

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. 05-2006

REQUIRING EXPERTS HIRED IN CIAC ARBITRATION CASES TO MAKE DISCLOSURE/S SIMILAR TO THAT REQUIRED OF CIAC ARBITRATOR/S APPOINTED FOR SPECIFIC CASES.

WHEREAS, Sections 10.2 and 11.3 of the Revised Rules of Procedures Governing Construction Arbitration (Revised Rules) require arbitrator/s appointed for a case to make their written or verbal disclosure, as necessary;

WHEREAS, the extent of such disclosure covers any circumstance likely to give rise to justifiable doubts as to impartiality or independence, including financial or personal interest in the outcome of the arbitration and any existing or past relationships with any individual or corporate party together with their respective relatives or principal stockholders/officers or foreseeable participant in the proceedings.

WHEREAS, said disclosure is necessary to enable the parties to investigate and ascertain whether there is a substantial legal basis to file a motion for inhibition of the arbitrator concerned or seek his replacement;

WHEREAS, there are instances where technical or legal experts are hired, either at the instance of the parties or the arbitrators, and that such experts are not required to make similar disclosures under the Revised Rules;

WHEREAS, the Commission is of the considered view that the rationale of requiring an appointed arbitrator to make the foregoing disclosure should also be applied to experts hired for the case, either at the instance of the parties or the appointed arbitrator/s;

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 "to formulate necessary rules and procedures for construction arbitration;

NOW, THEREFORE, WE, THE UNDERSIGNED CIAC COMMISSIONERS, by virtue of the powers vested in us by law, do hereby promulgate that the provisions of Sections 10.2 and 11.3 of the Revised Rules shall also apply to all legal or technical experts who are hired in a case filed before the CIAC.

This policy guideline shall take immediately upon its approval.

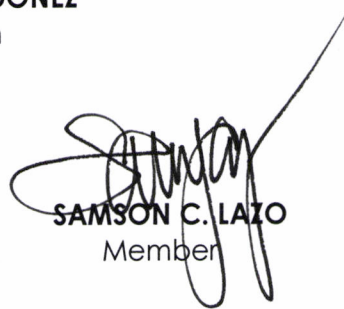
UNANIMOUSLY APPROVED.

Makati City, 17 February 2006.

THE COMMISSION


SEDFREY A. ORDONEZ
Chairman


ISAAC S. DAVID
Member


SAMSON C. LAIO
Member