



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod

CITY ORDINANCE NO. 300-2023

Series of 2023

AN ORDINANCE ESTABLISHING THE CITY ARBITRATION OFFICE OF THE CITY OF BACOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Sponsored by:

Hon. Reynaldo D. Palabrica and Hon. Alde Joselito F. Pagulayan

Co-Sponsored by:

Hon. Alejandro F. Gutierrez and Hon. Michael E. Solis

Authored by:

Atty. Khalid A. Atega, Jr. and Atty. Kyle Angelo Walsh M. Atega

WHEREAS, among the local measures forming part of the legislative agenda of the 4th Sangguniang Panlungsod is the establishment of a City Arbitration Office intended to help the courts of law operating within the City of Bacoor, Cavite declog its dockets by offering an alternative avenue for dispute resolution.

WHEREAS, the members of the 4th Sangguniang Panlungsod decided to temporarily archive the ordinance establishing the City Arbitration Office in order to focus their attention on the challenges posed by the COVID-19 pandemic.

WHEREAS, the issuance of Proclamation No. 297 on 21 July 2023 by President Ferdinand Marcos Jr. lifting the State of Public Health Emergency declared by former President Rodrigo Duterte due to COVID-19 officially ended the said pandemic and allows the city government to again focus on the establishment of the said office.

WHEREAS, it is essential to provide a speedy, cost-effective, and efficient alternative to the traditional court litigation system, which is often burdened by extensive backlogs.

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WHEREAS, the establishment of a City Arbitration Office (CARbO) serves the public interest by offering an accessible platform for resolving disputes, particularly for those who may find court proceedings prohibitive in terms of time and costs.

WHEREAS, arbitration has been recognized internationally as an effective means of resolving disputes, preserving relationships between parties, and contributing to a more business-friendly environment.

WHEREAS, arbitration and other forms of alternative dispute resolution may assist the courts to declog their dockets.

WHEREAS, the institution of a local arbitration mechanism such as CARbO promotes local autonomy and empowers the city to handle its unique disputes in line with its specific needs and culture.

WHEREAS, under the Alternative Dispute Resolution Law of 2004, it was declared that it shall be the policy of the State to encourage and actively promote the use of various modes of Alternative Dispute Resolution, including arbitration.

WHEREAS, Article II, Section 10 of the 1987 Constitution emphatically mandates that the State shall champion the principles of social justice in every facet of national development, ensuring that the socio-economic well-being and rights of every citizen are safeguarded and advanced.

WHEREAS, the establishment of the City Arbitration Office (CARbO) and the promotion of Alternative Dispute Resolution (ADR) mechanisms tangibly manifest the City Government's commitment to the promotion of social justice by providing equitable, accessible, and efficient avenues for dispute resolution, thus enabling all citizens, regardless of socio-economic status, to seek justice without the traditional barriers associated with court litigation.



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NOW, THEREFORE, LET IT BE ORDAINED by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite, THAT:

CHAPTER I: GENERAL PROVISIONS

Section 1. Short Title - This Ordinance shall be known and may be cited as the "**Bacoor City Arbitration Ordinance**".

Section 2. Definition of Terms - The terms below, as used in this Ordinance, shall have the following meanings:

- 1. Arbitration** - A method of resolving disputes wherein parties agree to submit their differences to the judgment of an impartial person or group appointed by mutual consent or statutory provision.
- 2. Arbitrator** - An individual appointed to resolve a dispute through arbitration. This person is responsible for examining the evidence presented by the disputing parties, making decisions based on the facts and applicable law, and rendering an arbitration award.
- 3. Arbitration Agreement** - A written contract or provision wherein parties agree to settle their disputes through arbitration, rather than through litigation in courts.
- 4. Arbitration Award or Arbitral Award** - These two terms are used herein interchangeably. The formal decision or judgment given by the arbitrator(s) upon the conclusion of the arbitration proceedings.
- 5. Commercial Arbitration** - A process of resolving business disputes between two or more parties outside the courts, where the parties involved seek an arbitrator's decision.
- 6. Confidential Information** - Any data, documents, communications, or other pieces of information that are not meant for public disclosure and are shared in the context of arbitration proceedings.



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7. **Court** - A legal body or institution that has the authority and jurisdiction to hear and determine civil cases, and deliver justice in accordance with the law.
8. **Party** - An individual, company, or entity that is a signatory to an arbitration agreement and participates in the arbitration proceedings.
9. **Proceeding** - The entirety of the arbitration process, from the initiation to the rendering of the arbitration award.
10. **Public Alternative Dispute Resolution Provider Organization (Public APO)** - A government-initiated or government-affiliated entity that offers services related to alternative dispute resolution, including arbitration and arbitration.
11. **Private Alternative Dispute Resolution Provider Organization (Private APO)** - A non-governmental entity that offers services related to alternative dispute resolution, including arbitration and arbitration.

Section 3. Establishment of the City Arbitration Office (CARBO).

-. The City Arbitration Office, hereinafter referred to as "CARBO", is hereby established as the primary institution responsible for overseeing and implementing arbitration processes within the city's jurisdiction. The office shall be equipped with the necessary infrastructure, resources, and personnel to facilitate efficient and impartial arbitration services by the City Government. The CARBO shall operate under the principles of transparency, accountability, and fairness, ensuring that the rights of all parties are upheld and that arbitration proceedings are conducted in accordance with the provisions of this Ordinance.

Section 4. Scope and Exceptions. - As a general rule, all disputes may be voluntarily resolved through the City Arbitration Office, provided that at least one of the parties resides in the City of Bacoor, except in the following cases:

- (a) Criminal cases;



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(b) Cases where a party is an infant or a person judicially declared incompetent, unless validly represented by a guardian duly authorized by a competent court, due to the fact that such party cannot consent to an arbitration agreement;

(c) Labor cases;

(d) Cases where the City Government is a party, due to the fact that the CARbO is part of the City Government

(e) Agrarian Reform Cases;

(f) Cases where the parties aim to annul a court judgment by way of compromise; or

(g) Any case where the goal of the parties is to compromise on the civil status of persons, the validity of a marriage, grounds for legal separation, the jurisdiction of courts, future legitimate, criminal liability, and any other matter which, by law, cannot be compromised.

Section 5. Voluntary Submission to Arbitration. - Parties to a dispute may voluntarily submit themselves to an arbitration before the CARbO. The parties must choose among the arbitrators duly accredited by the CARbO and sign an Arbitration Agreement whereby they agree to honor and abide by the arbitration award. Nothing in this Ordinance should be taken to mean that voluntary submission to arbitration is a condition precedent to filing a legal action with the proper court.

Section 6. Lupong Tagapamayapa Referral. - Every Barangay Lupon in the City of Bacoor may refer matters submitted to it to the CARbO when proceedings before the Lupon have failed to arrive at an amicable settlement. If the Lupon wishes to avail of this option, it may assist the parties in signing an Arbitration Agreement that submits the matter to the CARbO.

Section 7. Interpretation. - All doubts in the interpretation of this Ordinance shall be resolved in favor of the interpretation that best promotes candor and honesty between the Parties and the Arbitrator, the confidentiality of the arbitration process, and the policy of fostering prompt, affordable, and amicable resolution of disputes.



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Section 8. Confidentiality of Information. - The following rules govern the confidentiality of information obtained through or disclosed in arbitration proceedings.

(a) Information obtained through Arbitration shall be privileged and confidential, pursuant to Republic Act No. 9285 (the "Alternative Dispute Resolution Act of 2004").

(b) A party, an arbitrator, or a nonparty participant may refuse to disclose and may prevent any other person from disclosing a communication.

(c) Confidential information shall not be subject to discovery and shall be inadmissible in any adversarial proceeding, be it judicial or quasi-judicial. Nevertheless, evidence or information that is intrinsically admissible or open to discovery does not become inadmissible or shielded from discovery merely due to its use in an arbitration proceeding.

(d) In an adversarial proceeding before the courts, the following entities involved or previously involved in arbitration may not be compelled to disclose confidential information obtained during arbitration, though they can waive it under Section 9 of this Ordinance:

1. the parties to the dispute;
2. the arbitrator/s;
3. the counsel/s for the parties;
4. the witnesses who appeared before the arbitrator/s;
5. any persons hired or engaged in connection with the arbitration, such as secretary, stenographer, clerk, or assistant; or
6. any other person who comes into possession of confidential information by virtue of their profession.

(e) The stipulations of this Ordinance shall remain in effect even if an arbitrator is adjudged to have failed to maintain impartiality.

(f) An arbitrator may not be summoned to testify or provide details amassed in arbitration before the

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Sangguniang Panlungsod or before any office forming part of the local government of the City of Bacoor.

Section 9. Waiver of Confidentiality. - In adversarial proceedings between the parties in court, quasi-judicial entities, or in an administrative case challenging the arbitrator's qualifications, fairness, impartiality, or competence, parties may waive the confidentiality of information sourced or acquired during arbitration processes.

Such waiver can manifest as a handwritten document by the party, a notarized document, or an oral declaration during the proceedings in question that was duly recorded. A privilege arising due to the confidentiality of information can similarly be renounced by a nonparty participant if provided by such an entity.

Section 10. Effect of Waiver. - Once a privilege under Section 8 is waived for the disclosure of certain arbitration-derived information, the privilege cannot be reinstated to prevent the disclosure of any remaining information pertinent to fully comprehend the earlier revealed data. If consequent legal proceedings lead to losses or damages for the waiving individual due to the disclosure, he/she cannot invoke the privilege to avoid a complete revelation.

Section 11. Exceptions to Privilege.

(a) No privilege against disclosure under Section 8 is held if the arbitration communication is:

- (1) in an agreement evidenced by a record authenticated by all parties to the agreement;
- (2) available to the public;
- (3) a threat or statement of a plan to inflict bodily injury or commit a crime of violence;
- (4) intentionally used to plan a crime, attempt to commit, or commit a crime, or conceal an ongoing crime or criminal activity;
- (5) sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation in a proceeding in which a public agency is protecting the interest of an individual protected by law;

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(6) sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against the arbitrator in a proceeding; or

(7) sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a party, nonparty participant, or representative of a party based on conduct occurring during an arbitration.

(b) There is no privilege under Section 8 if a court or administrative agency, finds, after hearing, that the need for the evidence substantially outweighs the interest in protecting confidentiality, and the arbitration communication is sought or offered in:

- (1) a court proceeding involving a crime or felony; or
- (2) a proceeding to prove a claim or defense that under the law is sufficient to reform or avoid a liability on a contract arising out of the arbitration.

(c) An arbitrator may not be compelled to provide evidence of an arbitration communication or testify in such proceedings.

(d) If an arbitration communication is not privileged under an exception in subsection (a) or (b), only the portion of the communication necessary for the application of the exception for non-disclosure may be admitted. The admission of particular evidence for the limited purpose of an exception does not render that evidence, or any other arbitration communication, admissible for any other purpose.

Section 13. Participation in Arbitration. - A party may designate a lawyer or any other person to provide assistance in the arbitration. A waiver of this right shall be made in writing by the party waiving it. A waiver of participation or legal representation may be rescinded at any time.

Section 14. Place of Arbitration. - The City Government shall provide the venue for the Arbitration proceedings at any public building owned or operated by the City Government



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Section 15. Effect of Agreement to Submit Dispute to Arbitration Under CARbO Rules. - An agreement to submit a dispute to the City Arbitration Office by the parties will have the following effects, whether so stipulated in the agreement or not:

- It is deemed as an agreement to be bound by the City Arbitration Office's internal rules of procedure.
- Parties implicitly acknowledge the authority of the City Arbitration Office to preside over and finalize the dispute resolution.
- The decision resulting from the arbitration is a contract that shall be binding on all parties involved.
- Parties commit to cooperating fully during the arbitration process, including the provision of relevant evidence, attending scheduled sessions, and respecting the appointed arbitrator or arbitrators.
- Both parties implicitly accept that the arbitration proceedings and outcomes are governed by confidentiality rules as set by the City Arbitration Office and by this Ordinance; and
- The parties understand and acknowledge that the City Government may impose sanctions or penalties for non-compliance with rules on Confidentiality as provided under Section 8 of this Ordinance.

CHAPTER II: THE CITY ARBITRATION OFFICE

Section 1. The City Arbitration Office. - The City Arbitration Office shall be established under the supervision of the City Legal Officer. The City Legal Services Office shall provide administrative support to the City Arbitration Office and shall monitor the progress and compliance by the Arbitrators to this Ordinance and its implementing rules and pertinent government regulations on alternative dispute resolution, provide technical support to the City Arbitration Office, and take custody of the City Arbitration Office's records.



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Section 2. Head of Office- The City Legal Officer shall be the Head of Office of the City Arbitration Office and shall be responsible for the over-all administration, control, operation, and management of the office. This includes overseeing the dispute resolution process, the accreditation of arbitrators, ensuring the effective training and education of the CARBO staff, and fostering an environment of impartiality, integrity, and professionalism.

Section 3. Accreditation with the OADR as an ADR Provider. - Before the appointment of the Head of Office of the CARBO and before any City Arbitrator is appointed, the City Legal Officer shall first undertake the responsibility of ensuring the accreditation of the CARBO as a Public Alternative Dispute Resolution Provider Office (Public APO). The accreditation process shall strictly adhere to the guidelines set out in Department of Justice Circular No. 049 of 2012. Furthermore, any additional requirements imposed by the Department of Justice for the accreditation of Public APOs shall also be diligently pursued and met by any City Arbitrator who shall be affiliated with the CARBO.

To this end, the City Legal Officer is hereby authorized to formulate a proposed ADR program and integrate the same within the implementing rules of this Ordinance. Upon the approval by the proposed ADR program by the City Mayor, the City Legal Officer shall submit the proposed ADR program to the OADR along with the other requirements for the accreditation of Public APOs.

Section 4. Proposed ADR Program - The Proposed ADR Program created by the City Legal Officer shall include the following:

- Basic information about the City Government, including a mission-vision statement for the Program;
- Relevant contact information (office address, telephone numbers, and e-mail address, website links, etc.);
- List of services offered and a process flow for each of these processes;
- Rules of procedure;
- Enforcement mechanism for arbitral awards;



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- (f) Code of Ethics for City Arbitrators;
- (g) Recourse mechanisms for parties in the event of complaints raised against Arbitrators; and
- (h) A commitment (OADR Form 002) to comply with the guidelines and standards provided in OADR's Statement of Principles for ADR Provider Organizations.

Section 5. Qualifications for the Position of City Arbitrator. - Candidates for the position of City Arbitrator must possess the following qualifications:

- (a) Accreditation as an arbitrator by the Office for Alternative Dispute Resolution (OADR), an attached agency of the Department of Justice.
- (b) At least one (1) year of professional experience in the field of arbitration or alternative dispute resolution.
- (c) A preference for those with a law degree from a recognized institution and those with additional qualifications, postgraduate studies, or relevant training in the field of arbitration and alternative dispute resolution; and
- (d) An impeccable reputation for fairness, integrity, and ethical conduct.

Section 6. Creation of Various Positions in the CARbO. - Apart from the Head of Office and the City Arbitrators, the following plantilla positions shall be created for the City Arbitration Office:

- (a) One (1) position for Administrative Officer IV (Administrative Officer II) with salary grade of 15. The appointee must possess a Bachelor's Degree from a reputable educational institution, at least one (1) year relevant work experience, at least four (4) hours relevant training, and must have professional civil service eligibility or its equivalent professional eligibility. The appointee shall be responsible for the general administration of the office, including Human Resources, budget, and office management, as well as oversee the coordination, scheduling, and management of all arbitration cases handled by the CARbO. He/she shall perform other functions as may be ordered by the City Mayor or by the Head of the CARbO, or as may be mandated by law or ordinance.



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Liga ng mga Barangay President

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SK Federation President

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Supervising Admin. Officer

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President Pro-Tempore

Approved by:

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City Mayor

(b) Two (2) positions for Administrative Aide VI (Clerk III) with salary grade 6. The appointees must have completed at least two (2) years of studies in college, and must have sub-professional civil service eligibility. The appointee shall assist in the documentation, filing, and management of arbitration records and shall perform other functions as may be ordered by the City Mayor or by the Head of the CARbO, or as may be mandated by law or ordinance.

(c) Two (2) positions for Legal Assistant 1 with salary grade 10. The appointees must possess a Law degree from a reputable educational institution, and must have a professional civil service eligibility or its equivalent. The appointees shall provide legal support, research, and analysis to facilitate the arbitration process and shall perform other functions as may be ordered by the City Mayor or by the Head of the CARbO, or as may be mandated by law or ordinance.

The persons who will be appointed to the said positions by the City Mayor must possess all the qualifications and none of the disqualifications for the said positions as mandated by the Civil Service Commission. They shall also be appointed in the manner prescribed under pertinent civil service regulations.

Section 7. Ethical Standards. - All personnel of the CARbO, including the City Arbitrators, shall adhere to the following standards of ethical conduct.

- Acting with impartiality and fairness in all proceedings and decisions.
- Avoiding conflicts of interest or any appearance thereof.
- Respecting the confidentiality of the arbitration process and the information disclosed therein.
- Refraining from accepting gifts, bribes, or any form of remuneration that might compromise the integrity of the arbitration process.
- Continuing professional education to stay updated with the latest in arbitration and alternative dispute resolution best practices.



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Any breach of these ethical standards may be grounds for disciplinary action, including removal from office or termination of employment.

Section 8. City Arbitrator's Disclosure and Conflict of Interest.

- To ensure the highest standards of impartiality, trustworthiness, and professionalism in the arbitration process, the City Arbitrator's conduct and potential conflicts of interest shall be governed by the following principles:

(a) **Mandatory Disclosure Prior to Acceptance.** - Before taking on any arbitration role, a City Arbitrator must:

- (i) Conduct a thorough review and inquiry, appropriate to the situation, to ascertain any facts that a judicious individual would regard as likely to compromise the City Arbitrator's impartiality. This includes, but is not limited to, any financial stakes, personal biases, or previous and current associations with any of the parties or any foreseeable participant in the arbitration process.
- (ii) Openly reveal to all parties involved in the arbitration any such potential conflict of interest that becomes evident during the review. This disclosure must be made as promptly as possible, and always prior to formally accepting the role of City Arbitrator for a particular dispute.

(b) **Obligation to Disclose Post-Acceptance.** - If, subsequent to accepting an arbitration role, the City Arbitrator becomes aware of any potential conflict of interest as described in paragraph (a)(1), he or she must immediately communicate this to all parties involved in writing.

(c) **Disclosure of Qualifications Upon Request.** - Upon the request of any party involved in the arbitration, the City Arbitrator is obligated to share details regarding their qualifications, credentials, and experience relevant to the task of arbitrating the specific dispute at hand.

(d) **Discretionary Recusal.** - If, at any point, the City Arbitrator believes that he or she cannot impartially



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resolve the case, he or she may voluntarily recuse himself or herself upon his or her own motion.

(e) Request to Recuse. - In cases where a party to the arbitration believes that the City Arbitrator cannot act impartially, they may request that the City Arbitrator recuse himself or herself. In this case, if the City Arbitrator refuses to recuse himself or herself, the party may raise the same request to the Head of Office of the CARbO, who shall decide on the matter within seven (7) calendar days from receipt.

(f) The internal rules of procedure of the CARbO must include provisions regarding the appointment of replacement City Arbitrators.

Section 9. Grounds for Mandatory Recusal. - Where the following grounds are present, the City Arbitrator must recuse himself or herself:

- (a) Direct Interest:** The City Arbitrator has a direct financial or personal interest in the outcome of the arbitration.
- (b) Personal Relationship:** The City Arbitrator has a current or previous close personal relationship, familial or otherwise, with any of the parties or foreseeable participants in the arbitration.
- (c) Professional Relationship:** The City Arbitrator had a professional association within the last five years with any of the parties or foreseeable participants which could reasonably be seen as compromising their impartiality.
- (d) Prior Knowledge:** The City Arbitrator possesses prior, detailed knowledge of the dispute, having been involved in or privy to earlier discussions, resolutions, or decisions pertaining to the matter.
- (e) Bias or Prejudice:** The City Arbitrator exhibits clear bias or prejudice towards any party involved, whether based on race, gender, religion, nationality, disability, or any other distinguishing characteristic.
- (f) Financial Involvement:** The City Arbitrator has a direct financial relationship or investment with any of the involved parties or entities, apart from the arbitration process.

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(g) **Public Statements:** The City Arbitrator has made public pronouncements or statements, whether in media, social media, or scholarly publications, that definitively stake out a position on the specific issues in dispute.

(h) **Gifts or Favors:** The City Arbitrator has received gifts, hospitality, or any other form of personal benefit from any of the parties or foreseeable participants, which can be perceived as an attempt to influence the outcome.

CHAPTER III:

SUBMISSION OF MATTERS FOR ARBITRATION

Section 1. How Submission is Made. -Parties wishing to resort to the arbitration process shall express their intention and mutual consent by executing a formal agreement, referred to as the "Arbitration Agreement", three (3) copies of which shall be submitted to the City Arbitration Office (CARbO) for review and subsequent action.

Section 2. Contents of Agreement. - To ensure clarity and direction in the arbitration proceedings, the Arbitration Agreement must contain, at the very least:

- (a) The names and complete addresses of the parties involved.
- (b) A brief but comprehensive statement of the matter in dispute, highlighting the main contentions of each party.
- (c) The reliefs being sought by each party.
- (d) A declaration of the parties' commitment to abide by the rules and regulations set forth by the CARbO.
- (e) The preferred timeline for resolution, if any, keeping in mind the standard timelines set by CARbO.
- (f) Any agreed-upon specifications regarding the choice of City Arbitrator, the manner by which the said arbitrator shall be compensated, or the manner in which the arbitration shall be conducted.

Section 3. Who May Submit. Parties may opt to submit the Arbitration Agreement to the CARbO independently so long as the copies of the Agreement submitted to the CARbO are all originally signed. Alternatively, if the matter originated from the Barangay Justice System, the Lupong



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Tagapamayapa can facilitate the crafting of the Arbitration Agreement and subsequently forward the finalized agreement to the CARbO on the parties' behalf.

Section 4. Arbitration Agreement Template. - To foster ease of access and standardization, the CARbO shall make available a template of the Arbitration Agreement. This standardized form shall encapsulate the essential elements required for an effective arbitration process. Parties may use this template as a guide, ensuring that their agreement aligns with the norms and standards set by the CARbO. The template of the said Agreement shall be made available online in the official website of the CARbO which shall be established after the date of effectivity of this Ordinance.

Section 5. Initial Review and Clarification. - Upon receipt of the Arbitration Agreement, the CARbO shall conduct an initial review. Should there be any ambiguities or if further clarification on certain points is required, the parties may be directed to provide written answers to specific queries or clarificatory questions set forth by the CARbO within a stipulated period.

Section 6. Calendar of Proceedings. - No later than thirty (30) calendar days from the submission of the Arbitration Agreement, the CARbO shall establish a tentative calendar outlining the key milestones of the arbitration process. This calendar shall be shared with all parties involved, ensuring that they are apprised of the roadmap ahead and can make necessary preparations. If none of the parties raise a written objection to the tentative calendar within three (3) days from their receipt of the tentative calendar, then the tentative calendar is deemed final.

Section 7. Verification and Validation. - The CARbO shall verify the authenticity of the documents submitted and validate the identities and credentials of the parties involved. This step is essential to confirm the bona fide intentions of all parties and to ensure that the arbitration process proceeds with genuine commitments from all sides.

CHAPTER IV: ARBITRATION PROCEEDINGS

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City Mayor



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Section 1. Commencement of Proceedings. - Upon finalization of the calendar of proceedings, the CARbO shall notify the parties of the date and time of the initial hearing. This initial hearing serves as the formal commencement of the arbitration proceedings. Parties are expected to be present, either in person or through legal representation.

Section 2. Preliminary Conference. - The first hearing, or the Preliminary Conference, is dedicated to:

- Briefing the parties on the rules and procedures of the CARbO;
- Discussing and agreeing on preliminary matters such as the presentation of evidence, witness lists, and any interim measures or provisional remedies;
- Clarifying and narrowing down the issues for arbitration, and;
- Estimating the duration and scheduling subsequent hearings, keeping in mind the tentative calendar established earlier.

Section 3. Presentation of Evidence and Witnesses. - In subsequent hearings, parties shall present their evidence, including documents, materials, and testimonies relevant to the dispute. Each party is given an equal opportunity to present their case and cross-examine witnesses presented by the opposing party. The arbitrator may, at his/her discretion, ask clarifying questions to ensure a comprehensive understanding of the issues presented.

Section 4. Interim Measures and Remedies. - At any stage during the proceedings, the City Arbitrator, upon the request of a party or motu proprio, may order such interim measures as he/she deems necessary in respect of the subject matter of the dispute. This can include measures to maintain the status quo, protect assets, or preserve evidence.

Section 5. Post-hearing Briefs. - After all evidence has been presented, the parties may be directed (or may request) to submit post-hearing briefs summarizing their positions, arguments, and the evidence presented. The amount of time that may be granted to the parties to submit post-hearing briefs shall not exceed fifteen (15) days.



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Section 6. Recess and Deliberation Period. - After the final hearing of evidence, or after the submission of the post-hearing briefs, if applicable, the City Arbitrator will enter a period of recess for deliberation. During this time, the City Arbitrator will evaluate the evidence, consider the arguments, and formulate a draft award. This period shall not exceed sixty (60) days.

Section 7. Issuance of Arbitral Award. - On or before the expiration of the Deliberation Period, the City Arbitrator shall, after careful deliberation, issue the arbitral award in writing. The award shall detail the findings, the reasons upon which it is based, any remedies granted, and any costs associated with the arbitration. All parties shall receive a copy of the award. The award, unless otherwise specified, shall be final and binding on all parties.

Section 8. Effect of Non-Appearance of Parties. - The following rules shall be followed when either, both, some, or all of the parties to a dispute fails to appear at a duly-scheduled hearing:

- (a) If, after proper notice has been given, one party fails to attend a hearing or any proceeding related to the arbitration without justifiable cause, the arbitration may proceed in the absence of that party.
- (b) The non-appearing party shall be given another opportunity to be notified and to present its case. However, if the party still fails to appear without a valid reason, the City Arbitrator may render a decision based on the evidence and testimonies present during the hearings where the party was absent.
- (c) A party who fails to appear in two consecutive sessions without justifiable cause shall be deemed to have waived its right to present evidence or cross-examine witnesses in those sessions. The arbitration proceedings may continue, and any determinations or awards made in the party's absence will be binding.
- (d) The non-appearing party retains the right to submit written documents or evidence to the City Arbitrator, provided they do so within a timeline specified by the City Arbitrator.



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- (e) Justifiable cause for non-appearance includes but is not limited to serious illness, death in the immediate family, natural disasters, or other extenuating circumstances that make it impractical or impossible for the party to attend. The burden of proving the justifiable cause rests on the non-appearing party.
- (f) If both parties fail to appear at a scheduled hearing without prior notice and without justifiable cause, the City Arbitrator may, at his/her discretion, adjourn the proceedings to a later date or dismiss the case entirely.

Section 10. Enforcement of Arbitral Award. - An arbitral award issued by the City Arbitrator shall be enforced in the same manner as final and executory decisions of the Regional Trial Court.

Section 11. Questioning the Award. - A party to the arbitration may question the arbitral award with the appropriate Regional Trial Court only on the following grounds:

- (a) Where there was an evident miscalculation of figures, or an evident mistake in the description of any person, thing or property referred to in the award; or
- (b) Where the arbitrator/s have awarded upon a matter not submitted to him/them, not affecting the merits of the decision upon the matter submitted; or
- (c) Where the award is imperfect in a matter of form not affecting the merits of the controversy, and if it had been a commissioner's report, the defect could have been amended or disregarded by the court.

Section 12. Arbitration Fees. - Each party involved in an arbitration proceeding under the City Arbitration Office (CARBO) shall be required to pay an arbitration fee of PHP 500 for every scheduled hearing. The said fee shall be paid on the date of the scheduled hearing.

Section 13. Waiver or Reduction of Fee- Upon application by a party and review by the Head of Office of the CARBO, the Head of Office may reduce or waive the fee for those who can demonstrate clear financial hardship. Indigent parties will have their entire arbitration fees waived, provided that they provide in their application a valid certificate of



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indigency. To this end, a standard waiver/reduction application form shall be provided by the CARbO.

The application for a waiver or reduction of the arbitration fee shall be filed, along with the necessary supporting documents, at least seven (7) business days before the scheduled hearing.

Section 14. Effect of Non-Payment- Should any party fail to pay the required arbitration fee within the stipulated time frame, without an approved waiver, the hearing for which the fee remains unpaid may be postponed only once at the discretion of the City Arbitrator.

If, upon the arrival of the rescheduled hearing date, the non-paying party again is unable to pay, the hearing will continue as normal. However, the non-paying party will not be able to participate in the proceedings, although their attendance is allowed.

Section 15. Duty to Issue Acknowledgment Receipt - For every payment of the arbitration fee made by or on behalf of the parties involved in an arbitration proceeding under the City Arbitration Office (CARbO), the CARbO shall mandatorily issue an acknowledgment receipt. The acknowledgment receipt shall be issued immediately upon the receipt of the payment and should clearly indicate the amount paid, the date of payment, and the name of the paying party or representative.

CHAPTER V: PROHIBITIONS AND PENALTIES

Section 1. Non-Disclosure of Conflicts - It is prohibited for a City Arbitrator to deliberately fail to disclose any known facts that could reasonably be perceived as affecting an arbitrator's impartiality to the parties.

Section 2. Breach of Confidentiality. - Arbitrators and employees assigned to the CARbO are strictly prohibited from intentionally disclosing any privileged or confidential information obtained during the arbitration process. It shall be presumed that any disclosure is intentional, unless there is substantial evidence to the contrary. Such disclosures that

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run counter to the principles set out in Section 8, Chapter 1 will be deemed a violation of this section.

Section 3. Not Recusing When Necessary. - It shall be prohibited for an arbitrator to fail to recuse themselves from a case where there are grounds for mandatory recusal, as outlined in Chapter II, Section 8 of this Ordinance.

Section 4. Unjustifiable Absence. - Arbitrators are mandated to attend all scheduled arbitration sessions. Failing to attend such sessions without a valid, documented reason is prohibited.

Section 5. Manifest Bias in Proceedings. - Any act or behavior that demonstrates clear favoritism, bias, or prejudice towards one party over the other is strictly prohibited. Arbitrators are required to maintain an impartial stance throughout the arbitration process.

Section 6. Not Following Procedure. - Arbitrators are bound by the procedural guidelines as outlined in Chapter IV and the Implementing Rules and Regulations and Rules of Procedure implementing this Ordinance. Any deviation from these prescribed steps without a valid reason is strictly prohibited.

Section 7. Delayed Action. - An arbitrator is required to set a calendar for arbitration proceedings within the stipulated timeframe and ensure prompt processing of all submissions. Any unjustified delays in these actions are deemed violations of this ordinance.

Section 8. Penalties. - Violations any provision of this Chapter shall suffer the penalty of a fine of not less than Two Thousand Pesos (Php 2,000.00) and not exceeding Five Thousand Pesos (Php5,000.00) or an imprisonment for a period not less than six (6) months and not exceeding one (1) year, or both at the discretion of the court.

CHAPTER VI: FINAL PROVISIONS

SECTION 1. Implementation - The following steps shall be undertaken in the order provided:



Office of the Sangguniang Panlungsod

DISTRICT I

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEY M. TELA
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor - President Pro-Tempore

HON. REYNALDO AL PABLAN
City Councilor

HON. ROGELIO M. NOLASCO
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPIRITU
SK Federation President

Attested by:

MS. CRISTINA R. MALABOG
Supervising Admin. Officer

Certified by:

HON. REYNALDO D. PALABRICA
President Pro-Tempore

Approved by:

HON. STRIKE B. REVILLA
City Mayor

(a) Within sixty (60) days from the effectivity of this Ordinance, the City Legal Services Office, under the supervision of the City Administrator, shall draft a proposed ADR program for the approval of the City Mayor.

(b) Within sixty (60) days after the approval of the City Mayor of the Proposed ADR Program, the City Legal Services Office, under the supervision of the City Administrator, shall submit to the City Mayor the Implementing Rules and Regulations for this Ordinance for his approval.

(c) Within (60) days upon approval of the City Mayor of Implementing Rules and Regulations for this Ordinance, the City Legal Officer shall submit an application for accreditation with the OADR, which shall include the following:

- (i) A notarized application form (OADR Form 004), signed by the City Legal Officer;
- (ii) The corresponding OADR certificate of accreditation of the private APO or private ADR practitioner in case the public APO intends to partner with such private APO or private ADR practitioner for the design or implementation of its proposed ADR program, if applicable;
- (iii) A certified true copy of this Ordinance, which shall evidence the authorization for the creation of the proposed ADR program;
- (iv) The approved version of proposed ADR Program and related documents, including the Ordinance's Implementing Rules and Regulations; and
- (v) Application fee.

SECTION 2. Repealing Clause. All Ordinances, orders, and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

SECTION 3. Separability Clause. Any provision of this Ordinance not declared void or unconstitutional by the proper court of law shall remain valid.

SECTION 4. Effectivity - This Ordinance shall take effect after it has been published at least once for three (3) consecutive



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod

weeks in a newspaper of general circulation within the City of Bacoor, Cavite.

ENACTED this 23rd day of August 2023 by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

Certified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer

Attested by:

MS. CRISTINA R. MALAWIG
Supervising Admin. Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Date of Approval: **05 OCT 2023**

DISTRICT I

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEVA M. TELA
City Councilor

DISTRICT II

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City Councilor

HON. REYNALDO D. PALABRICA
City Councilor - President Pro-Tempore

HON. REYNALDO M. FABIAN
City Councilor

HON. ROGELIO M. NOLASCO
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAYON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPERITU
SK Federation President

Attested by:

MS. CRISTINA R. MALAWIG
Supervising Admin. Officer

Certified by:

HON. REYNALDO D. PALABRICA
President Pro-Tempore

Approved by:

HON. STRIKE B. REVILLA
City Mayor