

**[ CIAC RESOLUTION NO. 02-2007, January 24, 2007 ]**

**AMENDING SECTION 8.2 OF RULE 8 (QUALIFICATIONS OF ARBITRATORS) AND SECTIONS 9.1.1 TO 9.1.4 AND 9.2.1 OF RULE 9 (NOMINATION AND APPOINTMENT OF ARBITRATORS)**

WHEREAS, Sections 6 and 21 of Executive Order 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" respectively;

WHEREAS, in its continuing review of its policies and rules, the Commission noted that while Section 8.2, Rule 8 (Qualification of Arbitrators) of the Revised CIAC Rules provides for the general rule that arbitrators must be CIAC-accredited, the exception to this rule which is provided under Section 9.1.2 Rule 9 (Number of Arbitrators) would be more appropriate under Rule 8 which deals with the qualifications of arbitrators for appointment to cases filed with the CIAC;

WHEREAS, the Commission also observed that if there are no common nominees, the procedure under Section 9.1.1, Rule 9 (Number of Arbitrators) of the Revised CIAC Rules, for CIAC to return the lists of nominees to the parties and ask them to make an agreement on a common nominee/s within 48 hours, should be applied only for Sole Arbitrator (Section 9.2.1) as it would facilitate the appointment process;

WHEREAS, for an Arbitral Tribunal, the appropriate procedure if there are no common nominees, is already provided for under Section 9.3 of the Revised Rules;

WHEREAS, after due discussions in its 93rd Regular Meeting held on 24 January 2007, the Commission found the following changes in the CIAC Revised Rules to be in order.

1. Deletion of the phrase "Except as otherwise provided under Section 9.1.2 below" from the 1st sentence of Section 8.2 and transfer of the last sentence of Section 9.1.2 to Section 8.2 to provide for the exception to the general rule that only CIAC accredited arbitrators can be nominated and appointed for the cases filed with CIAC;
2. Transfer of the last sentence of Section 9.1.1 to Section 9.2.1 to provide for the procedure in case there are no common nominees for Sole Arbitrator;
3. Deletion of Section 9.1.2 because the remaining portion of this Section is already captured in essence by Section 9.3 (Arbitral Tribunal);