



RESOLUTION NO.01-2011

LIMITING THE SCOPE OF CIAC RESOLUTION NO. 10-2010 [REQUIRING ORIENTATION ON MEDIATION PRIOR TO ARBITRATION] TO SMALL CLAIMS

WHEREAS, CIAC Resolution No. 10-2010 (Requiring Orientation on Mediation Prior to Arbitration) was passed by the Commission in its 131st Regular Meeting held on 08 November 2010, based on the recommendation of the Philippine Institute of Construction Arbitrators and Mediators, Inc. (PICAM) to require the parties in arbitration cases involving sums in dispute (SIDs) of not more than ₱10 million, to attend an orientation meeting on mediation to be conducted by the CIAC Officer-of-the-Month prior to arbitration;

WHEREAS, the said recommendation of PICAM was in lieu of an earlier proposal from one of its trustees, Atty. Custodio O. Parlade, to increase the threshold for small claims from P1 million to P10 million in order to expand the coverage of cases that would fall within the CIAC's Small Claims Assistance Program and thereby entitled, under Rule 20 of the CIAC Rules, "to special procedures of disposition and reduced fees" as well as to subsidized costs of hearing if held outside of Metro Manila;

WHEREAS, the Commission, during its 133rd Regular Meeting held on 04 February 2011, agreed to revisit the above resolution to address the following concerns raised by Commissioner Samson C. Lazo and CIAC Legal Counsel, Atty. Alfredo F. Tadiar:

- a. There appears to be no basis for adopting a different procedure or requirement of orientation on mediation for cases with SIDs of P10 million and below and those with SIDs above P10 million;
- b. On the other hand, subjecting all cases to the requirement of orientation on mediation would result in delays; and
- c. The intent of the requirement is to assist parties in small claims cases who are likely to decide to go to mediation since the amount involved is small. Thus, the requirement for orientation should be limited to the intended beneficiaries – parties in small claims cases as defined/categorized under the CIAC Rules.

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