

**[NEA MEMORANDUM NO. 2011-007, December
28, 2010]**

ALTERNATIVE DISPUTE RESOLUTION (ADR)

I. RATIONALE

Republic Act No. 9285 known as the "Alternative Dispute Resolution Act of 2004" mandated the institutionalization of the use of an Alternative Dispute Resolution (ADR) System in the Philippines. Under this law, the State shall encourage and actively promote the use of ADR as an important means to achieve speedy and impartial justice and declog court dockets. As such, the State shall provide means for the use of ADR as an efficient tool and alternative procedure for the resolution of appropriate cases.

"Alternative Dispute Resolution System" means any process or procedure used to resolve a dispute or controversy other than by adjudication of a presiding judge of a court or an officer of a government agency in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof.

Pursuant to this law, it is therefore imperative that NEA shall adopt ADR in the process of resolving complaints, conflicts or cases brought before it by or against EC Board of Directors, General Managers, officials and employees, member-consumers and other stakeholders.

Mediation shall be used, which is a process in which a mediator/s with the consent of the disputing parties, facilitates communication and negotiation, and assists the parties in reaching a voluntary agreement regarding a dispute.

II. OBJECTIVES

1. To promote party autonomy or the freedom of the parties to make their own arrangements to resolve their disputes;
2. To ensure a speedy settlement of disputes;
3. To ensure minimal expense in the process of resolving disputes; and
4. To avoid the escalation of conflicts thus further fall within legal jurisdiction.

III. POLICY