



**RESOLUTION NO. 07-2005**

**Policy Guidelines on the Treatment of Additional Pleadings Filed by the Parties after the Submission of Final Memorandum or Draft Decision**

**WHEREAS**, the filing of final memorandum/draft decision by the parties already imply that the case is already deemed submitted for decision by the arbitrators;

**WHEREAS**, despite the foregoing, it has come to the attention of the Commission that in several instance where cases are already submitted for decision, additional pleadings are still being filed by the parties for resolution of the arbitrator/s ;

**WHEREAS**, such a situation unnecessarily distract the arbitrator/s who are already formulating the decision and hampers the expeditious and orderly resolution of cases;

**WHEREAS**, Article XV, Sections 14, 15, 17 and 19 of the rules pertinently provides as follows:

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**SECTION 14. Closing of the Hearings - The Arbitrator/Arbitral Tribunal shall inquire from all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the Arbitrator/Arbitral Tribunal shall declare the hearing closed and the minutes thereof shall be recorded.**

**SECTION 15. Reopening of Hearing - The hearing may be reopened by the Arbitrators on their own motion or upon the request of any party, upon good cause shown, at any time before the award is rendered. When hearings are thus reopened, the effective date for the closing of the hearing shall be the date of closing of the reopened hearing.**

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**SECTION 17. Submission of Memoranda - If any or both of the parties so desire, written memoranda may be submitted within five (5) working days from the termination of the hearing or from the date of the filing of additional documents as previously agreed upon, whichever is later.**

If both parties agree to submit memoranda, the filing shall be simultaneous.

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**SECTION 19. Period to Make Award - The number of days within which an award shall be made will start from the date of the termination of the hearing, or from the filing of additional documents, or from the submission**

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date of memoranda, pleadings, documents or evidences whichever is later.

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**WHEREAS**, the foregoing provisions of the Rules are among those which are now being reviewed for amendment by CIAC to rationalize the intent and application thereof;

**WHEREAS**, Sections 6 and 21 of Executive Order No. 1008 empowers the Construction Industry Arbitration Commission (CIAC) " to enunciate policies and prescribe rules and procedures for construction arbitration" and "to formulate necessary rules and procedures for construction arbitration";

**NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, that in order to curb such practices and meanwhile that the amendments to the CIAC Rules are yet to be finalized, the following guidelines shall be strictly observed;

**A case is deemed submitted for decision, upon the submission of final memorandum/draft decision. Thereafter, any motions or additional pleadings shall no longer be allowed to be filed or accepted by the Secretariat.**

**BE IT RESOLVED FURTHER** that all decisions submitted for scrutiny by the Commission shall be promulgated after five (5) working days from receipt thereof by the Commission and no action is taken thereon.

This resolution shall take effect immediately upon approval.

**UNANIMOUSLY APPROVED.**

Done in the City of Makati, Philippines, this 25th August 2005.

**THE COMMISSION**

  
**SEDFREY A. ORDONEZ**  
Chairman

  
**ISAAC S. DAVID**  
Member

  
**SAMSON C. LAZO**  
Member