

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

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

2/F Executive Building Center, 369 Sen. Gil J. Puyat Ave. cor. Makati Ave., Makati City
Telephone No. 897-0853 / Telefax: 897-9313



RESOLUTION NO. 14-2010

**RECOMMENDING THE WITHDRAWAL OF
CIAP BOARD RESOLUTION NO. 11, SERIES OF 2009, AND
RELATED MATTERS**

WHEREAS, the Construction Industry Arbitration Commission (CIAC) consists of a Chairman and two (2) members, each with a term of office of six (6) years and all to be appointed by the Construction Industry Authority of the Philippines (CIAP) upon recommendation by the members of the Philippine Domestic Construction Board (PDCB);

WHEREAS, since January 2009, the position of CIAC Chairman has been vacant due to the resignation, effective 31 December 2008, of former Supreme Court Senior Associate Justice Josue N. Bellosillo who was appointed as CIAC Chairman in December 2007 for the unexpired portion of the term of his predecessor, the late Ambassador Sedfrey A. Ordoñez, or up to 27 September 2012;

WHEREAS, pursuant to established practice, the senior commissioner of the CIAC, Engr. Isaac S. David, whose term of office expires on 4 April 2012, assumed office as Acting Chairman and continues to discharge the function of said position;

WHEREAS, in its 57th Regular Meeting held on 20 March 2009, the CIAP Board, based on the recommendation of the PDCB, passed Resolution No. 6, Series of 2009, appointing former Court of Appeals Justice Regalado E. Maambong as CIAC Chairman vice Justice Bellosillo for the unexpired portion of the latter's term, and Engr. Willy T. Go as member of the Commission for the unexpired term of Engr. David who also tendered his resignation effective upon the assumption to office of his successor;

WHEREAS, in consideration, however, of three (3) letters dated 30 March 2009 to the CIAP Chairman, then Trade and Industry Secretary Peter B. Favila, from erstwhile President Gloria Macapagal-Arroyo expressing her desire for the appointment of her nominees to the CIAC, the CIAP Board, in its Special Meeting held on 21 July 2009, passed Resolution No. 11, Series of 2009, appointing Messrs. Benjamin T. Subido as CIAC Chairman vice Justice Bellosillo, Tirso M. Gavero as CIAC Member vice Engr. David, and Dalmacio L. Lim, Jr. as CIAC Member vice Engr. Lazo whose term of office is yet to expire on 30 March 2011;

WHEREAS, the validity of the above appointments under CIAP Board Resolution No. 11, s. 2009, is being questioned in Civil Case No. 09-845, Philippine

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION
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Constructors Association, Inc. (PCS) vs. CIAP et. al., the court proceedings of which have been suspended pending the crafting of a Settlement Agreement between the parties;

WHEREAS, the early settlement of the above court case is crucial to the stability of the operations of the Commission which, under the law, should function as a 3-person collegial body;

WHEREAS, the Commission believes that the implementation of CIAP Board Resolution No. 6, s. 2009, may no longer be an option due to the disqualification of Justice Maambong from holding public office for one (1) year from the May 2010 elections, and the withdrawal of interest of Engr. Go from his appointment as CIAC member (expressed in a letter dated 1 December 2010); and

WHEREAS, the Commission, likewise, believes that the withdrawal by the CIAP Board of its appointment of Messrs. Subido, Gavero, and Lim would best facilitate settlement of the case without need for a formal compromise agreement between the parties, and pave the way for filling the vacant position/s at the CIAC;


NOW, THEREFORE, THE COMMISSION, after due discussion in its 132nd Regular Meeting, **RESOLVES** to recommend to the CIAP Board the immediate withdrawal of CIAP Board Resolution No. 11, Series of 2009.

The Commission **RESOLVES FURTHER**, to recommend that appropriate steps for the appointment of a CIAC Chairman and the replacement for Engr. David be taken by the CIAP Board and the PDCB at the earliest possible time.

UNANIMOUSLY APPROVED.

16 December 2010, Makati City.

THE COMMISSION:


ISAAC S DAVID
Acting Chairman


SAMSON C. LAZO
Member