

**[RESOLUTION NO. 01-2002, JANUARY 17, 2002,
January 17, 2002]**

**AMENDMENTS TO THE RULES OF PROCEDURE GOVERNING
CONSTRUCTION ARBITRATION**

WHEREAS, Section 6 and 21 of Executive Order No. 1008 empowers the Construction Industry Arbitration Commission (CIAC) " to enunciate policies and prescribe rules and procedures for construction arbitration" and "to formulate necessary rules and procedures for construction arbitration";

NOW, THEREFORE, WE THE UNDERSIGNED CIAC COMMISSIONERS, by virtue of the powers vested in us by law, do hereby promulgate the following amendments to the Rules of Procedure Governing Construction Arbitration, to wit:

xxx xxx xxx

ARTICLE II

Request for Arbitration

xxx xxx xxx

SECTION 4. Commencement of Arbitral Proceedings — The date when the Request for Adjudication is filed with the CIAC shall, for all intents and purposes, be deemed to be the date of commencement of the proceedings.

ARTICLE XII

Pleadings and Written Statements, Notifications or Communications

xxx xxx xxx

SECTION 3. Confidentiality of Proceedings — The arbitration proceedings shall be considered confidential and shall not be published except (i) with the consent of the parties, or (ii) when necessary in case where resort to the Court is made under the Rules of Court. The term "arbitration proceedings" shall include communications to or from CIAC, the pleadings, applications and other papers filed with CIAC, sworn statements, documentary and testimonial evidence, reports and minutes taken of the proceedings, and other orders, decision, award or resolution issued by the Arbitrator(s).

ARTICLE XIV

Arbitration Proceedings

xxx xxx xxx

SECTION 3. (Transferred to Art. II as Sec. 4)

xxx xxx xxx

ARTICLE XV

The Arbitration Award

xxx xxx xxx

SECTION 6. Termination of Jurisdiction — The jurisdiction of the Arbitrator(s) over the dispute is terminated upon the finality of the Award or Decision. Where an appeal is taken from a decision or award, and the appellate court directs a re-hearing or a hearing on the merits on any issue arising in the case, jurisdiction terminates only upon a final disposition of the case by the appellate court and/or a final determination of all incidental matters thereto.

SECTION 9. Motion for Correction of Award — Any of the parties may file a motion for correction of the award within fifteen (15) days from receipt thereof upon any of the following grounds:

- i. an evident miscalculation of figures, a typographical or arithmetical error
- ii. an evident mistake in the description of any party, person, date, amount, thing or property referred to in the award.

The filing of the motion for correction shall interrupt the running of the period for appeal.

A Motion for Reconsideration or for correction upon grounds other than those mentioned in this section shall not interrupt the running of the period for appeal.

ARTICLE XVI

Execution of Final Award

SECTION 1. Execution of Award. — A final arbitral award shall become executory upon the lapse of fifteen (15) days from receipt thereof by the parties.

SECTION 2. Appeal. — An appeal from a final award may be taken by any of the parties before the same becomes executory or within the period and in the manner provided by the Supreme Court.

SECTION 3. Entry of Judgment. — If a final award is appealed and a stay or restraining order is issued by the appellate court, such award shall become executory upon the issuance of the entry of judgment of the appellate court or upon the vacation of stay or restraining order without a preliminary injunction being issued.