

## **SALVADOR S. PANGA, JR.**

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Salvador Panga, Jr. is the Vice-President of the Philippine Dispute Resolution Center (PDRCI), and previously served as the center's Secretary-General for seven years. In late 2001, he completed an internship in international commercial arbitration in Paris at the ICC International Court of Arbitration. In 2004, he received a two-year appointment as Postgraduate Fellow in Alternative Dispute Resolution (ADR) at the Dispute Resolution Institute of the Hamline University School of Law in St. Paul, Minnesota, and helped design, develop and manage Hamline's mediation and arbitration programs in London, Paris, Bilbao, Rome and Minneapolis-St. Paul.

Mr. Panga has been in law practice for over thirty (30) years. Before shifting to full time ADR practice, he was a partner for fifteen years at a law firm specializing in construction and commercial ADR. He has been actively involved in ADR since 1997 and has worked in various capacities as an arbitration counsel, commercial arbitrator, ADR program administrator, dispute systems designer / evaluator and ADR trainer. Since 2012, he has been a professorial lecturer and member of the Corps of Professors (ADR Department) of the Philippine Judicial Academy (PHILJA), the Supreme Court's academic and training arm, and has lectured extensively on arbitration and mediation before judges, lawyers and ADR practitioners nationwide. He lectures regularly in arbitration and ADR in Mandatory Continuing Legal Education conferences organized by the University of the Philippines Law Center, and at seminars conducted by the Office for Alternative Dispute Resolution (OADR).

Mr. Panga has served as sole arbitrator, emergency arbitrator, chair or tribunal member in domestic and international arbitration proceedings arising from contracts involving mining, insurance, franchise, logistics, power, petroleum, construction, tax, intellectual property, distributorship, information technology, advertising and public procurement. Several of those cases involved claims of significant value (i.e., ranging from Php 100 million to Php 1.7 billion). He is a member of the PDRCI's training faculty and has served as lecturer in most of PDRCI's arbitration training programs.

Mr. Panga has also been extensively engaged in development consulting since 2002 and has served as a consultant in various projects funded by the Asian Development Bank (ADB), European Union (EU), The Asia Foundation (TAF), the US Agency for International Development (USAID), the Canadian International Development Agency (CIDA), the American Bar Association-Rule of Law Initiative (ABA-ROLI), the government and the academe. He has consulting experience in nine countries and has been involved in policy formulation and implementation, program design and evaluation, rulemaking and capacity-building in projects relating to access to justice, rule of law, dispute resolution, trade facilitation, community development, private sector development, training and capacity building and program design, management and evaluation. He is a partner in ACCORDPH, an ADR outfit dedicated to designing and implementing consensus-building approaches to

the resolution of conflict, and has conducted many mediation trainings for the Office for Alternative Dispute Resolution (OADR), Department of Justice, Philippine Judicial Academy, Department of Interior and Local Government, Department of Agrarian Reform and the Energy Regulatory Commission. He has likewise provided technical assistance and advice to the Supreme Court in regard to its ADR and access to justice programs, including the revision of its court-annexed mediation guidelines.

Mr. Panga received his law degree from the University of the Philippines in 1989 and his LL.M. in Dispute Resolution from the University of Missouri-Columbia in 2001. He is an accredited arbitrator of the PDRCI, Construction Industry Arbitration Commission (CIAC), OADR, Wholesale Electricity Spot Market and the Philippine International Center for Conflict Resolution (PICCR), and is also an accredited mediator of the OADR, PDRCI and WESM. He is the Chairman of the OADR Advisory Council and is a Trustee of the PDRCI and of the Philippine Institute of Construction Arbitrators and Mediators (PICAM).

Mr. Panga is admitted to law practice in the Philippines and in New York.

- **A. Education**
  - Master of Laws in Alternative Dispute Resolution (LL.M. in ADR), University of Missouri-Columbia, 2001
  - Bachelor of Laws, University of the Philippines College of Law, 1989
  - Bachelor of Arts, University of the Philippines College of Social Sciences and Philosophy, 1985.
- **B. Additional Dispute Resolution Training**
  - ADR Postgraduate Fellow (August 2004 - August 2006), Dispute Resolution Institute, Hamline University School of Law, St. Paul, Minnesota, USA.
- **C. Professional Qualifications**
  - **Licenses**
    - Member, Philippine Bar, 1990 to present
    - Member, New York State Bar, 2006 to present
  - **Professional Accreditations**
    - Accredited Construction Arbitrator, Construction Industry Arbitration Commission (CIAC)
    - Accredited Arbitrator, Office for Alternative Dispute Resolution (OADR), Department of Justice
    - Accredited Commercial Arbitrator, Philippine Dispute Resolution Center, Inc. (PDRCI)
    - Accredited Commercial Arbitrator, Philippine International Center for Conflict Resolution (PICCR)
    - Accredited Arbitrator, Wholesale Electricity Spot Market (WESM)
    - Accredited Mediator, OADR
    - Accredited Mediator, PDRCI
    - Accredited Mediator, WESM
    - Accredited Negotiator, OADR
  - **Membership in Professional Organizations**
    - Chairman, Advisory Council, OADR
    - Member, Board of Trustees, Philippine Institute of Construction Arbitrators and Mediators (PICAM)
    - Member, Board of Trustees and Vice President, PDRCI (Secretary-General 2002-2004; 2007-2013)
    - Member, Corps of Professors (ADR Department), Philippine Judicial Academy
- **E. Relevant Trainings Completed (as trainee / participant)**
  - **FIDIC**
    - FIDIC Module 1: Practical Use of FIDIC Conditions of Contract, December 2021 (conducted by the FIDIC Academy)
    - FIDIC Module 2: Claims and Disputes Resolution Under the FIDIC Contracts, January 2022 (conducted by the FIDIC Academy)

- **Dispute Boards**
  - DRBF Administration & Practice Workshop, March 2022 (conducted by the Dispute Resolution Board Foundation).
- **Construction Arbitration**
  - Construction Arbitration Online Training Course, November 2021 – present (conducted by The European Center for Arbitration and Mediation and the International Construction Projects Committee of the International Bar Association)
  - Construction Arbitrators' Accreditation Course, October 2019, conducted by the Construction Industry Arbitration Commission
- **Mediation**
  - Mediator's Training (40-hour course), conducted by the University of Missouri-Columbia School of Law as part of the LL.M. in Dispute Resolution program, 2000.
- **Relevant Trainings Conducted (as Trainor)**
  - As ADR consultant and practitioner, conducted more than 50 trainings and presentations (either individually or as part of a training team) in various arbitration and mediation training programs for lawyers, judges, officers and staff of executive agencies, the academe and the private sector. Representative institutions where (or for which) arbitration and / or mediation training was provided includes the following:
    - Supreme Court (through the Philippine Judicial Academy and the Philippine Mediation Center)
    - Department of Justice (through the Office for Alternative Dispute Resolution)
    - National Economic Development Agency
    - Department of Interior and Local Government
    - Department of Agrarian Reform
    - Construction Industry Arbitration Commission
    - Office of the Solicitor General
    - Office of the Government Corporate Counsel
    - Integrated Bar of the Philippines
    - University of the Philippines Law Center
    - Energy Regulatory Commission
    - Intellectual Property Office
    - Cooperative Development Agency

- Philippine Dispute Resolution Center, Inc.
  - Philippine International Center for Conflict Resolution
  - Public-Private Partnership (PPP) Center
  - Asian Development Bank
  - American Bar Association-Rule of Law Initiative
  - European Union
  - United States Agency for International Development (USAID)
  - The Asia Foundation
  - Canadian International Development Agency
- **F. Professional Practice**
    - Private practice in ADR (as construction and commercial arbitrator, mediator and as dispute resolution consultant), 2012- present
    - Partner, ACCORDPH Co., 2019 – present
    - Senior Partner, Parlade Africa Herrera Parlade & Panga Law Offices, 1996-2012
    - Senior Partner, Ongkiko Kalaw Manhit Acorda Panga & Velasco Law Offices, 1993-1996 (Associate, 1989-1992; Junior Partner 1992-1993)
- **G. Career Highlights**
- **As counsel (representative cases) :**
    - a dispute involving unpaid claims of about US\$500,000 between an electrical contractor and its subcontractor in relation to the construction of a hydroelectric plant in a province north of Metro Manila (using FIDIC Conditions of Contract);
    - a dispute involving a German company and a Japanese contractor relative to the construction of a construction equipment manufacturing facility located in the Cavite Export Processing Zone (using FIDIC Conditions of Contract);
    - a dispute involving unpaid claims of about USD\$5 million between a real property developer and its general contractor in relation to the construction of a first-class office building in Ortigas, Pasig City;
    - a dispute involving unpaid claims of more than US\$ 70 million arising from the construction of a luxury high-rise condominium in Metro Manila (using FIDIC Conditions of Contract);
    - a dispute involving unpaid claims of about USD\$1 million between a university and its general contractor in relation to the construction of a college building in Manila;

- a dispute involving unpaid claims of more than US\$ 20 million arising from the construction of a rail depot for the light rail transit system in Metro Manila;
  - a dispute involving unpaid claims of more than US\$ 6 million arising from the construction of another luxury high-rise condominium in Metro Manila;
  - a telecommunications dispute between two major telecommunications service providers for breach of contract involving claims of approximately US \$18 million;
  - a dispute involving claims for damages arising from the construction of a 50-megawatt power station in Luzon Island;
  - a dispute involving the construction of the headquarters of a major television broadcasting company;
  - a dispute involving the design and construction of a manufacturing plant located in the Southern Tagalog Region;
  - a dispute involving the design and construction of a rail system north of Metro Manila
  - a dispute between an international hotel and resort chain and a Philippine contractor in a dispute involving unpaid claims of more than US\$10 million arising from the construction of a luxury resort in the Visayas;
  - a dispute between an international project management firm and a local property and real estate development company arising from the construction of twenty (20) luxury villas in an island resort in the Visayas involving claims of about US\$5 million;
  - a dispute involving the design, engineering, construction and procurement of a major hospital in Fort Bonifacio, Taguig City (using FIDIC Conditions of Contract);
  - a dispute involving damage claims of approximately US\$ 7 million between Philippine and Japanese battery manufacturers arising from the breach of licensing and joint venture agreements.
- **As arbitrator (representative cases)**
    - a dispute between a Singapore oil trading company and a Philippine oil importer and distributor involving claims exceeding Php 1 billion arising from a joint venture petroleum importation and trading agreement (**as sole arbitrator**);
    - a dispute between a power contractor and a government corporation involving claims of over Php 200 million arising from the construction of several electric power plants in Central Luzon;

- a dispute between quarry operators and a contractor involving claims exceeding Php 100 million arising from various quarry operating agreements;
- a dispute between a contractor and a government agency involving claims of approximately Php 65 million arising from a highway construction agreement;
- a dispute between an owner and its general contractor involving claims of over Php 100 million arising from the construction of a hospital north of Manila;
- a dispute between multinational and domestic logistics companies involving value added tax reimbursements and other claims amounting to over Php 1.7 billion arising from a global service program agreement;
- a dispute between an advertising firm and a government-owned corporation involving claims of almost Php 350,000,000 arising from the development and implementation of a media plan for the agency
- a dispute between a software contractor and the Philippine government involving claims of almost Php 300 million arising from the implementation of a payroll project for the government;
- a dispute between a Korean company and a government agency involving claims of approximately Php 200 million arising from the printing and supply of educational materials;
- a dispute between a Korean supplier and its local partner against the Philippine government involving claims of approximately Php 150 million arising from the supply of firefighting gear;
- a dispute between two aggregate companies involving claims of over Php 100 million arising from a supply agreement for the purchase and sale of aggregate products;
- a dispute between an insurance company and a cash collection and remittance firm involving claims of approximately Php 100 million arising from a master professional services agreement;
- a dispute between a German firm and a local mining company involving claims of approximately Php 15 million arising from a mining lease agreement (**as sole arbitrator**);
- a dispute between an educational institution and a mobile technology solution provider relating to the parties' digital classroom pilot project;
- a dispute between a mining firm and its security services provider involving claims of approximately Php 15 million arising from the parties' security services agreement;
- a dispute between an educational institution and its franchisee involving claims of approximately Php 15 million arising from the parties' franchise agreement;

- a dispute between a US manufacturer of food and health supplements and its local distributors involving claims of approximately Php 30 million arising from the parties' marketing and distribution agreement;
  - a dispute between an advertising agency and a senior executive involving claims arising from a consulting services agreement.
- **ADR and Development Consulting**
- International ADR and development consulting experience in 9 countries (Philippines, Indonesia, Malaysia, Cambodia, Thailand, Vietnam, Brunei Darussalam, Singapore and Laos)'
  - served for 2 years (2012-2014) as ADB's international cross-border dispute resolution expert under ADB RETA-7576 for the Association of Southeast Asian Nations Working Group on Dispute Resolution and Enforcement Mechanisms (ASEAN WGDREM);
  - served as project head in an evaluation commissioned by the OADR to assess the effectiveness of its nationwide mediation program;
  - as part of the ACCORDPH consulting team, designed and rolled out a mediation training program for the staff of the Energy Regulatory Commission;
  - as part of the ACCORDPH consulting team, designed and conducted a mediation assessment and accreditation program for the staff of the Department of Agrarian Reform Adjudication Board (DARAB);
  - served as ADR consultant for the American Bar Association – Rule of Law Initiative's (ABA-ROLI) JUSTICE project and led the revision of the Supreme Court's Court-Annexed Mediation and Judicial Dispute Resolution guidelines;
  - as ABA-ROLI ADR consultant, assisted the OADR in the development of nationwide training and accreditation standards for ADR practitioners and ADR provider organizations in the Philippines;
  - as ABA-ROLI ADR consultant, drafted a reference handbook for trial court judges on the Special ADR Rules of Court. Provided training and capacity-building services for the Supreme Court, principally as a member of the training team of the Philippine Judicial Academy (the academic arm of the Supreme Court) for the training of new and current mediators, as well as the training of Regional Trial Court judges in the handling of cases pertaining to court assistance in domestic and international commercial arbitration proceedings, such as applications for interim relief and enforcement of arbitral awards in domestic and international commercial arbitration proceedings.
  - served as project lead in a nationwide study funded by the Canadian International Development Agency (CIDA) to evaluate the effectiveness of the Judicial Dispute Resolution (JDR) program, a second-tier court-annexed mediation program that was pilot-tested by the Supreme Court of the Philippines in more than 150 trial courts over a five-year period;
  - as ABA-ROLI ADR consultant, provided advice and assistance to the Technical Working Group (composed of representatives of the National Economic Development Authority, the Office of the Government Corporate Counsel, the Office of the Solicitor General, the Public-Private Partnership Center; the Office for Alternative Dispute Resolution and the Office of the President) in drafting



the Implementing Rules and Regulations of Executive Order No. 78, which mandates the use of ADR processes and the inclusion of ADR clauses in national and local government contracts, including government procurement, PPP projects, infrastructure and joint venture agreements;

- as ABA-ROLI ADR consultant, conducted mediation and arbitration training and capacity building for the Public-Private Partnership Center of the Philippines, and facilitated discussions towards the development of an ADR strategy for the office for the purpose of ensuring the adoption of ADR clauses in all PPP-related projects, and recourse to ADR in the event of disputes arising from the design and implementation of PPP projects.
- served as Senior ADR expert in an EU-funded program (EPJUST) to propose measures to improve the Philippine community justice system, engage with various stakeholder groups (including representatives from government regulatory agencies and community leaders) to develop a multi-step dispute resolution process for community disputes, and pilot the proposed ADR process.
- developed the arbitration program for the cooperatives sector (i.e., the Cooperative Development Authority of the Philippines) and trained its core of arbitrators;
- served as ADB's ADR Expert for the Governance in Justice Sector Reform Program (TA No. 7210-PHI). Provided technical advice and assistance to OADR, including participation in strategic planning, development of ADR strategies for the office, and providing training and capacity-building services. Provided technical assistance and advice to the Supreme Court in regard to its ADR and access to justice programs (e.g., court-annexed mediation; Appellate Court mediation; Justice on Wheels; Judicial Dispute Resolution; small claims, environmental mediation, etc.), including participation in strategic planning and development of ADR strategies for the Philippine Judicial Academy (PHILJA), the drafting of mediation handbooks for mediators and mediation advocates, and review of curricula and training.
- reviewed the dispute resolution and case management structure of the Intellectual Property Office of the Philippines (IPOP HL), and designed a comprehensive mediation and arbitration mechanism for the resolution of all intellectual property disputes filed before IPOP HL;
- prepared training materials and modules and conducted training and capacity building in arbitration for various government offices (i.e., Office of the Government Corporate Counsel [OSG]; Office of the Solicitor General [OSG]; Department of Justice [DOJ]; Intellectual Property Office [IPOP HL]; Office for ADR [OADR]; Cooperative Development Authority [CDA]) and for lawyers in the private sector;
- served as a lecturer / trainor for the Philippine Mediation Center for its basic and advanced mediation training courses; the Judicial Dispute Resolution training program for judges of second-level trial courts; and the nationwide orientation / training of judges in the Special ADR Rules of Court.

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