

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. 10-2007

**AMENDING ANNEX A OF CIAC RESOLUTION NO. 10-2006
(PRESCRIBING PROTOCOLS TO BE OBSERVED IN RENDERING DISSENTING
OPINIONS)**

WHEREAS, Sections 16.2 (Form of Award) of the CIAC Revised Rules of Procedure Governing Construction Arbitration, as amended, provides in part that a “dissent from the decision of the majority or a portion thereof shall be in writing, specifying the portions dissented from with a statement of the reason/s therefore and signed by the dissenting member”;

WHEREAS, to implement the above provision, CIAC Resolution No. 10-2006 was passed on 11 April 2006, adopting protocols for dissenting opinions (Annex A of the Resolution) which state, among others, that dissents shall form part of the decisions and shall be submitted to CIAC for scrutiny and promulgation;

WHEREAS, the Commission recognizes the possibility that the promulgation of a dissenting opinion as part of a final award might trigger unwarranted delays in the dispute resolution and, as such, defeat the intent and spirit of E.O. 1008 (the Construction Industry Arbitration Law) and its declared state policy for “the early and expeditious settlement of disputes in the Philippine construction industry”;

WHEREAS, in keeping with the abovementioned state policy under the law, the Commission believes that Annex A of CIAC Resolution No. 10-2006 should be revised to clarify that dissenting opinions do not form part of the decisions/final awards and hence, are not for promulgation;

NOW, THEREFORE, WE THE UNDERSIGNED COMMISSIONERS, after due deliberations in the 99th CIAC Regular Meeting and by virtue of the powers vested in us by law, **HEREBY RESOLVE**, as it is **HEREBY RESOLVED**, to amend the pertinent sections of Annex A of Resolution No. 10-2006 (Prescribing Protocols to be Observed in Rendering Dissenting Opinions) by deleting the phrase "*and shall form part of*" from no. 2, Item III thereof, as well as the phrase "*and promulgation*" from no. 4, Item III, for the amended portions to read as follows:

"III. DISSENT ON THE MERITS

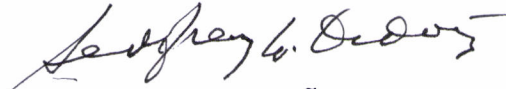
Xxx...xxx. In the event that a member of the panel has contradictory position on certain issues to be resolved, the same shall be subject to the following guidelines:

1. Xxx...xxx.
2. The majority decision, as to the rest of the issues, must be signed also by the dissenting arbitrator with the appropriate notation that he/she dissents.
3. Xxx...xxx.
4. The majority decision and dissenting opinion must be submitted to CIAC simultaneously **for scrutiny**.
5. Xxx...xxx."

UNANIMOUSLY APPROVED.

Done in the City of Makati this 26th day of July 2007.

THE COMMISSION:


SEDFREY A. ORDOÑEZ
Chairman


ISAAC S. DAVID
Member


SAMSON C. LAZO
Member

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