

THE PHILIPPINE ADR REVIEW

FEBRUARY 2010

BROADENING ITS SCOPE OF ARBITRATION ADVOCACY



Secretariat

Unit 937, 9th Floor,
Cityland Megaplaza Condominium
ADB Avenue corner Garnet Road,
Ortigas Center, Pasig City.
Telephone: +632 9865171
Telefax: +632 9149608
Email: secretariat@pdrcci.org
info.pdrcci@gmail.com
Website: www.pdrcci.org

Officers

Chief Justice Artemio V. Panganiban (Ret.), *Chairman*
Atty. Custodio O. Parlade, *President Emeritus*
Atty. Victor P. Lazatin, *President*

Atty. Miguel B. Varela, *Vice Chairman, Internal Affairs*
Atty. Eduardo R. Ceniza, *Vice Chairman, External Affairs*

Atty. Beda G. Fajardo, *Vice-President*
Atty. Salvador S. Panga, Jr., *Secretary General*
Atty. Mario E. Valderrama, *Deputy Secretary General*
Mr. Gregorio S. Navarro, *Treasurer*
Dr. Eduardo G. Ong, *Assistant Treasurer*
Atty. Gwen Grecia-De Vera, *Corporate Secretary*
Atty. Ricardo Ma. P.G. Ongkiko, *Assistant Corporate Secretary*

Board of Trustees

Atty. Shirley F. Alinea
Atty. Daisy P. Arce
Engr. Salvador P. Castro, Jr.
Atty. Eduardo R. Ceniza
Atty. Wilfredo M. Chato
Atty. Gwen Grecia-De Vera
Atty. Roberto N. Dio
Atty. Beda G. Fajardo
Atty. Jose A. Grapilon
Atty. Victor P. Lazatin
Atty. Bienvenido S. Magnaye
Mr. Gregorio S. Navarro
Atty. Rogelio C. Nicandro
Dr. Eduardo G. Ong
Atty. Ricardo Ma. P. G. Ongkiko
Atty. Victoriano V. Orocio
Atty. Salvador S. Panga, Jr.
Rep. Rufus B. Rodriguez
Atty. Mario E. Valderrama
Atty. Miguel B. Varela

PDRCI Reviews List of Accredited Arbitrators


By Erdelyne C. Go

Since September, PDRCI is reviewing its list of accredited Philippine and foreign arbitrators and mediators. The Secretary-General, Atty. Salvador Panga, Jr., released the Recertification Form to all members to evaluate their competence and experience and promote the use of PDRCI rules in dispute resolution. Membership in and accreditation by PDRCI are subject to recertification every four years.

The Recertification Form consists of two parts: public information and private information. The public information will be posted at the PDRCI website and disclosed to the public, while the private information will be limited to PDRCI's internal use.

Visitors to the website will have access to detailed information on members' and arbitrators' education, areas of practice, fields of expertise, and past and present employment. The public information will help parties and counsel in making their nominations for mediators and arbitrators.

The private information focuses on trainings attended by members and arbitrators in all fields of alternative dispute resolution, particularly ar-


bitration and mediation. Actual arbitration and mediation experience such as participation in commercial, maritime, intellectual property, telecommunications or construction arbitration and mediation will also be essential in assigning arbitrators to actual disputes. 



PDRCI President Victor P. Lazatin gives his annual message to the members at the yearend Christmas Party on December 14, 2009 at the Linden Suites Hotel, Pasig City.

CONTENTS

Seminar on new Special ADR Rules	2
Member Spotlight	2
ADR in Asia Conference	3
Snapshots	3
PDRCI Yearend Party	4
Training Tops List of PDRCI Projects	4

 The Philippine ADR Review publishes matters of legal interest to PDRCI's members and readers. The articles printed in the Review contain individual views of the authors and do not state PDRCI's policy. Contributions may be sent to the PDRCI Secretariat. All materials submitted for publication become property of PDRCI and are subject to editorial review and revisions. Texts of original legal materials digested are available upon request.

Seminar on new Special ADR Rules

By: Frances Cyrille F. Tandog

Atty. Daisy Arce, Chairman of PDRCI's Education Committee, announced plans for the forthcoming seminar and lecture series on the new Special Rules of Court on Alternative Dispute Resolution (ADR).


The new Special ADR Rules were drafted by the Supreme Court Subcommittee on Rules of Alternative Dispute Resolution. They were approved last September 1, 2009 and took effect on October 30, 2009 after their requisite publication.

To best introduce the new Special ADR Rules to PDRCI's members, practitioners and the public, the Education

Committee will hold a comprehensive seminar consisting of three modules. The first module will cover the Policy of ADR, the General Conditions, Summary Procedure vs. Non-Summary Procedures and Interim Relief. The second module will include Confirmation, Vacation and Enforcement of Awards while the third module will discuss the area of Appeals.

According to Atty. Arce, "The seminar will also involve the Department of Justice, the Philippine Judicial Academy and the Office of the Solicitor General so that there will be a unified approach to the teaching of the new rules."

PDRCI President Atty. Victor Lazatin also added that the drafters of the Implementing Rules and Regulations of Rep. Act No. 9285, also known as the Alternative Dispute Resolution Act of 2004, were also invited to be part of the lecture series. The same drafters helped formulate the Special ADR Rules.

The seminar schedule will be announced once the Education Committee has finalized the details. The Education Committee is composed of Atty. Arce as Chair, and Attorneys Mario Valderrama, Beda Fajador and Marigel Baniqued, and Mr. Michael Garcia as members. 

MEMBER SPOTLIGHT

Salvador S. Panga, Jr.



SALVADOR S. PANGA, JR. is a Senior Partner of the law firm of Parlade Hildawa Parlade Eco & Panga, which specializes in construction and commercial alternative dispute resolution (ADR). He has served as counsel in numerous cases before the Philippine Construction

Industry Arbitration Commission and advised on commercial contracts governed by international arbitration rules.

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. After completing his postgraduate studies, he underwent an international commercial arbitration internship at the ICC International Court of Arbitration in Paris.


In 2004, he received a two-year appointment as ADR Postgraduate Fellow at the Dispute Resolution Institute of the Hamline University School of Law in St. Paul, Minnesota, USA. As part of his fellowship duties, he taught ADR at Hamline as well as at the University of Deusto in Bilbao, Spain. He also played a key role in the design, development,

promotion and management of Hamline's mediation and arbitration programs in London, Paris, Bilbao, Rome and Minneapolis-St. Paul.

Mr. Panga currently serves as PDRCI Secretary-General. He is an accredited PDRCI arbitrator, a member of its Board of Trustees and a member of its pool of trainers for prospective commercial arbitrators.

Mr. Panga is involved extensively in ADR program design, management and evaluation and has served as a consultant to the Asia Foundation, the Canadian International Development Agency, the Philippine Judicial Academy, the Intellectual Property Office, and the University of the Philippines Law Center's Program on Dispute Resolution (PDR) and Institute for International Legal Studies on various ADR research and systems design activities.

Recently, he was engaged as consultant by the Asian Development Bank to support the ADR and access to justice programs of the Philippine Supreme Court, the Department of Interior and Local Government, and the Department of Justice, particularly the Office for ADR created under the ADR Act of 2004 and its Implementing Rules and Regulations.

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

ADR in Asia Conference

By Erdelyne C. Go

PDRCI supported the ADR in Asia Conference held last September 15, 2009 at the Four Seasons Hotel in Hong Kong. The conference, with the theme “Arbitration & Mediation – Global Platform for Dispute Resolution,” gathered 200 delegates, both local and overseas.

ADR in Asia Conference was organized by the Hong Kong International Arbitration Centre in coordination with the Hong Kong Corporate Counsel Association and Inter-Pacific Bar Association. Since 2006, the conference has provided a global forum where participants may exchange views on arbitration and alternative dispute resolution schemes.

The 2009 Conference focused on six topical sessions: Dispute Resolution Clauses-Getting them Right; Interim Measures and Evidence in International Arbitration-Practices and Trends; Updates on Enforcement of Arbitral Awards-Judicial Support and Approaches across Jurisdictions; Aspects of Administered Arbitration-Institutional Perspectives and Practices; Recent Trends in Construction Arbitration-Implications of the Financial Tsunami; and Mediation in Dispute Resolution Schemes-Prospects and Possibilities.

The conference brought together in-house counsel, solicitors, arbitrators, mediators and senior executives of major local and international corporations. PDRCI’s participation in the conference allowed it to increase its visibility and reinforce its presence in the Asia-Pacific region.

The ADR in Asia Conference 2010 will be held on September 28, 2010. 

SNAPSHOTS



Participants listen to President Victor Lazatin (not in picture) talk on the “Law and Practice of Commercial Arbitration” during a PDRCI seminar.



At the PDRCI yearend party, from left: Daisy Arce, Victor Lazatin, Custodio Parlade, Victoriano Orocio, Arthur Autea and Joven Joaquin.



PDRCI members Claudine Orocio-Isorena, Salvador Panga, Jr., Jose Tomas Syquia, and Mario Valderrama during the PDRCI yearend party.

PDRCI Yearend Party



President Victor Lazatin swears in new member Ramon Samson (raising right hand at left).

Officers and members enjoy dinner while being serenaded by tenor Almar Pastidio. From left: Beda Fajardo (back to camera), Victor Lazatin, Custodio Parlade, Vic Orocio, Art Autea, and Joven Joaquin. ▶



Training Tops List of PDRCI Projects

By Juan Paolo E. Colet


PDRCI is planning two major training projects for this year.

In its meeting last November, the Board of Trustees discussed proposals to hold trainings on the arbitration rules of the International Chamber of Commerce (ICC) as well as the Special Rules on Alternative Dispute Resolution.

The Board of Trustees authorized Atty. Victor P. Lazatin, PDRCI President, to discuss the training on ICC Rules with ICC Philippines. Some trustees proposed that this project should include a basic training on arbitration. Atty. Lazatin said his committee will take up the suggestions and prepare a proposed program to be submitted to the Board of Trustees.

The Board of Trustees also discussed the training on Special Rules on Alternative Dispute Resolution, which is spearheaded by Atty. Daisy Arce. According to Atty. Arce, the PDRCI is preparing a common training module for the Special Rules on ADR. She said letters will be sent to various lecturers of MCLE groups, law schools, the Construction Industry and Arbitration Commission, the CORE Group, and the Philippine Judicial Academy to inform them of this common training module.

Aside from training, the Board of Trustees unveiled plans to recruit resident non-Filipinos as PDRCI arbitrators. The PDRCI is also looking at how to recruit former justices of the Supreme Court and Court of Appeals as members.

Meantime, Atty. Arce and Atty. Arthur Autea are studying a proposal to provide sports arbitration services in the Philippines. They plan to tap the International Sports Association for assistance in coming up with local sports arbitration rules. 

The Philippine ADR Review is a publication of the Philippine Dispute Resolution Center, Inc. All rights reserved. No part of the newsletter may be reproduced in any form without the written permission of the authors.

Roberto N. Dio, Editor

Shirley Alinea, Donemark Calimon, Ramon Samson, Contributors

Juan Paolo P. Colet, Frances Cyrille F. Tandog, Erdelyne C. Go, Staff Writers