

24th COMMERCIAL ARBITRATION TRAINING WEBINAR

November 14 to 19, 2022

PROGRAM OUTLINE

DAY 1: MONDAY, 14 NOVEMBER

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

Session I: Introduction to Arbitration



*Atty. Daniel
S. Hofleña*

- 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
- Special Topic: File Counsel and Tribunal Secretary (Art. 24-25)

1:30 pm to 5:30 pm

Session II: Arbitration Agreement & Commencement of Arbitration



*Atty. Dranyl Jared
P. Amoroso*

- IBA Guidelines for Drafting International Arbitration Clauses
- PDRCI model arbitration clause
- Pathological clauses
- Arbitration clauses and Submission agreements
- Applicable law and Amiable Compositour (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, 15 NOVEMBER

8:30 am to 12:30 pm



Atty. Gwen B.
Grecia-De Vera

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. Shirley
F. Alinea

Session IV: Consolidation, Multiple Contracts, Joinder of Parties

- 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, 16 NOVEMBER

8:30 am to 12:30 pm



Atty. Ricardo Ma.
P.G. Ongkiko

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*

1:30 pm to 5:30 pm



Atty. Teodoro
A.Y. Kalaw IV

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*

DAY 4: THURSDAY, 17 NOVEMBER

1:30 pm to 5:30 pm



Atty. Donemark
J. L. Calimon

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 5: FRIDAY, 18 NOVEMBER

8:30 am to 12:30 pm



Atty. Maria Luisa Dominique
D. Mauricio

Session VIII: International Arbitration

1:30 pm to 5:30 pm

Session IX: Mock Arbitration

Atty. Arleo Antonio R. Magtibay Jr. (*Lead facilitator*)
Atty. Miguel R. Sevilla (*co-facilitator*)
Atty. Emmanuelle Nicole L. Valencia (*co-facilitator*)

5:45 pm

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

DAY 6: SATURDAY, 19 NOVEMBER

8:30 am to 11:30 pm

Session X: Written Examination