

THE FINALS
Alternative Dispute Resolution
Atty. Brandon B. Dangatag

QUESTIONS:

1. Enumerate the possible venues for recognition and enforcement of an arbitral award? **(5pts)**
2. When is arbitration a multi-party arbitration? **(5pts)**
3. Enumerate the other forms of ADR? **(5pts)**
4. What are the modes of submitting a dispute or controversy in arbitration? **(5pts)**

TRUE OR FALSE: Write TRUE if the statement is true and FALSE if it is not. If the statement is FALSE, state your reasons.

1. A party can appoint the sister of his brother's wife as a member of the arbitral tribunal. **(5pts)**
2. The parties to an arbitration cannot combine in a single proceeding causes of action such as recognition and vacation of an award. **(5pts)**
3. A judgement vacating, modifying, and correcting an award is enforced like any other court judgements. **(5pts)**
4. The Municipal Trial Court has jurisdiction to review foreign arbitral awards. **(5pts)**
5. The Regional Trial Court can take cognizance of an action for correction of an arbitral award in the exercise of its appellate jurisdiction. **(5pts)**
6. A foreign arbitral award can be immediately executed in the Philippines. **(5pts)**
7. A present-causal consent is when the parties to a contract stipulate that any dispute that will arise from the contract shall be resolved by arbitration. **(5pts)**
8. The forms are ADR are mutually exclusive, the choice of one precludes the selection of other forms. **(5pts)**
9. An ADR is ad hoc if the ADR provider's existence is permanent in character and is not dependent on any dispute. **(5pts)**
10. An application for setting aside may not be made after thirty (30) days have elapsed from the date on which the party making that application had received the award. **(5pts)**
11. The parties to an arbitration can settle their dispute or controversy without waiting for the arbitral tribunal to render an award. **(5pts)**
12. The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a court of the Philippines assistance in taking evidence. **(5pts)**

ESSAY:

1. In the arbitration agreement between A and B. The parties agreed to choose the arbitrators. Party A choose to appoint Atty. Gadon, who is also his lawyer in many cases and his business partner. While B choose to appoint Juan Ponce Enrile, who the brother of his father. The third arbitrator appointed is Dick Gordon who is chosen by both of the parties.
 - a. Can Atty. Gadon be appointed as an arbitrator? Why or why not? **(5pts)**
 - b. Can Juan Ponce Enrile be appointed as an arbitrator? Why or why not **(5pts)**
2. A and B agreed to submit their issue to mediation and C as the mediator. The agreement included that the proceeding should be open to the public. However, after several meetings the mediation failed. A and B then agreed to submit their dispute into arbitration and again orally agreed to appoint C as one of the arbitrators. During the arbitral proceeding, B, noticing that the proceeding is not going in his favor, questioned the appointment of C. A, on the other hand, countered that B cannot question the appointment because he orally agreed to C's appointment, hence he is bound by their agreement. Who between A and B is correct? State your reasons. **(10pts)**

-end-

"When you have a dream, you've got to grab it and never let go."-CB

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