



## RESOLUTION No. 07 – 2008

### Amending CIAC Resolution No. 02-2002 by adopting New Policy Guidelines Governing Cases Referred by the Regular Courts

**WHEREAS**, On 17 January 2002, the Construction Industry Arbitration Commission (CIAC) passed Resolution No. 02-2002, amending Resolution No. 03-1996 prescribing policy guidelines governing cases referred by the regular courts;

**WHEREAS**, Resolution No. 02-2002 contains, among others, the following provisions:

- a) partial referral to the CIAC of arbitrable issues in a case filed in court (since the CIAC Rules at that time provided for non-arbitral issues such as moral and/or exemplary damages, opportunity/business losses in addition to liquidated damages, and attorney's fees); and
- b) if the entire case is submitted for arbitration, CIAC to "require the parties or request the court to dismiss the case";

**WHEREAS**, the Revised CIAC Rules, which took effect on 15 December 2005, have done away with the provision on non-arbitral claims to avoid multiplicity of suits;

**WHEREAS**, Section 39 of R.A. 9285 (the Alternative Dispute Resolution Act of 2004), requires the Regional Trial Court before which a construction dispute is filed and where the parties had entered into an arbitration agreement, to dismiss the case and refer the parties to arbitration by the CIAC;

**WHEREAS**, the Commission, in its 109<sup>th</sup> Regular Meeting held on 30 May 2008, agreed to amend CIAC Resolution No. 02-2002 to be consistent with the ADR Law and the Revised CIAC Rules;

**NOW THEREFORE**, the Commission, by virtue of the powers vested in it by law, **RESOLVES**, as it is **DOES RESOLVE**, to amend CIAC Resolution No. 02-2002 by adopting new policy guidelines governing cases referred by the regular courts, as follows:

1. Should a case originally filed in the regular courts be referred to CIAC, the pleadings and other documents filed in court shall be adopted in the arbitration proceedings unless the parties agree to file a new set of pleadings. The pleadings and other documents filed in court or the new set of pleadings shall be submitted to the CIAC together with the order of the court dismissing the case and referring the parties to CIAC.
2. Upon submission of the case to CIAC, the arbitration fees shall be charged and paid by the parties in accordance with the CIAC Schedule of Fees.

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