



15th PDRCI COMMERCIAL ARBITRATION TRAINING SEMINAR

“The Law and Practice of Commercial Arbitration”

July 9 to 13, 2018

University of the Philippines BGC, 14th Drive, University Parkways, BGC, Taguig City

TRAINING COURSE

DAY 1 : Monday, July 9, 2018	
8:00 am	Registration
8:15 am	National Anthem
8:20 am	Welcome Remarks
8:30 am to 12:30 pm  Atty. Mario E. Valderrama	Session I: Introduction to Arbitration <ul style="list-style-type: none"> • The Concept of Arbitration • General Principles of Arbitration • Advantages and Disadvantages of Arbitration • Domestic and International Arbitration • Commercial and Other Arbitration (construction, FRIA, barangay, JDR) • Arbitration Laws: <ul style="list-style-type: none"> - Arbitration Law - E.O. 1008 - ADR Act of 2004 - Implementing Rules and Regulations of ADR Act of 2004 - Special Rules of Court on ADR - UNCITRAL Model Law - New York Convention • Ad hoc and Institutional Arbitration • Arbitral Institutions (ICC, LCIA, AAA, HKIAC, SIAC, KLRAC, PDRC, CIAC) • PDRC Rules of Arbitration
1:30 pm to 5:30 pm  Atty. Patricia-Ann T. Prodigalidad	Session II: Arbitration Agreement & Commencement of Arbitration <ul style="list-style-type: none"> • IBA Guidelines for Drafting International Arbitration Clauses • PDRC Model Arbitration Clause • Pathological Clauses • Arbitration Clauses and Submission Agreements • Applicable Law & Amiable Compositeur (Art. 44) • Place of Arbitration (Art. 24) • Language (Art. 25) • Role of Courts in Arbitration (ADRA 2004, Secs. 2 & 24; SADRR) • Notice and Calculation of Period of Time (Art. 2) • Communication to PDRCI (Art. 3) • Notice of Arbitration (Art. 4) • Response to Notice of Arbitration (Art. 5) • Form and Contents of Submissions • Representation and Assistance (Art. 6) • Sample Submission Agreement • Sample Notice of Arbitration

DAY 2 : Tuesday, July 10, 2018

8:30 am to 12:30 pm



Atty. Gwen B. Grecia-De Vera

Session III: Emergency Arbitrator and the Arbitral Tribunal

- PDRC Arbitration Rules: Scope and application (Art. 1)
- Constitution of the Arbitral Tribunal [Art. 15 (3)]
- Multiple Contracts (Art. 9)
- Appointment of Arbitrators (Arts. 12 to 15)
- Appointing Authority [Art. 13 (2), (3), & (4), Art. 14 (2) & (3)]
- Qualifications and Disclosures of Arbitrators (Art. 17)
- Conflict of Interest
- Duties of Arbitrators
- Rules of Ethics
- Arbitrator Misconduct [RA 876, Sec. 24 (a), (b), (c)]
- Challenge of Arbitrators (Arts. 18, 19 & 20)
- Replacement of Arbitrators (Art. 21)
- Fees and Cost (Art. 51)
- Limitation of Liability of PDRC (Art. 54)
- Emergency Arbitrator (Art. 53)

1:30 pm to 5:30 pm



Atty. Shirley F. Alinea

Session IV: Consolidation, Multiple Contracts, Joinder of Parties and Preliminary Matters

- Consolidation of Arbitration (Art. 10)
- Multiple Contracts (Art. 9)
- Joinder of and Claims between Parties (Arts. 7 & 8)
- Pleas as to the jurisdiction of the arbitral tribunal (Art. 30)
- Default (Art. 38)
- Interim Measures of Protection (Art. 33)
- Expedited Procedure (Art. 52)
- Complex Cases
- Sample Petition for Interim Measure of Protection

DAY 3 : Wednesday, July 11, 2018

8:30 am to 12:30 pm



Atty. Ricardo Ma. P.G. Ongkiko

Session V: Case Management Conference

- Terms of Reference (Art. 26)
- Defining the Issues [Art. 26 (94)]
- Case Management Conference (Art. 34)
- Procedural Timetable [Art. 34 (2) & (3)]
- Periods of Time (Art. 32)
- Statement of Claim (Art. 27)
- Statement of Defense (Art. 28)
- Amendment to the Claim or Defense (Art. 29)
- Further Written Statements (Art. 31)
- Referral to Mediation
- Confidentiality of Proceedings (Art. 41)
- Sample Terms of Reference
- Sample Statement of Claim
- Sample Statement of Defense

1:30 pm to 5:30 pm





Atty. Teodoro A.Y. Kalaw IV

Session VI: Arbitration Hearings and Arbitral Award

- Arbitral Proceedings (Section IV)
- Preparation for the Hearing
- Evidence and Burden of Proof (Art. 35)
- Hearings (Art. 36)
- Experts Appointed by the Arbitral Tribunal (Art. 37)
- Closure of Hearings (Art. 39)
- Waiver of Right to Object (Art. 40)
- Awards/Decisions (Art. 42)
- Additional Awards (Art. 48)
- Form of Awards [Art. 43 (1) to (4), (6)]
- Settlement or Other Grounds for Termination (Art. 45)
- Cost (Section VI)
- Allocation of Cost (Art. 50)
- Sample Award

DAY 4 : Thursday, July 12, 2018

<p>1:30 pm to 5:30 pm</p>  <p>Atty. Donemark L. Calimon</p>	<p>Session VII: Recognition, Enforcement, Setting Aside and Refusal to Enforce Awards</p> <ul style="list-style-type: none"> • Effect of Awards [Art. 43 (5) & (7)] • Interpretation of Award (Art. 46) • Correction of Award (Art. 47) • Confirmation of Award • Challenge, Setting Aside or Refusal to Enforce Arbitral Awards • Court Enforcement of Arbitration Awards <ul style="list-style-type: none"> - Domestic Awards - Foreign Awards - New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards • Court Assistance in Arbitration (SADRR) • Appeals • Sample Petitions for Recognition and Enforcement
<p>1:30 pm to 5:30 pm</p>  <p>Atty. Jay Santiago</p>	<p>Session VIII: International Arbitration</p> <ul style="list-style-type: none"> • UNCITRAL Model Law • UNCITRAL Arbitration Rules

DAY 5 : Friday, July 13, 2018

<p>8:30 am to 12:30 pm</p>	<p>Session IX: Mock Arbitration</p> <p>Atty. Ray Anthony O. Pinoy, Lead Facilitator (TBA) Atty. Julius Omila and Atty. Mary Kimberlie C. See <i>(three groups composed of arbitrators, counsel for both sides, parties or witnesses)</i></p>
<p>1:45 pm</p>	<p>Closing Remarks by Atty. Shirley F. Alinea, Chair, Education/Training Committee</p>
<p>2:00 pm to 5:30 pm</p>	<p>Session X: Written Examination</p>