

MEMORANDUM CIRCULAR NO. 01 -2020

TO : ALL CIAC ARBITRATORS AND MEDIATORS, CONCERNED PARTIES AND THEIR COUNSELS/AUTHORIZED REPRESENTATIVES

SUBJECT : GUIDELINES ON THE CONDUCT OF ON-LINE OR VIRTUAL PROCEEDINGS FOR CIAC CASES

DATE : June 10, 2020

Since the declaration of a national emergency due to COVID-19, placing the entire Luzon under Enhanced Community Quarantine (ECQ), work in the CIAC has remained suspended and case proceedings cancelled or put on hold. Some arbitrators, however, pursuant to the authority granted to them under Section 21.2 of the CIAC Rules to

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1. AUTHORITY TO CONDUCT ON-LINE/VIRTUAL CASE PROCEEDINGS

The Arbitral Tribunal or Sole Arbitrator shall have full authority to decide on, and conduct, on-line or virtual preliminary conferences, hearings, meetings and other case proceedings in accordance with these Guidelines. Failure or refusal of any of the parties to participate in on-line or virtual case proceedings ordered by the Arbitral Tribunal/Sole Arbitrator shall not stay the proceedings. Failure or refusal of all of the parties to participate in on-line or virtual case proceedings ordered by the Arbitral Tribunal/Sole Arbitrator shall be deemed a submission of the case for decision without an oral hearing and on the basis of documentary evidence already submitted.

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Section 21.1 Recording of proceedings - Proceedings before an Arbitral Tribunal may be recorded by means of any audio and/or audio visual recording equipment such as, but not limited to, tape recorders and video cameras, or if a stenographer is available, either through stenographic notes or minutes taken of the proceedings. All recordings on tapes, films, cassettes, disks, or diskettes shall be done by CIAC and shall remain in its custody for safekeeping and eventual disposal after the resolution of the case. Copies of such recordings including transcripts and minutes of the proceedings shall be made available to the parties upon request for a nominal fee.

The Arbitral Tribunal may opt to dispense with the use of recording devices or stenographic services and take down notes of the proceedings. Such notes taken shall be filed with CIAC and shall be part of the records of the case. Copies of the notes filed shall be made available to the parties, upon request, at reproduction cost.

- h) No person shall be allowed to record the proceedings without the express authority of the Mediator/Sole Arbitrator/Tribunal;
- i) Third parties, or persons not authorized to participate in the case proceedings, shall not be in the same room as the authorized participants. The Mediator/Sole Arbitrator/Tribunal shall ensure this, among others, by requiring all participants to show to the Mediator/Sole Arbitrator/Tribunal a 360-degree view of the room where the participant is joining the telephone/video/electronic conference at the start of the case proceedings, and, from time to time, during the case proceedings;
- j) Each party shall provide the identities of all individuals who shall be in the same room as the authorized participants, to the other parties and to the Tribunal prior to the telephone, video, or electronic conference, and the Tribunal shall take steps to verify the identity of each individual present at the start of the telephone, video, or electronic conference;
- k) If there are more than one participant in a location, or if there are individuals other than the participant in a location, all individuals in the same room shall be seated in a way to allow each participant to be able to see all such participants and individuals during the video or electronic conference;
- l) Only the main participants, as determined by the Tribunal, shall be allowed to participate in the proceedings.

