

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. 10-2006

**Prescribing Protocols to be Observed in
Rendering Dissenting Opinions**

WHEREAS, cognizant of the fact that the deliberations of the arbitrators in formulating the Arbitral Award is a democratic exercise and each views of the members should be considered in the drafting of the Final Award, and as such, Section 16.2 (Form of Award) of the Revised Rules of Procedures Governing Construction Arbitration (the "Rules") pertinently provides that: "The Final award shall be in writing and signed by the Arbitral Tribunal. **A dissent from the decision of the majority or a portion thereof shall be in writing and signed by the dissenting member;**"

WHEREAS, to better implement the above provision of the Rules and to preclude animosity among the arbitrators in a Tribunal of three (3) members, in a situation where one of them dissents from the majority decision/position as to specific issues, the Commission deems it proper to establish protocols on the matter for the guidance of the arbitrators;

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, WE the undersigned Commissioners, by virtue of the powers vested in US by law, do hereby RESOLVE, as it hereby RESOLVED, to adopt the attached "Protocols to be Observed in Rendering Dissenting Opinions", marked as **Annex A** hereof, which shall form part of this resolution.

BE IT RESOLVED FURTHER that said protocols shall become effective immediately upon its approval and shall cover all pending cases and those which are to be filed thereafter.

UNANIMOUSLY APPROVED.

Makati City, 11 April 2006.

THE COMMISSION


SEDFREY A. ORDONEZ

Chairman


ISAAC S. DAVID

Member


SAMSON C. IAZO

Member