

# 23rd COMMERCIAL ARBITRATION TRAINING WEBINAR

July 25 to 30, 2022

## PROGRAM OUTLINE

### DAY 1: MONDAY, 25 JULY

**8:00 am** Registration & Reminders

**8:15 am** National Anthem

**8:20 am** Welcome Remarks by **Atty. Shirley F. Alinea**, *Chair, Education/Training Committee*

**8:30 am to 12:30 pm**



*Atty. Kristine  
R. Bongcaron*

#### Session I: Introduction to Arbitration

- 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)
- Ad hoc and institutional arbitration
- Arbitral institutions (ICC, LCIA, AAA, HKIAC, SIAC, KLRCA, PDRCI, CIAC)
- Arbitration Laws:
  - Arbitration Law
  - E.O. 1008
  - ADR Act of 2004
  - Implementing Rules and Regulations of ADR Act of 2004
  - Special Rules of Court on ADR (SADR)
  - UNCITRAL Model Law
  - New York Convention
- Introduction to PDRCI
  - PDRCI Arbitration Rules
  - Why choose PDRCI

**1:30 pm to 5:30 pm**



*Atty. Patricia-Ann  
T. Prodigalidad*

#### Session II: Arbitration Agreement & Commencement of Arbitration

- IBA Guidelines for Drafting International Arbitration Clauses
- PDRCI model arbitration clause
- Pathological clauses
- Arbitration clauses and Submission agreements
- Applicable law and Amiable Compositeur (Art. 49)
- Seat of arbitration (Art. 27)
- Language (Art. 28)
- Role of courts in arbitration (ADR Act of 2004, Secs. 2 & 24; SADRR)
- Written Communications (Art. 2)
- Calculation of Period of Time (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*
- *Sample Response to Notice of Arbitration*

## DAY 2: TUESDAY, 26 JULY

8:30 am to 12:30 pm



Atty. Salvador  
S. Panga Jr.

### Session III: The Arbitral Tribunal and Emergency Arbitrator

- PDRCI Arbitration Rules: Scope of application (Art. 1)
- Constitution of Arbitral Tribunal (Art. 15)
- Appointment of Arbitrators (Art. 11-14)
- Appointing Authority [Art. 11 (2), 12 (2), (3), & 13 (2), (3)]
- Qualifications and Disclosures of Arbitrators (Arts. 16 to 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)
- Termination of Mandate (Art. 21)
- Replacement of Arbitrators (Art. 22)
- Definition of Cost (Art. 54)
- Limitation of Liability of PDRCI (Art. 59)
- Emergency Arbitrator (Art. 58)
- *Sample Disclosure*
- *Sample Challenge*
- *Sample Application for Appointment of Emergency Arbitrator*

1:30 pm to 5:30 pm



Atty. Roberto  
N. Dio

### Session IV: Consolidation, Multiple Contracts, Joinder of Parties

- Special Topic: File Counsel and Tribunal Secretary (Art. 24-25)
- Joinder and claims between multiple parties (Arts. 7 & 8)
- Multiple contracts (Art. 9)
- Consolidation of arbitrations (Art. 10)
- Pleas as to the jurisdiction of the Arbitral Tribunal (Art. 34)
- Summary Disposition (Art. 35)
- Default (Art. 43)
- Interim measures of protection (Art. 38)
- Expedited procedure (Art. 57)
- Complex cases
- *Sample Request for Consolidation and/or Sample Joinder.*
- *Sample Petition for Interim Measure of Protection*

## DAY 3: WEDNESDAY, 27 JULY

8:30 am to 12:30 pm



Atty. Arthur  
P. Autea

### Session V: Case Management Conference

- Case management conference (Art. 29)
- Procedural timetable
- Defining the issues [Art. 29 (2)(g) & 33(2)(b)]
- Statement of Claim (Art. 30)
- Statement of Defense (Art.31)
- Amendment to the Claim or Defense (Art. 32)
- Terms of Reference (Art. 33)
- Further Written Statements (Art. 36)
- Periods of time (Art. 37)
- Referral to mediation
- Confidentiality of proceedings (Art. 46)
- *Sample Procedural Order*
- *Sample Terms of Reference*
- *Sample Statement of Claim*
- *Sample Statement of Defense*

## DAY 4: THURSDAY, 28 JULY

8:30 am to 12:30 pm



Atty. Victor  
P. Lazatin

### Session VI: Arbitration Hearings and Arbitral Award

- Arbitral proceedings (Section IV, Art. 26)
- Preparation for the hearing
- Production of Evidence (Art 39)
- Evidence and burden of proof (Art. 40)
- Hearings (Art. 41)
- Experts appointed by the Arbitral Tribunal (Art. 42)
- Closure of hearings (Art. 44)
- Waiver of right to object (Art. 45)
- Awards/Decisions (Art. 47)
- Additional Award (Art. 53)
- Form of Awards [Art. 48 (1) to (3), (5)]
- Settlement or other grounds for termination (Art. 50)
- Cost (Section VI, Art. 54)
- Allocation of Cost (Art. 55)
- *Sample Award*

1:30 pm to 5:30 pm



Dean Custodio  
O. Parlade

### Session VII: Recognition, Enforcement, Setting Aside and Refusal to Enforce Awards

- Effect of Awards [Art. 48 (4) & (6)]
- Interpretation of Award (Art. 51)
- Correction of Award (Art. 52)
- Court enforcement of Arbitration Awards
  - Domestic Awards
  - Foreign Awards
  - New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards
- Court assistance in relation to arbitral awards under SADR
  - Confirmation, or recognition and enforcement of arbitral awards
  - Setting aside or refusal of recognition and enforcement of arbitral awards
- Appeals
- *Sample Petitions for (i) confirmation and (ii) recognition and enforcement*
- *Sample Application for Setting Aside*
- *Sample Application for Refusal of Recognition and Enforcement*

## DAY 4: FRIDAY, 29 JULY

8:30 am to 12:30 pm



Atty. Jay Patrick  
R. Santiago

### Session VIII: International Arbitration

1:30 pm to 5:30 pm

### Session IX: Mock Arbitration

Atty. Alejandro P. Gaston Jr. (Lead facilitator)  
Atty. Carla S. Pingul (co-facilitator)  
Atty. Krisben Zilner P. Buot (co-facilitator)

5:45 pm

Closing Remarks by **Atty. Edmundo L. Tan**, *President, PDRCI*

## DAY 5: SATURDAY, 30 JULY

8:30 am to 11:30 pm

### Session X: Written Examination