



**SPORTS ARBITRATION  
MOOT COMPETITION**



**CAS 2022/ILC/S Boba Pete Santos v. Ice Hockey Association of the Phils., Inc.**

**ORDER OF PROCEDURE**

**28 February 2022**

**issued by the**

**COURT OF ARBITRATION FOR SPORT**

**ORDINARY DIVISION**

**in the arbitration between**

**Boba Pete Santos**

*Applicant*

**and**

**Ice Hockey Association of the Philippines, Inc.**

*Respondent*

1. Applicant is Boba Pete Santos and Respondent is Ice Hockey Association of the Philippines, Inc. (the “Parties”). After consultation with the Parties via conference call held on 28 February 2022, the Court of Arbitration for Sport Ordinary Division (the “CAS”) hereby adopts the following Order governing the Proceedings:

#### **I. STATEMENT OF AGREED FACTS**

2. The Parties have agreed to prepare jointly a Statement of Agreed Facts, including a formulation of issues to be adjudicated by the CAS;
3. After negotiations, the Parties have jointly communicated the attached Statement of Agreed Facts to the CAS on 26 February 2022;

#### **II. APPLICABLE ARBITRATION RULES AND ADMINISTRATION OF THE PROCEEDINGS**

4. The Proceedings are to be administered by the CAS Panel of Arbitrators (the “Panel”) which was duly appointed and constituted by the CAS President, after mutual agreement between the Parties.
5. The Proceedings shall be conducted in accordance with the CAS Code of Sports-related Arbitration, 2020 Edition (“CAS Code”), and the Official Rules of ILC Cup 2022, as agreed between the Parties. In case of inconsistency between the two, the latter shall prevail to the extent of the inconsistency.

#### **III. ORGANIZATION OF THE PLEADINGS**

6. The Proceedings shall consist of written pleadings and oral pleadings.
7. The Parties have agreed that they shall each submit one written Memorial and make oral pleadings based solely on the issues presented at the end of the Statement of Agreed Facts.

8. The written pleadings are to be submitted simultaneously to the Division by the Parties.
9. The dates for the filing of the written pleadings and for the oral pleadings are the dates set forth in the Revised Official Schedule of ILC Cup 2022.
10. The written pleadings shall be consistent with the Official Rules of ILC Cup 2022.
11. The written pleadings must be in the form of a PDF document named “Team Number\_Applicant” or “Team Number\_Respondent”, as the case may be.
12. Although the Parties have agreed that the CAS has jurisdiction over Applicant’s claims, the written pleadings must indicate that the CAS has jurisdiction and the basis for such jurisdiction, based on the Statement of Agreed Facts and the CAS Code.

*(Signed)*

President

**THE ILC CUP SPORTS ARBITRATION MOOT COMPETITION 2022**

**STATEMENT OF AGREED FACTS**

**26 FEBRUARY 2022**

*(BOBA PETE SANTOS V.*

*ICE HOCKEY ASSOCIATION OF THE PHILIPPINES, INC.)*

1. Applicant, Boba Pete Santos, is a Belgian-Filipino professional hockey player in the Philippines. He has been playing for the Philippine Men's National Team since 2016. From 2018 to 2021, he was captain of the Philippine Men's Hockey Team.
2. Respondent, Ice Hockey Association of the Philippines, Inc. ("IHAP"), is the national sports association ("NSA") or the national sports federation for ice hockey in the Philippines. It is the national governing body for the sport of ice hockey in the Philippines and is an associate member of the International Ice Hockey Federation ("IIHF").
3. Respondent has adopted the IIHF Code of Conduct, which Applicant is aware of and has consented to as a member of the Respondent.
4. Rule 1.2.2.1 of the IIHF Code of Conduct provides that IIHF Members (and therefore Respondent's members) are expected to base their attitude and behavior on the following criteria:

*1.2.2.1. **Dignity:** means the proper respect of the rights of the individual and the right to privacy. To this end:*

*(a) There shall be **no abuse against the human dignity of a person** or group of persons by whatever means, including on grounds of race, skin color, gender, ethnic origin, religion, philosophical or political opinion, marital status, sexual orientation or other grounds.*

*(b) **No practice constituting any form of harassment** (physical, mental, moral, professional or sexual); **physical, verbal** or sexual **abuse; moral or mental injury**; acts of violence or*

*illegal activity will not be tolerated. All IIHF Members must conform to the IIHF sexual harassment policy.*

5. Respondent's By-laws likewise contain a "dispute" clause (the "Dispute Clause") which states that:

*If any dispute arises between the Association and any of its members, the dispute shall commence in the Ordinary Division of the Court of Arbitration of Sport in accordance with the Code of Sports-Related Arbitration.*

6. In late 2020, Respondent wanted to update its membership records because its previous membership records were corrupted by a computer virus. Hence, it required players and other members of the NSA to submit a "Personal Information Sheet" which, among others, requires players to indicate their e-mail addresses for disciplinary notices. Other notices, such as team practice schedules and announcements, are sent via group chats on Viber or WhatsApp.
7. For personal reasons, Applicant had his brother, Jango, fill up his "Personal Information Sheet" for him. The e-mail address indicated in Applicant's "Personal Information Sheet" was "bobba.pete@gmail.com." Applicant signed the "Personal Information Sheet" and certified that its contents were fair, true, and accurate.
8. During an October 2021 ice hockey match between the Philippines and Germany, Applicant was heard to have shouted at his teammate, Mr. Julius Caesar Salad: "You're such a f\*cking idiot! How the f\*ck did you even make the team?!"
9. Applicant had shouted at Mr. Salad because of a bad play which Germany had converted for the game-winning goal.
10. Applicant's shout was heard throughout the stadium because there were no fans around. Other players from other teams were in the stadium and also

heard Respondent's scream. It was also picked up by the television broadcasters who were unable to censor Applicant's language due to the live broadcast.

11. During the post-game meeting in the Philippine locker room, Applicant was again heard to be berating Mr. Salad due to his play. He was heard shouting and calling Mr. Salad a "f\*cking idiot" and a "stupid Filipino." Applicant also could be heard shouting that Mr. Salad only made the national team because his grandmother was part of the board of the Respondent.
12. Mr. Salad is ten years younger than Applicant.
13. Television broadcasters were again able to pick up Applicant's shouts because reporters were outside the closed locker room door waiting for the usual post-game interviews to begin.
14. Upon reaching the hotel, or two hours after the game, Applicant called his teammates to a players' only meeting in his hotel room. During the meeting, he apologized to Mr. Salad, saying that "he felt really bad for letting the heat of the game get to him" and that "as captain, he should know better than to let his emotions get the best of him."
15. The incident was widely reported in the international print and electronic media. The audio of Applicant's shouts during and after the game became viral on social media.
16. The day after the game, Applicant, through his public Instagram page with 50,000 followers, issued a public apology. The public apology post garnered 12,384 likes and had more than 1,000 comments which mostly sympathized with Applicant. Mr. Salad liked the said post and even posted it as a story, with a caption that said, "we all good, cap!"
17. A few weeks after the Philippines-Germany game, Applicant and Mr. Salad were playing opposite each other in a scrimmage game during a national team training session.

18. During the game, Applicant body checked Mr. Salad thirteen times. Some of these hits were said to be “extremely violent” and “borderline illegal.” Every time Applicant would hit or check Mr. Salad, he was heard to have either said, “Man up, boy. That’s how we f\*cking play!” or “Remember Germany!”
19. As a result of all the hits on Mr. Salad, he had to leave the game with a bruised rib and a bloody nose. Before Mr. Salad was stretchered off the ice, Applicant had approached him to shake his hand and dap him up.
20. Applicant was not penalized at all during the scrimmage game because of the coach’s decision to let the players play.
21. The scrimmage game was broadcasted live on Respondent’s Instagram account, which before the game had only 1,500 followers. After the game, its followers doubled to 3,000 followers, most of whom commented on the Instagram account asking when the next game would be because they wanted to see more violent hits. One new follower said they had switched from watching the WWE to Philippine hockey because of the “real violence” which they enjoyed.
22. Because of the issues surrounding Applicant, Respondent’s team sponsor, Reebok, terminated its sponsorship agreement with Applicant. Reebok also released a short hype video on social media thereafter, which stressed the importance of fair play and proper language during games. During the advertisement, neither Applicant nor Respondent were mentioned or alluded to.
23. Two weeks after Reebok’s termination, Respondent suspended Applicant for ten months for breaking Rule 1.2.2.1 of the IIHF Code of Conduct (the Sanction). Respondent announced its decision on its Instagram account.
24. In its post, the Respondent stated that “Mr. Santos’ actions speak for themselves and thus, there was no prior need to get his side on the matter. In any case, we had already sent two Notices to Explain to him by e-mail (bobba.pete@gmail.com) prior to the decision, but these were left ignored by

him. However, if Mr. Santos so wishes, he may question the suspension through the appropriate channels.”

25. Applicant only found out about the Sanction via Instagram. He even inadvertently liked the post because it had his photo on it. He likewise did not receive any e-mails from Respondent because his correct e-mail account is “boba.pete@gmail.com”, not “bobba.pete@gmail.com” as incorrectly indicated in his “Personal Information Sheet.”
26. On 18 February 2022, Applicant filed his Request for Arbitration with the Court of Arbitration of Sport Ordinary Division (“CAS”), pursuant to the Dispute Clause and Article R38 of the Code of Sports-Related Arbitration (“CAS Code”).
27. Respondent thereafter filed its Answer with the CAS on 23 February 2022.
28. After consultation with both Applicant and Respondent on 28 February 2022, the CAS issued the Order of Procedure to govern the present proceedings.
29. Applicant requests that the CAS adjudge and declare that:
  - a. The suspension of Applicant was arbitrary and grossly violated Applicant’s right to due process;
  - b. Applicant’s alleged conduct did not amount to misconduct in violation of Rule 1.2.2.1 of the IIHF Code of Conduct; and
  - c. Even assuming Applicant’s alleged conduct amounts to misconduct, the sanction of a ten-month suspension is evidently and grossly disproportionate to the nature of his offense.
30. Respondent opposes Applicant’s claims and requests that the CAS adjudge and declare that:
  - a. The suspension of Applicant was not arbitrary and did not violate Applicant’s right to due process;
  - b. Applicant’s conduct amounted to misconduct in violation of Rule 1.2.2.1 of the IIHF Code of Conduct; and
  - c. The sanction of a ten-month suspension is justified and proportionate to the nature of Applicant’s offense.