

## **2021 PDRCI SPORTS MEDIATION RULES**

(Effective March 17, 2021)

### **1. Sports Mediation Rules**

These Rules shall be known as the PDRCI Sports Mediation Rules (“Rules”). These Rules shall apply to any contractual sports dispute, difference, controversy, or claim (“Dispute”) referred to mediation under these Rules.

### **2. Exclusion**

Sports disputes related to disciplinary matters, such as doping issues, match-fixing, and corruption, are excluded. However, the parties may agree to submit disputes related to other disciplinary matters to mediation under these Rules.

### **3. Statement of Policy**

The Philippine Dispute Resolution Center, Inc. (PDRCI) recognizes that there is a need to offer an effective alternative form of dispute resolution for sports considering its specialized needs, in order to achieve a quick, efficient, and inexpensive settlement of a dispute relating to sports.

### **4. Mediation**

Mediation under these Rules is a voluntary, confidential, and non-binding private dispute resolution process in which a mediator, who shall be a qualified neutral person selected by the disputing parties or appointed under these Rules, assists the parties in reaching a voluntary agreement regarding a Dispute.

### **5. Model Mediation Clause**

"The parties shall resolve any dispute, controversy or claim under this contract by mediation pursuant to the Sports Mediation Rules of the Philippine Dispute Resolution Center, Inc. (PDRCI). If there is no settlement within 30 calendar days from commencement of the mediation, or such other period agreed in writing by the parties, the dispute shall be finally resolved by arbitration under the PDRCI Sports Arbitration Rules then in force."

## **6. Application of Rules**

The agreement to submit a Dispute to mediation by PDRCI includes an agreement to be bound by these Rules and, in all matters not expressly provided for in these Rules, by the PDRCI Mediation Rules and the administrative policies and guidelines of PDRCI.

## **7. Initiation of the Mediation Process**

(a) Any party or parties to a Dispute may initiate a mediation under these Rules by sending a written request for mediation to PDRCI and to the other party or parties, stating therein that the Dispute falls under the scope of these Rules and which shall include:

- i. a description of the Dispute, including an assessment of its monetary value, the names and contact details of the parties to the Dispute, including lawyers, representatives and other persons providing assistance to the parties;
- ii. a reference to and a copy of the mediation clause or the mediation agreement; and
- iii. The name and contact details of the proposed mediator and the qualifications of the mediator.

(b) If PDRCI finds that the Dispute falls within the scope of these Rules, and upon receipt of the non-refundable filing fee in accordance with the Guideline on Fees, PDRCI will notify the other party or parties and set a three-day period for the other party to (i) accept the request for mediation and confirm the appointment of the mediator proposed by the initiating party, or (ii) propose another mediator for acceptance by the initiating party within the same or similar period.

(c) If there is an agreement between the parties to refer their Dispute to mediation but such agreement does not provide for mediation with PDRCI or under these Rules, or there is no agreement by the parties to refer their Dispute to mediation, the initiating party or parties may request PDRCI to invite the other party to agree to mediation under these Rules.

(d) If the other party does not reply to such request or invitation within the three-day period, or if the other party rejects the invitation to refer the Dispute to mediation, PDRCI shall promptly inform the initiating party in writing and close the file.

## **8. Number and Appointment of Mediators**

(a) There shall be one mediator for a Dispute, unless the parties agree in writing to a co-mediator. The parties shall agree on a mediator or co-mediators from PDRCI's Panel of Mediators in Sports. Failing the parties' agreement on a mediator or co-mediators within the time given for the other party to reply to the request for mediation or if the agreed mediator or co-mediator declines the appointment, PDRCI shall appoint and confirm the mediator or co-mediator.

(b) If a mediator withdraws, dies, or becomes absent, seriously ill, or incapacitated for more than five days during the mediation, the parties may agree on a replacement within three days of the withdrawal or notice of death, absence or serious illness or incapacity. If the parties are unable to agree on a replacement within such time, PDRCI shall appoint and confirm the replacement mediator.

## **9. Fee and Deposit for Mediation Expenses**

(a) Upon acceptance by the mediator of the appointment, PDRCI shall issue an assessment for the full mediation fee and deposit for mediation expenses, in accordance with the Guidelines on Fees, which shall be paid by the parties in equal shares, unless the parties agree otherwise.

(b) The date of payment in full of the mediation fee and the deposit for mediation expenses shall be considered the date of commencement of the mediation.

## **10. Conduct of Mediation**

The mediator may conduct the mediation in such a manner as they consider appropriate, taking into account the nature of the Dispute, the circumstances and interests of the parties, and the benefit to the parties of settling the Dispute within 30 days from commencement of the mediation.

## **11. Confidentiality**

The mediation process is by nature confidential. PDRCI, the mediator, and the parties shall keep confidential all matters relating to the mediation, unless their disclosure is required by law. If requested by the parties in writing to give his opinion on the merits of their claim, the mediator shall do so only during a private caucus with each party.

## **12. Termination of Mediator's Mandate**

In case of an objection by any party, the mediator shall cease their mandate and immediately notify PDRCI. PDRCI shall appoint the replacement mediator if the parties are unable to agree on the new mediator within three days from notice. The termination of the mediator's mandate is without prejudice to their entitlement to be paid their fees or expenses.

March 17, 2021