



## RESOLUTION NO. 04 – 2017

### AFFIRMING/ADOPTING THE MAXIMUM LOAD LIMIT OF THREE (3) ON-GOING CIAC CASES AND OTHER PARAMETERS PREVIOUSLY SET FOR THE APPOINTMENT OF ARBITRATORS/MEDIATORS

**WHEREAS**, during the Special Mediators and Arbitrators Continuing Education (MACE) seminar held on 6 April 2017, an observation was made regarding appointments of arbitrators/mediators made by the Commission which did not take into account the order of preference of the parties' nominees;

**WHEREAS**, the Commission acknowledged that there have, indeed, been instances where the order of preference of the parties' nominees was set aside primarily due to the maximum case load limit of three (3) on-going/active cases set and implemented by the previous Commissioners and currently being applied by the CIAC;

**WHEREAS**, considering that the above case load limit may be misconstrued as being contrary to the party autonomy rule, the Commission revisited the matter in its 193<sup>rd</sup> Regular Meeting held on 19 April 2017 and took note of the following reasons for setting said limit as well as other parameters taken into account by previous Commissions in appointing arbitrators/mediators:

- 1) The assignment of cases based only on the order of preference would be limited to the "more popular" arbitrators, giving the "less known" but equally capable arbitrators slim chances to handle cases eventually leading to a loss of interest in the CIAC and/or giving rise to the accusation that the Commission is nurturing an "elite" group of arbitrators. The selection/appointment of arbitrators should be based on the expertise of the arbitrators vis-à-vis the nature of the disputes (i.e., arbitrator/s with engineering background should be appointed for cases involving technical/engineering problems; architects for cases dealing with architectural problems; and lawyers for cases involving legal issues) [51<sup>st</sup> CIAC Regular Meeting; 2 March 1999; Jovellanos Commission];
- 2) To evenly spread out case assignments, the body agreed to limit the load of each arbitrator [Special CIAC Meeting; 1 June 2000; Jovellanos Commission];
- 3) To give other arbitrators a chance to gain experience in case handling [81<sup>st</sup> CIAC Regular Meeting; 9 May 2005; Ordonez Commission];
- 4) To help ensure that the cases will be given the necessary time and attention by the arbitrator, the Commission affirmed its policy to put a cap on the number of cases which could be handled concurrently by an arbitrator, and agreed to limit the number of cases assignments to a maximum of three (3) on-going cases per arbitrator. For arbitrators with efficient track record, however, the Commission may relax such guideline [Special CIAC Meeting; 17 October 2005; Ordonez Commission];

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- 5) To help ensure that sufficient time and attention are devoted to on-going cases, arbitrators who have reached the maximum case load of three (3) on-going cases will no longer be considered for appointment even if he/she is a common nominee of the parties [111<sup>th</sup> CIAC Regular Meeting; 29 July 2008; Bellosillo Commission]; and

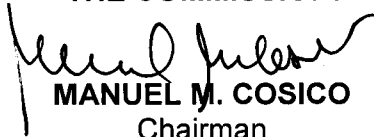
**WHEREAS**, the Commission believes that the above reasons are meritorious and more than adequate to warrant the continued application of the prescribed case load limit;

**NOW, THEREFORE, THE COMMISSION**, after due deliberation in its 195<sup>th</sup> Regular Meeting, and to ensure expeditious dispute resolution **RESOLVES**, as it is thus **RESOLVED**, to affirm/adopt the maximum load limit of three (3) on-going CIAC cases and other parameters previously set for the appointment of arbitrators/mediators such as arbitrator expertise, nature of the dispute, and attendance/participation in the MACE program or non-inclusion in the Reserved List pursuant to CIAC Resolution No. 04-2011 as amended, subject to the sound discretion of the Commission in particular cases where the application of the policy may be waived.

**UNANIMOUSLY APPROVED.**

29 June 2017, Makati City.

**THE COMMISSION:**

  
**MANUEL M. COSICO**  
Chairman

  
**ANTONIO A. ABOLA**  
Member

  
**EMILIO LOLITO J. TUMBOCON**  
Member

