

[RESOLUTION NO. 05-2018, September 26, 2018]

CLARIFYING THE CIAC RULES FOR COMPUTING THE SUM IN DISPUTE (SID) UNDER ANNEX OF A CIAC RESOLUTION NO. 07-2013, AS AMENDED BY CIAC RESOLUTION NO. 04-2016

*Adopted: 29 August 2018
Date Filed: 26 September 2018*

WHEREAS, Section 16 of Executive Order No. 1008, the Construction Industry Arbitration Law, provides for "arbitration expenses" which shall include the "filing fee, administrative charges, arbitrator's fees, fee and expenses of the expert and others which may be imposed by the CIAC" pursuant to its power under Section 13 of the law "to determine and collect fees, deposits, costs of arbitration, as well as administrative and other charges as may be necessary in the performance of its functions and responsibilities";

WHEREAS, Section 16 of E.O. 1008 provides further that "the administrative charges and the arbitrator's fees shall be computed on the basis of percentage of the sum in dispute to be fixed in accordance with the Table of Administrative Charges and Arbitrator's Fees" or the CIAC Table of Arbitration and Mediation Fees;

WHEREAS, consistent with Section 16 of E.O. 1008, Rule 22 (Costs) of the CIAC Revised Rules of Procedures Governing Construction Arbitration (CIAC Rules) also provides, among others, that the "arbitration expenses shall include the filing and administrative fees, arbitrator's fees, ADF charges and fee and expenses of the expert, and others which may be imposed by CIAC" and that said fees/charges for monetary, non-monetary and small claims and the schedules of payment therefore shall be in accordance with the CIAC Table of Arbitration and Mediation Fees which was adjusted under CIAC Resolution No. 07-2013;

WHEREAS, Annex A of CIAC Resolution No. 07-2013, as amended by CIAC Resolution No. 04-2016, provides for the Rules for Computing the Sum in Dispute (SID) as follows:

"1. The sum of the total claims made by claimant/s and the total counterclaims posed by Respondent/s shall constitute the sum in dispute (SID)

1.1 All counterclaims posed by the Respondent/s in a case shall be added to the claims regardless of whether or not such counterclaims are permissive or compulsory