctions of suspension (**i.e., disqualification from appointment as arbitrator**) and expulsion under the Table of Delays and Penalties in Section 2.2.1, Annex A of CIAC Resolution No. 12-2006, should only be imposed for delays beyond the 6-month period; and

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