

Republic of the Philippines
Department of Trade and Industry
Construction Industry Authority of the Philippines
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. 08-2007

Directing the Arbitrators to Advise Parties on the Waiver of the Right to Appeal

WHEREAS, Section 19 of Executive Order No. 1008 (the Construction Industry Arbitration Law) provides that "(t)he arbitral award shall be binding upon the parties" and that "it shall be final and inappealable except on questions of law";

WHEREAS, on the other hand, Section 18.2, Rule 18 of the CIAC Rules provides for appeal/petition for review of an arbitral award "in accordance with the provisions of Rule 43 of the Rules of Court";

WHEREAS, more often than not, arbitral awards have been appealed even on questions of fact or mixed questions of fact and law as provided under Rule 43 of the Rules of Court but contrary to Section 19 of E.O. 1008 and in effect, prolonging the process of dispute resolution;

WHEREAS, to forestall delays in dispute resolution arising from appeals, the Philippine Institute of Construction Arbitrators and Mediators, Inc. (PICAM), under PICAM Resolution No. 01-2007, recommended amendments to the Revised CIAC Rules for, among others, a provision on the finality of arbitral awards by agreement of the parties, or for a waiver of the right to appeal;

WHEREAS, during the 99th CIAC Regular Meeting held on 26 July 2007, the Commission decided that a provision of such waiver in the Revised CIAC Rules might be a source of problems in the future but agreed that a waiver of the right to appeal may be included in the Terms of Reference, subject to the agreement of the parties;

NOW, THEREFORE, WE THE UNDERSIGNED COMMISSIONERS, in the spirit of promoting and strengthening construction arbitration and by virtue of the powers vested in us by law, hereby RESOLVE, as it is HEREBY RESOLVED, to direct all CIAC arbitrators to advise the parties during the Preliminary Conference that they may, in the Terms of Reference, waive their right to appeal except on the following grounds:

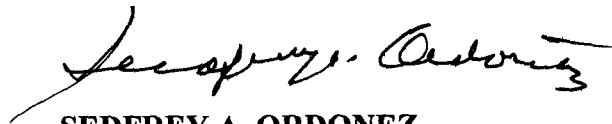
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- a) The award was procured by corruption, fraud, or other undue means;
- b) That there was evident partiality or corruption in the arbitrators or any of them; or
- c) That one or more of the arbitrators was disqualified to act as such under the CIAC Rules and policies, and willfully refrained from disclosing such disqualifications;
- d) That the arbitrators exceeded their powers, or so imperfectly executed them, that a mutual, final and definite award upon the subject matter submitted to them was not made.

UNANIMOUSLY APPROVED.

26 July 2007, Makati City.



SEDFREY A. ORDONEZ
Chairman



ISAAC S. DAVID
Member



SAMSON C. LAZO
Member

