

**[ CIAC RESOLUTION NO. 6-96, August 08, 1996 ]**

**AMENDMENTS TO THE RULES OF PROCEDURE GOVERNING  
CONSTRUCTION ARBITRATION (PROMULGATED ON 23 AUGUST  
1988 AND AMENDED BY CIAC RESOLUTION NOS. 2-91, 3-93, 1-  
94, AND 2-95 ADOPTED ON 21 JUNE 1991, 25 AUGUST 1993, 25  
OCTOBER 1994, AND 7 NOVEMBER 1995, RESPECTIVELY)**

WHEREAS, Sections 6 and 21 of Executive Order No. 1008 empower the Construction Industry Arbitration Commission (CIAC) "to enunciate policies and prescribed 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:

**Article IX**

**Terms of Reference**

xxx xxx xxx

SECTION 3. *Arbitration to Proceed Even Without the Terms of Reference* — Except in cases where arbitration cannot proceed pursuant to Sections 1 and 2 of Article IV of these Rules, arbitration shall proceed despite the absence of the Terms of Reference (TOR) due to the refusal of any of the parties to sign or for reason other than the exceptions stated above. In the absence of a TOR, all of the issues and related matters in the pleadings filed by the parties and admitted by the Sole Arbitrator or the Arbitral Tribunal, as the case may be, shall be deemed submitted for resolution by the appointed arbitrators(s)

**Article XI**

**Counterclaims**

SECTION 1. *Statement of Counterclaim* — If the Respondent wishes to make a counterclaim/s, the same shall be included in the Answer. In such case, Respondent shall be required, upon filing of the Answer with counterclaim/s, to pay a deposit of 10% of arbitrator's fees (based on the amount of counterclaim) or P5,000 whichever is higher but not to exceed P50,000. Where the total amount of counterclaim/s exceeds P1 million, Respondent shall, upon filing of its Answer with counterclaim/s and in addition to deposit of arbitrator's fees, deposit an amount equivalent to 1/10 of 1% of the amount of counterclaim. Such deposit shall be treated as Respondent's initial payment of its share of the special assessment fee of 1/10 of 1% of the sum in dispute imposed under CIAC Resolution No. 2-96. If the counterclaim is a non-