

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

4/F Jupiter I Building, 56 Jupiter Street, Bel-Air Village, Makati City
Telephone No. 897-0853 / Telefax: 897-9313



RESOLUTION NO. 04-2006
Prescribing Policy Guidelines for the
Management of Case Documents

WHEREAS, the Construction Industry Arbitration Commission (CIAC) was created in 1985 and started its operations by accepting cases in 1989;

WHEREAS, being an adjudication body, CIAC is reposed with the fiduciary task of keeping in custody of all sensitive files filed by parties to cases filed with it, and to protect their confidentiality;

WHEREAS, over the years of its operations, CIAC has accumulated voluminous case files which occupy substantial portion of the CIAC's rented office space;

WHEREAS, at some point in time, it is reasonably certain that a particular case will no longer be revisited and will have to be disposed;

WHEREAS, in order to [1] insure the confidentiality of the case documents, [2] provide for an efficient retrieval system thereof, and [3] manage the limited office space available for CIAC, there is a need for clear policy guidelines on the handling, archiving and disposal of such case documents;

WHEREAS, Section 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, we the undersigned Commissioners by virtue of the powers vested in us by law do hereby resolve as it is hereby resolved to APPROVE the POLICY GUIDELINES for MANAGEMENT of CASE DOCUMENTS, attached as Annex A hereof which shall form part of this Resolution and shall become effective immediately upon its approval.

UNANIMOUSLY APPROVED.

Done in the City of Makati, Philippines, this 19th day of January 2006.

THE COMMISSION


SEDFREY A. ORDONEZ
Chairman


ISAAC S. DAVID
Member


SAMSON C. LAZO
Member

Republic of the Philippines
 Department of Trade and Industry
 Construction Industry Authority of the Philippines
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POLICY GUIDELINES FOR THE MANAGEMENT OF CASE DOCUMENTS

1. Rationale

CIAC, as an adjudication body, necessarily is repository of documents submitted by parties to every case filed with it. At some point, especially when it is reasonably certain that a particular case will no longer be revisited, accumulated voluminous case files will have to be disposed of as they take up substantial portion of CIAC's limited space, among other reasons.

2. Objective

2.1 To establish a policy guideline in the management of case documents cognizant of CIAC's:

- a. fiduciary duty to keep custody of sensitive files and protect their confidentiality;
- b. need for their efficient retrieval ; and
- c. need to responsively manage its scarce available space.

This is without prejudice to CIAC's need to establish a library of statistics, precedents, and other important data/information which will be covered by or discussed in a separate policy guidelines.

2.2 To convert the hard copies of vital case documents to digital copies and to develop a system for the efficient searching and retrieval thereof.

3. Guidelines On The Management Of Case Documents

The management of case documents shall mean the handling, archiving and disposal of case documents depending on their status and classification as described below:

3.1 Status Of Cases (as used in the IS/CA)

- | | | |
|-----------|---|---|
| On going | - | all cases which are not yet decided upon |
| Suspended | - | all cases which are brought on appeal on issue of jurisdiction or clarifications on interlocutory orders where the ruling of the appellate courts are being awaited before the resumption of the CIAC proceedings |

- Resolved - (i) all cases which have been decided and no appeal was made by either party; (ii) appealed cases but already resolved by the appellate courts.
- On appeal - (i) cases where either parties appeal the decision of the arbitrator/s before Court of Appeals or Supreme Court; (ii) one of the parties appealed the CIAC's order dismissing the case; (iii) cases with pending appeal from CIAC/Arbitrator/s' Order involving questions on jurisdiction, interlocutory orders, etc.
- Withdrawn - cases where the complaints were withdrawn by the Claimant or jointly by the parties
- Terminated & Dismissed - cases where CIAC has no jurisdiction or where the parties amicably settled and prayed for the dismissal of the case

3.2 Classification Of Case Files - Case files shall be classified into three (3) categories, namely: (i) active, (ii) inactive and (iii) closed vis-à-vis the case status, as shown below.

ACTIVE FILES	INACTIVE FILES	CLOSED FILES
Ongoing	Composed of resolved cases where execution could not effected due to difficulty in locating the losing party or. cases with refund of arbitration fees , and all suspended cases with preliminary injunction.	Decided cases without appeal
On appeal		Decided cases with appeal but already resolved
		Withdrawn
		Terminated/Dismissed

- 3.3 Active files shall be in the custody of the staff-in-charge of the case, until such time that they are closed and they shall be accordingly tagged as such in the Integrated Systems for Construction Arbitration (IS/CA).
- 3.3 Once a case is resolved, withdrawn, or terminated/dismissed, the staff-in-charge shall tagged the case records closed by encoding "closed" on the remark portion/case information/construction case profile of the IS/CA and indorse the entire case records to the System Administrator (SA).
- 3.4 Closed files shall be returned to the parties or their counsel fifteen (15) days from receipt by the parties of the order disposing of said cases, with the advise that if they decline to receive said documents they shall be disposed of by shredding or be transmitted to the National Archives Office. Case records transmitted to the Archives Office shall be subject to the retention period prescribed by the said office.
- 3.5 Case TORs, decisions rendered by the arbitrator/s, orders issued by the CIAC and/or the arbitrator/s, decision/resolution rendered by the appellate court/s,

entry of judgment and satisfaction of judgment, shall be retained for reference purposes. These case documents shall be in the custody of the System Administrator who will implement an efficient retrieval system of the documents stored which may include the conversion of the same to digital copies.

3.6 The CIAC may retain some other case documents which it will find helpful for its accreditation and arbitrators' continuing education (ACE) programs.

3.7 Case records falling under inactive files shall be archived by keeping them in a storeroom provided for that purpose. The records shall be stored for a period of seven years, after which they shall be revisited to determine whether the retention period shall be extended or shall be disposed of in the manner provided under Section 4.4 above.

4. Conversion Of The Hard Copies Of Case Documents To Digital Copies And Development Of A System For The Efficient Research And Retrieval Thereof.

5.1 Hard copies of vital case documents such as the Decisions of CIAC arbitrators, the Court of Appeals and the Supreme Court, shall be converted to digital copies to minimize the space used up for their storage.

5.2 A system shall be developed to effect an efficient research and retrieval system of the digitized documents.

5.3 The systems development shall be included in the proposed enhancement of IS/CA which shall be awarded to a systems developer