

Republic of the Philippines
Department of Trade and Industry
Construction Industry Authority of the Philippines

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

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Telephone No. 897-0853 / Telefax: 897-9313



RESOLUTION NO. 03-2007

Amending Resolution No. 09-2006 (Policy on the Automatic Re-Allocation of Fees of an Arbitrator Who Fails to Attend Scheduled Executive Meetings, Preliminary Conferences, or Hearings)

WHEREAS, on 17 March 2006, the Commission, passed CIAC Resolution No. 09-2006, providing for policy guidelines on the deduction of fees of an arbitrator who is absent from scheduled case activities, and the automatic re-allocation of the deducted amounts to the remaining members of the Tribunal who were present and rendered actual services;

WHEREAS, the rationale for the re-allocation of fees under Resolution No. 09-2006 is that the Arbitral Tribunal is paid for actual services rendered and if a member is absent, the service he should have rendered is picked-up by, and added on as additional burden of, the remaining members for which the latter should be compensated;

WHEREAS, the same holds true in the case of vacancies in the composition of the arbitral tribunal arising from death, inhibition, or resignation of a member, where arbitration proceedings are conducted by the remaining and/or replacement arbitrators during the period of vacancy, and as such, should be compensated from the fees intended for the deceased, inhibited, or resigned arbitrator;

WHEREAS, in order to have a unified and simplified scheme for the re-allocation of arbitrators' fees in case of absentee arbitrator or vacancy in the composition of the arbitral tribunal, the Commission, during its 94th Regular Meeting held on 28 February 2007, agreed on the need to expand the scope of Resolution No. 09-2006 to cover all absences including those arising from vacancies in the Arbitral Tribunal due to death, inhibition, or resignation of an arbitrator;

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 amend the title of Resolution No. 09-2006 to read as follows:

"Policy on the Automatic Re-Allocation of Fees
of an Arbitrator Who is Absent from Scheduled Activities"

RESOLVED FURTHER, to amend Annex A of the same resolution to read as follows:

"Policy on the Automatic Re-Allocation of Fees
of an Arbitrator Who is Absent from Scheduled Activities

1. Rationale

1.1 Arbitration proceedings are divided into three stages namely:
[1] Acceptance of appointment by the arbitrator to TOR signing; [2] hearing; and [3] drafting of award to execution.
Xxx.

1.2 Xxx ... Xxx.

2. Method of Application

2.1 Mechanics for the re-allocation of fees due an arbitrator who is absent from scheduled activities or the re-allocation of fees intended for vacant positions in the Arbitral Tribunal in favor of the remaining members/Chairman and/or replacement arbitrators

2.1.1 Xxx ... Xxx.

2.1.2 Xxx ... Xxx.

Xxx ... Xxx."

UNANIMOUSLY APPROVED.

28 February 2007, Makati City.


SEDFREY A. ORDONEZ
Chairman


ENGR. ISAAC S. DAVID
Member


ENGR. SAMSON C. LAZO
Member