



Republika ng Pilipinas  
**KAGAWARAN NG KATARUNGAN**  
*Department of Justice*  
*Manila*

LML-DC-17H12- 088

**DEPARTMENT CIRCULAR NO. 049**

**ADOPTING ACCREDITATION GUIDELINES  
FOR ALTERNATIVE DISPUTE RESOLUTION PROVIDER  
ORGANIZATIONS AND TRAINING STANDARDS  
FOR ALTERNATIVE DISPUTE RESOLUTION  
PRACTITIONERS**

**WHEREAS**, the Office for Alternative Dispute Resolution (OADR) is a government agency created under Section 49 of Republic Act (R.A.) No. 9285 (Alternative Dispute Resolution Act of 2004) to promote, develop and expand the use of Alternative Dispute Resolution (ADR) in the private and public sectors; assist the government to monitor, study and evaluate the use of ADR by the public and private sectors; and recommend to Congress needful statutory changes to develop, strengthen and improve ADR practices in accordance with world standards;

**WHEREAS**, Section 50 [a], [b], [c] and [e] of R.A. No. 9285 and its Implementing Rules and Regulations confer upon the OADR, the power and duty, among others, to formulate accreditation and training standards of ADR practitioners and service providers; to certify that such practitioners and providers have undergone the professional training provided by the OADR; to compile and publish a list or roster of ADR provider organizations (APOs) accredited and certified by the OADR, and practitioners who have undergone training provided either by the OADR or its accredited providers; and to coordinate the development, implementation, monitoring and evaluation of government ADR programs;

**WHEREAS**, the establishment of professional standards relating to qualifications, competence and performance promotes quality and accountability among ADR providers and practitioners;

**NOW, THEREFORE,** the OADR adopts the following accreditation guidelines for ADR provider organizations and training standards for ADR practitioners:

**Section 1. Definition of Terms.**

- a. "Accreditation" or "Certification" means a process whereby an individual or organization engaged in, or a program relating to, the delivery of ADR services undergoes evaluation for the purpose of determining whether it meets the minimum standards on qualifications, competence and performance in regard to those services;
- b. "ADR Practitioners" or "ADR Neutrals" shall refer to individuals acting as mediator, conciliator, arbitrator, neutral evaluator or any person exercising similar functions in any Alternative Dispute Resolution system;
- c. "ADR Provider Organizations" (APOs) means institutions, associations, centers or organizations which provide ADR services to the general public through a roster of neutrals serving as mediator, conciliator, arbitrator, neutral evaluator, or any person exercising similar functions in any Alternative Dispute Resolution system;
- d. "ADR Services" shall include but not be limited to serving as an ADR practitioner; providing ADR trainings; conducting program and system design; and managing, overseeing or administering ADR programs;
- e. "Alternative Dispute Resolution System" means any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency, in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof;
- f. "Arbitration" means a voluntary dispute resolution process in which one or more arbitrators, appointed in accordance with the agreement of the parties, or rules promulgated pursuant to the ADR Act, resolve a dispute by rendering an award;

- g. "Arbitrator" means the person appointed to render an award, alone or with others, in a dispute that is the subject of an arbitration agreement;
- h. "Mediation" means a voluntary process in which a mediator facilitates communication and negotiation, and assists the parties in reaching a voluntary agreement regarding a dispute;
- i. "Mediator" means a person who conducts mediation;
- j. "Private APOs" means those private sector APOs which offer ADR training programs or dispute resolution services to the general public, to government agencies, or in partnership with said agencies;
- k. "Public APOs" means those government agencies which offer ADR training programs or dispute resolution services within that agency, to the general public, to other government agencies, or in partnership with said agencies;
- l. "Roster" means a list of persons qualified to provide ADR services as neutrals, whether as mediator, conciliator, arbitrator, neutral evaluator, or any person exercising similar functions in any Alternative Dispute Resolution system.

## TITLE I

### GUIDELINES FOR ACCREDITATION

#### CHAPTER I. PRIVATE ADR PROVIDER ORGANIZATIONS

##### **Section 2. Coverage.**

These Guidelines shall apply to all private APOs as defined in Section 1 [j].

##### **Section 3. Accreditation - when required.**

Accreditation is mandatory for private APOs offering ADR

services to government agencies or in partnership with said agencies. Government agencies shall only partner with or engage the services of OADR-accredited private APOs.

For all other private APOs offering services not covered by the preceding paragraph, accreditation is voluntary.

#### **Section 4. Accreditation Requirements.**

Any private APO applying for accreditation shall comply with the following requirements:

- a. Submission of a notarized application form (OADR Form 001), signed by a duly authorized senior officer of the applicant and supported by the corresponding board resolution where applicable;
- b. Submission of certificate of registration from the Securities and Exchange Commission or any other relevant regulatory agencies;
- c. Submission of the website address of the applicant, which website shall contain, at a minimum, the following:
  - i. Basic information about the applicant, including:
    - o Company Profile
    - o Statement defining the applicant's mission and objectives
    - o List of officers and directors
    - o Contact information (office address, telephone and fax numbers and e-mail address)
  - ii. ADR Services Offered
    - o List and description of each ADR process offered
    - o Process flow for each of these processes
    - o Rules of procedure adopted for each ADR process
    - o Enforcement mechanism for ADR outcomes, which must be consistent with the enforcement framework, provided under the ADR Act, its Implementing Rules and Regulations, and the

Special ADR Rules of Court, unless a different enforcement mechanism is provided for by law.

If the applicant intends to offer ADR training, it shall also submit a proposed training program that complies with the requirements provided under Sections 24 to 29 of Title II of this Circular.

- iii. Roster of Neutrals and Fees
  - Roster of accredited neutrals, with their corresponding professional resumes/curriculum vitae
  - Schedule of fees
  - Qualification standards for neutrals
- iv. Ethical Standards / Recourse Mechanisms
  - Code of ethics/ethical rules that the applicant has adopted, which must be consistent with ethical standards or guidelines provided under the ADR Act, its Implementing Rules and Regulations, and other relevant ADR laws and issuances
  - Recourse mechanism for parties in the event of complaints against neutrals
  - In addition to the website link, the applicant shall submit a file containing a complete print-out (in letter-sized paper) of all the information contained in the website at the time the application is filed.
- d. Signing of a commitment (OADR Form 002) to comply with the guidelines and standards provided in OADR's Statement of Principles for ADR Provider Organizations, attached hereto as Annex "A", as well as OADR's Training Standards for ADR Practitioners; and
- e. Payment of the corresponding application fee.

## **Section 5. Assessment and Issuance of Certificate of Accreditation.**

Upon receipt of the application, the OADR shall make the corresponding examination, including site visits, where necessary. The OADR may likewise cause the publication of the application for comment. Upon determination that the foregoing requirements have been satisfactorily complied with, the OADR shall thereupon issue a Certificate of Accreditation to the applicant. Where the application and its supporting documents are incomplete or defective, the OADR may direct the applicant to make the corresponding corrections or submit additional documentation.

## **Section 6. Validity Period of Accreditation.**

The Certificate of Accreditation shall be valid for a period of two (2) years from issuance, without prejudice to renewal, which shall be conditioned upon submission of a new application form, payment of the required fees and compliance with such additional requirements as may be set by the OADR.

## **Section 7. Effects of Accreditation.**

The accreditation by the OADR of a private APO shall have the following effects:

- a. The private APO shall be included in the list of accredited APOs in the OADR's website.
- b. Any certification or accreditation of individual ADR practitioners granted by such private APO shall be recognized by the OADR, but only within the period within which the private APO remains accredited and only for the particular field of practice for which the neutral has been certified or accredited. For this purpose, the OADR shall likewise include in its website the list of accredited private APOs with link to the individual accredited practitioners of said private APOs.
- c. Accredited private APOs and certified and/or accredited individual ADR practitioners shall be permitted to offer dispute resolution services to other government agencies.

They shall also be allowed to provide ADR training, systems design or similar services to government agencies subject to such additional guidelines as the OADR may prescribe.

### **Section 8. Compliance Monitoring.**

The OADR shall monitor compliance by accredited private APOs with their commitments to the Guidelines and the Standards provided in the OADR's Statement of Principles for Accredited ADR Provider Organizations ("Statement of Principles") and the OADR's Training Standards for ADR Neutrals ("Training Standards"). The OADR may, upon complaint of any interested party or motu proprio, revoke any accreditation earlier conferred upon a finding of:

- i. Material violation of any provision of the Statement of Principles or the Training Standards; or
- ii. Failure to maintain the website required under these guidelines, or its material alteration in such a way that the private APO adopts ethical, professional, practice, legal or administrative standards significantly lower than those initially represented in the original website; or
- iii. Any other violations or circumstances of a similar nature and analogous to those above mentioned.

For this purpose, the OADR shall issue separate guidelines prescribing the procedures for resolving complaints for violation of this section.

## **CHAPTER II. ADR PRACTITIONERS**

### **Section 9. Purpose and Coverage.**

Pursuant to the OADR's policy to enlist active private sector participation in the settlement of disputes through ADR, the following guidelines are hereby adopted for the recognition of ADR Practitioners who were trained by non-accredited APOs, ADR centers or institutions.

For those ADR practitioners trained by accredited APOs, the guidelines in Chapter I of Title I shall apply.

**Section 10. Accreditation - when required.**

Accreditation is mandatory for ADR practitioners offering ADR services to government agencies or in partnership with said agencies. Government agencies shall only partner with or engage the services of the OADR-accredited ADR practitioners.

For all other ADR practitioners offering services not covered by the preceding paragraph, accreditation is voluntary.

**Section 11. Accreditation Requirements.**

Any ADR practitioner applying for accreditation shall comply with the following requirements:

1. Submission of a notarized application form (OADR Form 003);
2. Submission of applicant's curriculum vitae showing relevant ADR training and experience;
3. Submission of syllabus/brochure/program indicating training courses taken, names of instructors, corresponding training hours and training dates, or any other similar documentation indicating nature and duration of training received;
4. Submission of certificate or other proof of attendance to relevant trainings; and
5. Payment of the corresponding application fee.

**Section 12. Assessment and Issuance of Certificate of Accreditation.**

Upon receipt of the application, the OADR shall make the corresponding evaluation and upon determination that the foregoing requirements have been satisfactorily complied with, the OADR shall thereupon issue a Certificate of Accreditation to the



applicant. Where the application and its supporting documents are incomplete or defective, the OADR may direct the applicant to make the corresponding corrections or submit additional documentation.

### **Section 13. Validity Period of Accreditation.**

The Certificate of Accreditation shall be valid for a period of two (2) years from issuance, without prejudice to renewal, which shall be conditioned upon submission of a new application form, payment of the required fees and compliance with such additional requirements as may be set by the OADR.

### **Section 14. Effects of Accreditation.**

The accreditation by the OADR of an ADR practitioner shall have the following effects:

- a. The ADR practitioner shall be included in the list of accredited ADR practitioners in the OADR's website.
- b. Accredited and certified ADR practitioners will be permitted to offer dispute resolution services to government agencies. They shall also be allowed to provide ADR training, systems design or similar services to government agencies subject to such additional guidelines as the OADR may prescribe.

However, any certification and/or accreditation granted by the OADR to an ADR practitioner under this chapter shall only be for the particular field of practice for which the neutral has applied for and had been certified and/or accredited by the OADR.

## **CHAPTER III. PUBLIC ADR PROGRAMS**

### **Section 15. Coverage and Limitations.**

These Guidelines shall apply to ADR programs managed, overseen or administered by public APOs as defined in Section 1[k].

These Guidelines, however, shall not apply to ADR programs managed by the following with regard to their respective offices:

1. Constitutional Commissions;
2. Congress;
3. The Supreme Court, its subordinate agencies and all lower courts; and
4. The Construction Industry Arbitration Commission (CIAC)

These Guidelines, likewise, shall not be applicable to any ADR programs involving the following:

1. Disputes covered by Presidential Decree No. 442, (Labor Code of the Philippines, as amended), and its Implementing Rules and Regulations; and
2. Disputes covered by the Katarungang Pambarangay Law under Sections 398 to 421 of Republic Act No. 7160 (Local Government Code of 1991).

#### **Section 16. Accreditation Requirements.**

Any public APO applying for accreditation of its proposed ADR program shall comply with the following requirements:

1. Submission of a notarized application form (OADR Form 004), signed by the head of agency or designated official;
2. Submission of 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;
3. Submission of agency issuance authorizing the proposed ADR program, including subsequent issuances approving the revised ADR program, when applicable;
4. Submission of the proposed ADR Program and related documents, including, to the extent applicable, those enumerated under Section 4 herein; and
5. Payment of corresponding application fee.

If the public APO intends to offer ADR training, it shall also submit a proposed training program that complies with the requirements provided under Sections 23 to 28 of Title II of this Circular.

### **Section 17. Assessment and Issuance of Certificate of Accreditation.**

Upon receipt of the application, the OADR shall make the corresponding evaluation of the proposed ADR program. Upon determination that the foregoing requirements have been satisfactorily complied with, the OADR shall thereupon issue a Certificate of Accreditation for the ADR program. Where the application and its supporting documents are incomplete or defective, the OADR may direct the applicant to make the corresponding corrections or submit additional documentation.

### **Section 18. Validity Period of Accreditation.**

The Certificate of Accreditation shall be valid for a period of two (2) years from issuance, without prejudice to renewal, which shall be conditioned upon submission of a new application form, payment of the required fees and compliance with such requirements as may be set by the OADR.

### **Section 19. Effects of Accreditation.**

The accreditation by the OADR of the ADR program shall have the following effects:

- a. The ADR program shall be included in the list of public APOs with accredited ADR Programs in the OADR's website.
- b. Any certification and/or accreditation of ADR practitioners granted by the public APO under the accredited ADR Program shall be recognized by the OADR. For this purpose, the OADR shall also include in its website the list of accredited ADR Programs with link to the accredited practitioners of those public APOs.

However, any certification and/or accreditation granted by the OADR to an ADR practitioner under this chapter shall only be for the particular ADR Program and field of practice for which the neutral has been certified and/or accredited by the OADR.

### **Section 20. Compliance Monitoring.**

The OADR shall monitor compliance by the Public APOs of their commitments with the foregoing guidelines under this Chapter and may revoke any accreditation previously granted upon the same grounds as provided under Section 8 herein.

### **Section 21. Transitory Provisions.**

1. The recognition of ADR practitioners certified and accredited under existing government ADR programs shall expire one (1) year after the effectivity of this Circular. Renewal of such accreditation shall be subject to compliance with the requirements provided under Section 10 herein.
2. The recognition of existing ADR programs of Public APOs shall expire one (1) year after the effectivity of this Circular. Renewal of such accreditation shall be subject to compliance with the requirements provided under Section 16 herein.
3. The recognition of ADR practitioners who are already accredited by private APOs at the time of the filing of application for accreditation by the private APOs with the OADR shall be subject to the submission of requirements under Section 10 herein and the corresponding evaluation by the OADR.

## **TITLE II**

### **PROGRAM STANDARDS FOR THE TRAINING OF ADR PRACTITIONERS**

### **Section 22. Coverage and Applicability.**

These Standards shall apply to the training of ADR practitioners to enable them to serve as neutrals in ADR

proceedings, such as arbitration, mediation, conciliation, early neutral evaluation, mini-trial or any other ADR process.

### **Section 23. Purpose.**

These Standards are intended to prescribe minimum requirements for the training of ADR practitioners to ensure that certified or accredited ADR neutrals possess the basic knowledge and skills to serve as such

### **Section 24. Prior Approval and Compliance Monitoring.**

The accredited public or private APO conducting the training shall submit a copy of the training program, faculty resumes/ curriculum vitae and training materials /modules to the OADR for approval at least one (1) month prior to the intended training date. The OADR may require changes to the training program in accordance with the guidelines set forth herein. The OADR shall monitor any training thereafter conducted and may send a representative to ensure conformity with the approved training program. Any substantial deviation from the approved program without prior written approval of the OADR may be deemed a violation of the Program Standards and may be a ground for the revocation of any accreditation earlier conferred.

### **Section 25. Objectives and Outcomes.**

All ADR training programs should contain a detailed statement informing the participants of the training objectives and expected outcome in terms of knowledge to be imparted and skills to be taught. The program content should directly meet the objectives and outcomes of the training program.

### **Section 26. Training Faculty.**

The lecturers, trainers and facilitators shall be composed of persons who have either had advanced training in ADR or work experience of at least three (3) years in the specific area/s covered by the topic assigned.

## **Section 27. Course Content.**

Any program intended to serve as a basic training and accreditation program for ADR neutrals shall consist of a minimum of twenty-four (24) hours of lectures and/or coursework, and a minimum of sixteen (16) hours of simulations, practical exercises and/or skills training. The training program shall cover, among others, the following areas:

- i. Discussion of applicable laws, administrative and executive issuances on ADR
- ii. ADR theory and concepts

### **(For Basic Mediation Course) – At a minimum, the following areas/topics should be covered:**

- Concept of Mediation
- Benefits/Advantages of Mediation
- Distinction between mediation and litigation; mediation and other ADR processes
- Detailed Description/Discussion of the Stages of Mediation  
(Opening Statements, Joint Discussion, Private Caucuses, Joint Negotiation, Closure)
- Different Mediation Styles (Facilitative, Evaluative, Transformative, etc.)
- Role of Parties, Counsel and Mediators in Mediation
- Ethics
- Enforcement of Mediated Settlement Agreements

### **(For Basic Arbitration Course) – At a minimum, the following areas/topics should be covered:**

- Arbitration concepts
- Benefits/Advantages of Arbitration
- Distinction between arbitration and litigation; arbitration and other ADR processes
- Detailed Description/Discussion of the Stages of Arbitration
- Applicable Arbitration Laws & Issuances (Arbitration Act, ADR Act and its IRR, UNCITRAL Model Law, Special ADR Rules of Court)

- Special issues and problems (e.g., challenges to arbitrators; interim relief; court supervision and assistance; etc.)
  - Ethics
  - Enforcement of and Recourse Against Awards in Domestic and International Commercial Arbitration
- iii. Subject-matter content, which shall include materials applying the ADR theory and concepts to the types of disputes that are typically or commonly encountered in the field
- iv. Practical exercises, role plays, simulations or any similar skills based training

The foregoing program requirement, as well as the assessment provided in the succeeding paragraph, does not apply if no accreditation and/or certification of the training participants is intended.

### **Section 28. Assessment.**

As part of the training program, the participants shall undergo either a written or skills assessment to test their understanding and application of the concepts and skills imparted. In case the training covers mediation, conciliation or any other consensus-based process, skills assessment shall be mandatory.

### **Section 29. Apprenticeship/Mentoring.**

While a program of apprenticeship or mentoring for newly-accredited or certified ADR neutrals is not required, each APO is strongly encouraged to adopt this as part of their continuing education/training for the newly-accredited neutrals.

## **TITLE III**

### **COMMON PROVISIONS**

**Section 30. Operational Guidelines.**

The OADR shall issue operational guidelines within ninety (90) days from the effectivity of this Circular.


**Section 31. Repealing Clause.**

All rules and regulations, as well as instructions, issuances or orders or parts thereof inconsistent with this Circular, are hereby superseded and/or repealed accordingly.

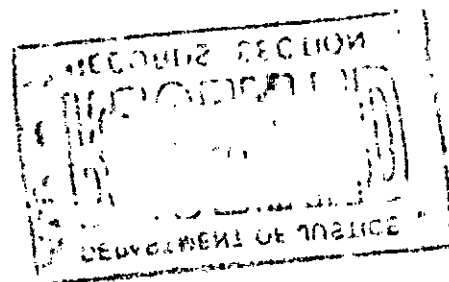
**Section 32. Effectivity.**

This Circular shall take effect immediately.

17 August 2012.

  
**LEILA M. DE LIMA**  
*Secretary*

Department of Justice  
CN : O201208284





**STATEMENT OF PRINCIPLES FOR ACCREDITED ADR  
PROVIDER ORGANIZATIONS**

An ADR Provider Organization (APO) accredited by the OADR to render ADR services to the public shall commit to adhere to the following principles:

1. Quality and Competence

An APO shall reasonably ensure that the neutrals it has accredited to provide ADR services are qualified and competent to render such services through a system of training, accreditation, performance monitoring and evaluation, and continuing education. The APO shall take measures to comply with or exceed the training standards set by the OADR, and will continuously strive to improve its training programs or curricula with the aim of providing the highest standards of training for its neutrals.

2. Confidentiality of ADR Process

An APO shall preserve and protect the integrity and confidentiality of the ADR process. In this regard, it shall take measures to ensure that no information or communication obtained in the course of an ADR proceeding shall be disclosed without the express written consent of the parties except in those cases allowed or required by law.

3. Neutrality, Fairness, Independence and Impartiality

An APO shall reasonably ensure that the rules of procedure governing ADR proceedings conducted under its auspices are fundamentally fair and impartial and that the neutrals performing ADR services are made aware of their obligation to remain neutral, fair, independent and impartial at all times.

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#### 4. Ethical Standards

An APO shall require its neutrals to adhere to a code of ethical standards that it may draft or adopt, which shall at minimum be consistent with such guidelines or standards as are provided by law.

#### 5. Grievance Mechanism

An APO shall adopt guidelines to address grievances or complaints about the Organization, its administration or the neutrals conducting the ADR proceedings, and shall ensure that both the complainant and the subject of the complaint or grievance are fully and fairly heard.

#### 6. Transparency

An APO shall be transparent in regard to its processes, procedural rules, administrative guidelines, fees, grievance mechanisms, ethical standards, list of neutrals, training and qualification requirements, and similar matters. For this purpose, the APO shall maintain a website indicating the foregoing and such other additional information as OADR may require it to disclose.

#### 7. Provision of Statistical and Other Information to OADR

Subject to reasonable restrictions that OADR shall set in order to protect the privacy of parties, preserve the confidentiality of specific ADR proceedings and safeguard the privileged character of information received in the course of an ADR process, an accredited APO shall provide statistical or other information as OADR may require from time to time in order to monitor, coordinate and assess the development of ADR in the country; evaluate existing ADR programs and processes and design new ones; refine, revise or improve its ADR policies and programs; propose appropriate changes to ADR laws and other related issuances; and generally, to promote the development of ADR both in the public and private sectors.

