

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

2/F Executive Building Center, 369 Gil J. Puyat Ave. cor. Makati Ave., Makati City
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RESOLUTION NO. 08 - 2016

**PRESCRIBING PERCENTAGES OF ARBITRATION FEES FOR CASES
FILED WITHOUT ARBITRATION CLAUSES/AGREEMENTS TO ARBITRATE
AND DISMISSED BY THE COMMISSION FOR LACK OF JURISDICTION**

WHEREAS, Section 4 of Executive Order No. 1008, the Construction Industry Arbitration Law, vests the CIAC with "original and exclusive jurisdiction over disputes arising from, or connected with, contracts entered into by parties involved in construction in the Philippines". The law further provides, however, that for the CIAC "to acquire jurisdiction, the parties to a dispute must agree to submit the same to voluntary arbitration";

WHEREAS, pursuant to the law, the CIAC Rules provide that if a case is filed without the required arbitration clause or agreement to arbitrate, the Respondent shall be notified that if it is willing to have the dispute be resolved by arbitration, such agreement must be clearly expressed in the Answer. If the Respondent refuses to answer or files a Motion to Dismiss for lack of jurisdiction, the Commission shall dismiss the case without prejudice to its refiling upon a subsequent agreement to arbitrate;

WHEREAS, the purpose of allowing the filing of cases with the CIAC even if there is no arbitration clause/agreement, is to give the other party a chance to opt to submit to CIAC arbitration if such other party would wish to do so;

WHEREAS, under existing CIAC policy, the fees prescribed for cases which are dismissed/withdrawn prior to the appointment of arbitrators whether or not there is an arbitration clause/agreement, are as follows:

Filing Fee	----	100%
Administrative Fees	----	10%
Arbitration Development Fund (ADF) charges	----	10%;

WHEREAS, the Commission has noted that in most cases where there is no arbitration clause/agreement, the above prescribed filing fee would discourage parties from filing the cases with CIAC;

NOW, THEREFORE, THE COMMISSION, by virtue of the powers vested in it by law and after due deliberation in its 188th Regular Meeting, **RESOLVES** as it is **thus RESOLVED**, to prescribe the following percentages of arbitration fees for cases filed without arbitration clauses/agreements to arbitrate which are subsequently dismissed for lack of jurisdiction by the Commission **prior to the appointment of arbitrators**:

Filing Fees

----- 100% *or the fixed sum of
₱25,000, whichever is lower*

Administrative Fees

----- 10%

ADF Charges

----- 10%.

The provisions of CIAC Resolution No. 07-2009 (Prescribing the Percentages of Fees Due for Arbitration Cases Withdrawn/Dismissed Prior to Appointment of Arbitrator/s) which are inconsistent with this resolution are repealed/amended accordingly.

This resolution shall take effect fifteen (15) days from receipt of certified copies thereof by the Office of the National Administrative Register, U.P. Law Center.


UNANIMOUSLY APPROVED.

3 November 2016, Makati City.

THE COMMISSION:


MANUEL M. COSICO
Chairman


ANTONIO A. ABOLA
Member


EMILIO LOLITO J. TUMBOCON
Member

