



# General Assembly

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**United Nations Commission  
on International Trade Law**  
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## **Settlement of commercial disputes: revision of the UNCITRAL Arbitration Rules**

### **Compilation of comments by Governments and international organizations**

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\* Submission of this note was delayed because of its late receipt.



## **II. Comments received from Governments and international organizations**

### **A. Comments received from Governments**

#### **Philippines**

[Original: English]

[Date: 17 June 2010]

Arbitration is an increasingly practiced and accepted mode of alternative dispute resolution (ADR) in the Philippines. It has helped ease up a judicial system clogged with a backlog of almost a million court cases and providing both local and international disputants with an acceptable and cost-effective solution to protracted and resource-consuming litigation.

Aware of the advantages of arbitration and other modes of ADR, the Philippine Government and its private sector counterparts have been actively promoting arbitration in recent years. Congress passed Republic Act No. 9285 or the Alternative Dispute Resolution Act of 2004 which mandates that courts refer the case to arbitration if there is an arbitration agreement between the disputants under certain conditions before proceeding with a full-blown trial. Several earlier laws and executive issuances provide support for the practice and enforcement of arbitration in the Philippines such as Title XIV of the Civil Code, Executive Order No. 1008 (which created the Construction Industry Arbitration Commission) and Republic Act No. 876. The Supreme Court itself affirmed the incorporation of the UNCITRAL model in Section 19 of the ADR Act in a line of cases. Lawyers, engineers, businessmen and academicians also established the Philippine Dispute Resolution Center in 1996, which has been administering arbitration in specialized fields and promoting arbitration advocacy.

We note that the proposed new provisions in the draft revised UNCITRAL Arbitration Rules aim to strengthen the structure and processes of arbitral tribunals and improve their efficacy in resolving disputes. We further note that the main lines of revision of the draft Rules are directed towards clarifying the claims of the disputants before the constitution of the arbitration tribunal, the composition of the arbitration tribunal, addressing the proliferation of multiparty arbitration, articulating the rules of confidentiality, the determination of arbitration fees and elucidation on the rules on interpretation of awards.

While we welcome the identification of these issues in the draft Rules for a wider discussion, we look forward to a greater consensus on the language of the draft Rules by the Working Group II and further developments during the 43rd Session of the Commission.