

[CIAC RESOLUTION NO. 11-2010, November 08, 2010]

ADOPTING GUIDELINES ON THE FILING AND DELIVERY OF COMMUNICATIONS IN CIAC CASES

WHEREAS, the CIAC Rules of Procedure Governing Construction Arbitration (CIAC Rules) generally provide for the filing/submission and delivery of communications in arbitration cases, as follows:

"Rule 3.1 Filing - Any party to a construction contract desiring to avail of arbitration shall file its Request for Arbitration in the prescribed form and number of copies to the Secretariat of the CIAC.

Xxx.....xxx.....

Rule 6.2 Notices – Notifications or communications from the Secretariat and/ or the Abitrator(s) shall be validly made if they are delivered against receipt or forwarded by registered mail to the address or last known address of the party/ies whom the same are intended as notified by the party/ies in question or by the other party/ies as appropriate.

If the Notice to Respondent/Request to Answer the complaint under Section

3.3. hereof is not received by Respondent due to wrong address or because Respondent has moved out from, or cannot be found at, the last known address provided by the Claimant, the CIAC Secretariat shall inform the Claimant of the non-delivery/non-receipt of the notice and require Claimant to provide CIAC with Respondent's correct/new address within fifteen (15) days from receipt of advice. If Claimant fails to comply, the Commission shall dismiss the case without prejudice to its refiling once the whereabouts of Respondent/s are known to Claimant/s.

6.2.1 Notification or communication shall be deemed to have been effected on the date when actually or constructively received."

WHEREAS, raising the need to clarify, by way of specific implementing guidelines, the abovementioned general provisions of the CIAC Rules on filing and notices/communications, the Philippine Institute of Construction Arbitrators and Mediators, Inc. (PICAM), an organization composed exclusively of CIAC-accredited arbitrators and mediators, expressed apprehension over problems encountered in the delivery of notices/communications to parties who are no longer residing or cannot be found at the addresses given or at their last known addresses;

WHEREAS, to address these concerns and mindful that the delivery/provision of notices/pleadings/processes/communications is essential to comply with the requirements of due processes, the PICAM, during its 10th Board of Trustees Meeting held on 07 October 2010, approved the draft guidelines on the matter