“Mud slung is ground lost,” according to Mr Gary Born, President of the SIAC Court of Arbitration, and in arbitration, where we endeavour to arrive at a fast and fair disposition of a dispute, much ground must be gained.

Distinguished speakers, lawyers, advocates and arbitrators gathered on 25 November 2016, the second day of the YSIAC Arbitration Workshop at the Romulo Mabanta Buenaventura & de los Angeles Law Offices (Romulo) to do just that—gain ground and build on it.

The day featured a mock arbitration seminar to demonstrate oral advocacy and insightful questioning. The mock arbitration scenario involved fictional corporations and issues based on very real and common problems. Here, Pipe, a Philippine company entered into a Joint Venture Agreement (JVA) with PetroGulf, a UAE based corporation, for the purpose of submitting a bid to RaffleGas, relating to the construction of a liquefied natural gas pipeline on the Isle of Raffles in the North Sea. The agreement contained a Dispute Resolution Clause which provided for a procedure to be followed prior to arbitration and a referral to the “Singapore Chamber of Commerce.” Pipe and PetroGulf submitted their bid and entered into a contract with RaffleGas, which required a bond as security for the completion of the project. RaffleGas called on the bond following allegations of PetroGulf’s failure to meet contractual obligations and timelines. Pipe and PetroGulf began talks concerning each other’s liability and accountability. Pipe, seeing that the negotiations have broken down, submitted a Notice of Arbitration under the Arbitration Rules of the Singapore International Arbitration Centre (SIAC), and applied for emergency relief.

The scenario specifically identified two jurisdictional objections: (1) that the Emergency Arbitrator had no jurisdiction to hear the dispute because the SIAC was not specifically named in
the JVA; and (2) that the procedure in Dispute Resolution Clause was not complied with and thus, the arbitration proceedings have not been validly commenced.

The panel was comprised of Mr Gary Born, Mr Chou Sean Yu, Partner at WongPartnership LLP, Mr Louie Ogsimer, Partner at Romulo and Ms May Tai, Partner at Herbert Smith Freehills.

Arguing against jurisdictional objections for the Claimant were Mr Christopher Louie Ocampo, Senior Associate at the Angara Abello Concepcion Regala & Cruz Law Offices and Mr Dranyl Jared Amoroso, Associate at the Quisumbing Torres Law Offices. Opposite them on the Respondents’ side were Mr Russel Rodriguez, Partner at SyCip Salazar Hernandez & Gatmaitan and Mr Roland Glenn Tuazon, Senior Associate at Romulo.

Ms Wendy Lin, Partner at WongPartnership LLP, argued the merits for the Claimant and Ms Katie Chung, Senior Associate at Norton Rose Fulbright (Asia) LLP, for the Respondents.

Every advocate structured his presentation uniquely, built his arguments differently, and adopted a distinct style. Some chose to present using a storyline and some presented their arguments thematically. However, all the presentations were built on solid legal basis, clear logic and were presented graciously.

The panellists had both hard and light questions, testing not only the advocates’ knowledge but also their wit and grace under pressure. After the session, the panellists shared insights about oral advocacy and arbitration in practice, highlighting that arbitration is a growing form of dispute resolution, one that we would see further develop in the years to come.