

[EXECUTIVE ORDER NO. 97, October 18, 2012]

**REVOKING EXECUTIVE ORDER NO. 523 (s. 2006) AND
CONFERRING UPON THE OFFICE FOR ALTERNATIVE DISPUTE
RESOLUTION THE MANAGEMENT, DEVELOPMENT,
COORDINATION, AND OVERSIGHT OF ALTERNATIVE DISPUTE
RESOLUTION PROGRAMS IN THE EXECUTIVE DEPARTMENT, AND
FOR OTHER PURPOSES**

WHEREAS, Section 16, Article III of the Constitution guarantees the right of all persons to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies;

WHEREAS, Republic Act (RA) No. 9285, or the Alternative Disputae Resolution Act of 2004 (ADR Act of 2004), declares that it is the policy of the State to actively promote and encourage the use of Alternative Dispute Resolution (ADR);

WHEREAS, the use of ADR has been proven to be effective in amicably and speedily resolving disputes filed before judicial or quasi-judicial bodies and administrative agencies;

WHEREAS, there is a need to promote the use of ADR to achieve speedy resolution of disputes before the agencies under the Executive Department;

WHEREAS, the ADR Act of 2004 created the Office for Alternative Dispute Resolution (OADR), an attached agency of the Department of Justice (DOJ), to, inter alia, promote, develop, and expand the use of ADR in the private and public sectors; assist the government to monitor, study, and evaluate the use of ADR by the public and private sectors; and recommend to Congress necessary statutory changes to develop, strengthen, and improve ADR practices in accordance with world standards;

WHEREAS, Executive Order (EO) No. 523 (s. 2006), entitled "Instituting the Use of Alternative Dispute Resolution in the Executive Department of the Government" vested upon the Office of the President (OP) the management and development of ADR practice in the executive agencies;

WHEREAS, with the establishment of the OADR pursuant to Sections 49 and 50 of the ADR Act 2004 and the issuance of its Implementing Rules and Regulations (IRR) on 4 December 2009, it is now necessary to transfer to the OADR all authority over the development, management, and oversight of ADR programs and services in all agencies under the Executive Department;

WHEREAS, public interest requires that the delivery of ADR services to the public by government agencies adheres to the highest standards of competence, professionalism, integrity, and internationally accepted best practices;

WHEREAS, it is imperative that each agency under the Executive Department regularly submit to the OADR reports, information, feedback, and recommendations on the status of their respective ADR programs, plans, and policies in order for the OADR to fulfil its duty to coordinate the development, implementation, monitoring, and evaluation of government ADR programs; and

WHEREAS, Section 31, Chapter 10, Title III, Book III of EO No. 292, or the Administrative Code of 1987, vests on the President the continuing authority to reorganize the Executive Department.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Authority of the OADR. All powers, functions, and duties previously vested by EO No. 523 upon OP over the development, use, implementation, promotion, monitoring, coordination, expansion, evaluation, and study of ADR programs and services in the Executive Branch, including all its departments, administrative offices, quasi-judicial agencies, and government-owned or controlled corporations (GOCCs) (hereinafter collectively referred to as agencies), are hereby transferred to the OADR.

Such ADR services and programs shall include, but not be limited to, providing dispute resolution services; conducting ADR trainings; engaging in program and system design; and, managing, overseeing or administering ADR programs.

SECTION 2. Powers and Functions. Pursuant to the powers and functions provided for in Sections 49 and 50 of the ADR Act of 2004 and its IRRs, the OADR shall oversee, monitor, coordinate, and evaluate the development of ADR programs and services in all agencies. In the exercise of this authority, the OADR shall:

- a) Coordinate and oversee the development of rules, regulations, and procedures to define and implement ADR policies;
- b) Provide guidelines for the training, accreditation, monitoring, and evaluation of ADR providers and practitioners to ensure adherence to the highest professional and ethical standards;
- c) Provide guidelines for the establishment, design, management, conduct, and monitoring of ADR programs to streamline, improve, and render more efficient the delivery of dispute resolution services in conformity with internationally accepted best practices;
- d) Monitor and evaluate the use of ADR by agencies, and require compliance with any standards or guidelines issued by the OADR;
- e) Require agencies to establish and approve ADR programs or require changes to existing ADR programs to conform to standards or guidelines issued by the OADR;
- f) Require agencies to provide information regarding current or planned ADR program as well as copies of ADR decisions, awards or settlements issued or approved by these agencies or the courts, subject to such guidelines as the OADR may issue to protect the confidentiality of ADR proceedings and the parties thereto;
- g) Coordinate with and request information from the Judicial Department or any of its courts with regard to court-annexed ADR programs;