

[CIAC RESOLUTION NO. 13-2007, December 27, 2007]

CLARIFYING THE ROLE OF THE COMMISSION IN THE SCRUTINY OF AWARDS AND RELEASE/STAY OF WRITS OF EXECUTION

WHEREAS, to help ensure the quality of CIAC arbitral awards/decisions and in accord with international arbitration practices, the Commission, in its 54th Regular Meeting held on 17 November 1999, passed Resolution No. 08-1999, prescribing a policy guideline on the security of awards by the Commission;

WHEREAS, pursuant to Section 20 of E.O. 1008 (the Construction Industry Arbitration Law) and Rules 18.5 and 18.6 of the CIAC Rules of Procedure Governing Construction Arbitration, the concurrence of the Commission is required for the issuance by arbitrator/s of writs of execution and approval of bond to stay execution;

WHEREAS, to dispel any confusion or misinterpretation on the role of the Commission in its scrutiny of arbitral awards and concurrence to writs of execution/stay of execution, the Commission recognizes the need to clearly define these functions and their purposes;

NOW, THEREFORE, WE THE UNDERSIGNED COMMISSIONERS, after due deliberations in the 103th and 104th CIAC Regular Meetings, HEREBY RESOLVE, as it is HEREBY RESOLVED, to clarify the role of the Commission in the scrutiny of arbitral awards/decisions and concurrence to writs of execution or orders staying execution issued by the arbitrators, as follows;

A. Scrutiny of arbitral awards

The purpose of scrutiny by the Commission of arbitral awards/decisions, without affecting the arbitrator/s' liberty of decision, is to give the arbitrator/s the opportunity, prior to promulgation, to modify or correct errors or inadequacies in the award, if any, with respect to its form and/or substance such as, but not limited to, the following:

- a. typographical and/or grammatical errors;
- b. errors in computation/mathematical calculations;
- c. mistakes or imprecise/incorrect description of any party, person, date, amount, thing or property referred to in the award/decision;
- d. failure to state the basis for, or reasons to justify, the grant or denial of a claim/counterclaim;
- e. failure to resolve formulated issues in the Terms of Reference (TOR);
- f. award on an issue not submitted for resolution; and
- g. other imperfections in form and content not affecting the merits of the controversy.