

PROCEDURAL GUIDELINES IN THE EXECUTION OF VOLUNTARY ARBITRATION AWARDS/DECISIONS

Pursuant to the mandate of the National Conciliation and Mediation Board under Executive Order No. 126, as amended by Executive Order No. 251, and in order to implement. Article 262-A of the Labor Code, as amended by RA -6715, the herein Procedural Guidelines in the Execution of Voluntary Arbitration Awards/Decisions is hereby adopted and promulgated.

RULE I

TITLE AND CONSTRUCTIONS

Section 1. **Title.** - These Guidelines shall be known as the NCMB Procedural Guidelines in the Execution of Voluntary Arbitration Awards/Decisions **and shall apply when all efforts towards voluntary compliance with the voluntary arbitration awards/decisions failed.**

Section 2. **Construction.** - These Guidelines shall be liberally construed to carry out the objectives of the Labor Code of the Philippines to promote voluntary arbitration as a preferred mode of dispute settlement and as an integral component of the collective bargaining process.

Section 3. **Suppletory Application of Rules of Court, NLRC Manual on Execution of Judgment and Jurisprudence.** - In the absence of any applicable provision in these Guidelines, and in order to carry out its objectives, the pertinent provisions of the Revised Rules of Court of the Philippines, the NLRC Manual on Execution of Judgment and prevailing jurisprudence may, in the interest of expeditious execution of an award/decision, and whenever practicable and convenient be applied by analogy or in a suppletory character and effect.

Section 4. **Definition of Terms.** - For purposes of these Guidelines, the following terms are defined as follows:

- a) **AWARD/DECISION** - as used in these Guidelines refers to any order, resolution, award or decision of the voluntary arbitrator.
- b) **BOARD** - refers to the National Conciliation and Mediation Board.
- c) **GARNISHMENT** - the levy of money, goods or chattels and/or an interest thereon, belonging or owing to a losing party in the possession or control of a third party.

- d) **LEVY** - the act of taking possession, actual or constructive, by the sheriff or duly designated officer, of sufficient property of the losing party to satisfy the decision, order or award.
- e) **SHERIFF** - any public officer tasked with the service or enforcement of writs and processes, including any award/decision of the voluntary arbitrator, performing the duties of a sheriff, **and shall include NLRC Sheriffs, DOLE Regional Sheriffs, NMCB designated sheriffs and Sheriffs of the Regular Courts.**
- f) **THIRD PARTY CLAIM** - a claim whereby a person, not a party to the case, assert. title or right to the possession of the property levied upon.
- g) **WRIT OF EXECUTION** - an order directing the sheriff to enforce, implement or satisfy the awards/decisions of the voluntary arbitrators.

RULE II

THE SHERIFF

Section 1. **Duties.** - The sheriff serves all writs, executes all processes and carries into effect any award/decision as defined herein.

Section 2. **Responsibility and Bond.** - Only bonded sheriffs may serve writs of execution involving the taking, holding or delivering of money or property in trust for the prevailing party. The bond of the sheriff as required by law shall be determined by the **Board** conditioned, among others, for the delivery or payment to the Government or to the persons entitled thereto of all properties, real or personal, that may officially come into his control and custody.

Section 3. **Norm of Conduct.** - The sheriff must conduct himself at all times in an upright manner. His first and primary duty is to implement the writ of execution and, in accomplishing the same every reasonable effort should be exercised to achieve the purpose of the writ.

RULE III

THE WRIT OF EXECUTION

Section 1. **Execution upon final Awards/Decisions.** Execution shall issue only upon a judgment or order that finally disposes of an action or proceeding, except in specific instances where the law provides for execution pending appeal.

Section 2. **Issuance, Form and Contents of a Writ of Execution.** - The writ of execution must issue in the name of the Republic of the Philippines from the Office of the Voluntary Arbitrator or the Labor Arbiter requiring the sheriff or duly designated officer to execute their award/decision; must contain the dispositive portion of the award/decision sought to be executed; and must require the sheriff or duly designated officer to whom it is directed substantially as follows:

- a) If the execution be for the payment of a sum of money by the losing party, the writ shall be served by the sheriff upon the losing party or in case of death of the losing party, upon his successor-in-interest, executor or administrator before proceeding to satisfy the award/decision out of the personal property of such party and, if no sufficient personal property can be found, then out of his real property;
- b) If the execution be for the reinstatement of any person to any position, office or employment, such writ shall be served by the sheriff upon the losing party or in case of death of the losing party upon his successor-in-interest, executor or administrator and such party or person may be punished for contempt if he disobeys such decision or order for reinstatement.

Section 3. **Execution In Cases of Death of Party.** -Where a party dies after the finality of the award/decision, execution thereon may issue or one already issued may be enforced in the following cases:

- a) In case of death of the prevailing party, upon the application of his successor-in-interest, executor or administrator;
- b) In case of death of the losing party, against his successor-in-interest, executor or administrator;
- c) In case of death of the losing party after execution is actually levied upon any of his property, the same may be sold for the satisfaction thereof. The sheriff making the sale shall account to his successor in interest, executor or administrator for any surplus in his hands.

Section 4. **Issuance of a Writ-** The voluntary arbitrator may upon his initiative or motion of any interested party, issue a writ of execution on a judgment within five with five (5) years from the date it becomes final and executory requiring the sheriff to execute the final decision, order or award. No motion for execution shall be entertained nor a

writ be issued unless the Voluntary Arbitrator is in possession of the records of the case which include an entry of judgment where the case has been appealed.

In case of the absence or incapacity of the voluntary arbitrator, the Labor Arbiter in the region where the movant resides may issue the writ of execution in accordance with preceding paragraph.

- b) The Secretary of Labor and Employment may take measure under existing laws to ensure compliance of decisions, order or awards of the voluntary arbitrator including the imposition of administrative fines, which shall not be less than five hundred pesos (500.00) nor than ten thousand pesos (P10,000.00).
- c) Effect of Bond- The posting of a bond by the employer shall not stay the execution of an order for reinstatement.

Section 5. **Execution by motion or by independent action.** – A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

Section 6. **Control and Supervision Over the Sheriff.** – The Voluntary Arbitrator issuing the writ shall have full control and supervision over the sheriff assigned to enforce the same.

RULE IV

EXECUTION

Section 1. **Properties Exempt from Execution.** - Only the properties of the losing party shall be subject of execution, except..

- a) The losing party's family home, as provided by law or the homestead in which he resides, and land necessarily used in connection therewith;
- c) His necessary clothing and articles for ordinary personal use, excluding jewelry;
- d) Household furnitures and utensils necessary for housekeeping, and used for that purpose by the losing party and his family such as he may select, of a value not exceeding one hundred thousand pesos;
- e) Provisions for individual or family use sufficient for four (4) months;

- f) The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding three hundred thousand pesos;
- g) So much of the salaries, wages, or earnings of the losing party for his personal services within the four months preceding the levy as are necessary for the support of his family;
- h) All moneys, benefits, privileges or annuities accruing or, in any manner, growing out of any life insurance;
- i) Ordinary tools and implements personally used by him in his trade, employment or livelihood;
- j) Other properties especially exempted by law.

Section 2. **Execution of Monetary Award/Decision, How Enforced.**

- a) **Immediate payment on demand.** - The sheriff shall enforce an execution of monetary award/ decision by demanding from the losing party the immediate payment of the full amount stated in the writ of execution and all lawful fees. The losing party shall pay in cash, certified bank check payable to the prevailing party, or any other form of payment acceptable to the latter, the amount of the monetary award/decision under proper receipt directly to the prevailing party or his authorized representative if present at the time of payment. The lawful fees shall be handed over under proper receipt to the executing sheriff who shall turn over the said amount within the same day to the cashier of the National Conciliation and Mediation Board.

If the prevailing party or his authorized representative is not present to receive payment, the losing party shall deliver the aforesaid payment to the executing sheriff or duly designated officer. The latter shall turn over all the amounts coming into his possession within the same day to the cashier of the Board, or if the same is not practicable deposit said amounts to a fiduciary account in the nearest government depository bank.. Payment to the prevailing party or his duly authorized representative shall be done upon orders of the voluntary arbitrator who issue the writ.

The excess, if any, shall be delivered to the losing party while the lawful fees shall be retained by the Board for disposition as provided by law. In no case shall the sheriff or the duly designated officer demand that any payment by check be made payable to him.

- b) **Satisfaction by Levy.**- If the losing party cannot pay all part or part of the obligation in cash, certified bank check or other mode of payment acceptable to the prevailing party, the sheriff shall levy upon the properties of the losing party of every kind and nature whatsoever which may be disposed of for value and not otherwise exempt from execution giving the latter the option to immediately choose which property or part thereof may be levied upon, sufficient to satisfy the monetary award/decision. If the losing party does not exercise the option, the sheriff shall first levy on the personal properties, if any, and then on the real properties if the personal properties, are insufficient to answer for the monetary award/decision.

The sheriff shall sell only a sufficient portion of the personal or real property of the losing party, which have been levied upon.

When there is more property of the losing party than is sufficient to satisfy the award/decision and lawful fees, he must sell only so much of the personal or real property as is sufficient to satisfy the monetary award/decision and lawful fees.

Real property, stocks, shares, debts, and other personal property, or any interest in either real or personal property, may be levied upon in like manner and with like effect as under a writ of attachment.

- c.) **Garnishment of debts and credits.** - The officer may levy on debts due the losing party and other credits, including bank deposits, financial interests, royalties, commissions and other personal property not capable of manual delivery in the possession or control of third parties. Levy shall be made by serving notice upon the person owing such debts or having in his possession or control such credits to which the losing party is entitled. The garnishment shall cover only such amount as will satisfy the award/decision and all lawful fees.

The garnishee shall make a written report to the voluntary arbitrator within five (5) days from service of the notice of garnishment stating whether or not the losing party has sufficient funds or credits to satisfy the amount of the award/decision. If not, the report shall state how much funds or credits the garnishee holds for the losing party. The garnished amount in cash, or certified bank check issued in the name of the prevailing party, shall be delivered directly to the prevailing party within ten (10) working days from service of notice on said garnishee requiring such delivery, except the lawful fees which shall be paid directly to the Board.

In the event there are two or more garnishees holding deposits or credits sufficient to satisfy the judgment, the losing party, if available, shall have the right to indicate the garnishee or garnishees who shall be required to deliver the amount due; otherwise, the choice shall be made by the prevailing party.

The executing sheriff shall observe the same procedure under paragraph (a) with respect to delivery of payment to the prevailing party.

SECTION 3. Execution of Non-Monetary Awards/Decisions. - A non-monetary award/decision shall be executed by the sheriff by attaching a certified copy of the award/decision to the writ of execution and serving the same to the losing party. If the losing party disobeys the same, he may be punished for contempt.

RULE V

LEVY

Section 1. **Levy on Personal Property.**- To constitute a valid levy on personal property, the sheriff must take possession and control of the same in the following manner:

- a) Personal property capable of manual delivery, by taking and safely keeping it in his capacity as sheriff after issuing the corresponding receipt therefor;
- b) Stock or shares, or an interest in stocks or shares, of any corporation or company, by leaving with the president or managing agent thereof, a copy of the award/decision, and a notice stating that the stock or interest of the party against whom the levy is issued, is levied pursuant thereto;
- c) Debts and credits including bank deposits, financial interests, royalties, commissions and other personal property not capable of manual delivery, by leaving with the person owing such debts, or having in his possession or under his control, such credits or other personal property, or with his agent, a copy of the award/decision, and notice that the debts owing by him to the party against whom the levy is issued, and the credits and other personal property in his possession or under his control, belonging to said party are levied in pursuance of such award/decision;
- d) The interest of the party against whom levy is issued in property belonging to the estate of the decedent, whether as heir, legatee or devisee, by serving the executor or administrator or other personal representative of the decedent with a copy of the award/decision and a notice that said interest is levied. A copy of the said

award/decision, and notice shall also be filed with the office of the clerk of court in which said estate is being settled and served upon the heir, legatee or devisee concerned.

If the property sought to be levied is in custodia legis, a copy of the award/decision, and notice shall be filed with the proper court or quasi-judicial agency and notice of levy served upon the custodian of such property.

Section 2. Levy on Real Property. - Real property or interest therein may be levied in the following manner:

Real property, or growing crops thereon, or any interest therein, standing upon the record of the register of deeds of the province in the name of the party against whom levy is issued, or not appearing at all upon such records, or belonging to the party against whom levy is issued and held by any other person, or standing on the records of the registry of deeds in the name of any other person, by filing with the registry of deeds a copy of the award/decision, together with a description of the property levied and a notice that it is levied upon or that such real property and any interest therein held by or standing in the name of such other person are levied upon, and by leaving a copy of such award/decision, description and notice with the occupant of the property, if there is any or with such other person or his agent if found within the province. Where the property has been brought under the operation of either the Land Registration Act or the Property Registration Decree, the notice shall contain a reference to the number of the certificate of title, the volume and page in the registration book where the certificate is registered and the registered owner or owners thereof.

The registrar of deeds must index levies filed under this paragraph in the name of the prevailing party, the losing party or the person by whom the property is held or in whose name it stands in the records. If the levy is not claimed on the entire area of the land covered by the certificate of title, a description sufficiently accurate for the identification of the land or the interest to be affected shall be included in the registration of such levy.

Section 3. Effect of Levy - The levy on execution shall create a lien in favor of the prevailing party over the right, title or interest of the losing party in such property at the time of the levy, subject to liens and encumbrances then existing.

Section 4. Effect of Levy on Debts and Credits. - All persons having in their possession or under their control any credit or other similar personal property belonging to the party against whom levy is issued or owing any debt to the latter, at the time service upon them a copy of the decision, order or award, and notice, shall be liable to the prevailing party for the amount of such credits, debts or other property, until the levy is discharged, or any judgment recovered by him is satisfied,

unless or such property is delivered or transferred, or such debts are paid, to the sheriff or duly designated officer of the National Conciliation and Mediation Board.

RULE VI

THIRD PARTY CLAIM

Section 1. **Proceedings.** - If property levied upon is claimed by any person other than the losing party or his agent, such person shall make an affidavit of his title thereto or right to the possession thereof, stating the grounds of such right or title and shall file the same with the sheriff and copies thereof served upon the Board or Voluntary Arbitrator who issued the writ and upon the prevailing party. Upon receipt of the third party claim, all proceedings, with respect to the execution of the property subject of the third party claim, shall automatically be suspended and the Voluntary Arbitrator who issued the writ shall conduct a hearing with due notice to all parties concerned and resolve the validity of the claim within ten (10) working days from receipt thereof.

However, should the prevailing party put up an indemnity bond in a sum not less than the value of the property levied, execution shall proceed. In case of disagreement as to such value, the same shall be determined by the Voluntary Arbitrator who issued the writ.

Section 2. **Resolution of the Third Party Claim. Effect.** - In the event the third party claim is declared to be valid, the sheriff shall immediately release the property to the third party claimant, his agent or representative and the levy on execution shall be immediately lifted or discharged. However, should the third party claim be found to be without factual or legal basis, the sheriff shall proceed with the execution of the property levied upon as if no third party claim has been filed.

RULE VII

SALE OF PROPERTY ON EXECUTION

Section 1. **Notice of Sale.** - No sale of property on execution shall proceed without the notice of sale describing the property to be sold, its location, the date, time and place of sale and the terms and conditions thereof.

- a) In case of perishable property, by posting written notice of the time and place of the sale in three (3) public places, preferably in conspicuous areas of the municipal or city hall, post office and public market in the municipality or city where the sale is to take place, for

such time as the sheriff may deem reasonable, considering the character and condition of the property,.

- b) In case of other personal property, by posting a similar notice in the three (3) public places above-mentioned for not less than five (5) days;
- c) In case of real property, by posting for twenty (20) days in the three (3) public places above-mentioned a similar notice particularly describing the property and stating where the property is to be sold, and if the assessed value of the property exceeds fifty thousand pesos (50,000.00), by publishing a copy of the notice once a week for two (2) consecutive weeks in one newspaper selected by raffle, whether in English, Filipino, or any major regional language published, edited and circulated or, in the absence thereof, having general circulation in the province or city.
- d) In all cases, written notice of the sale shall be given to the losing party, at least three (3) days before the sale, except as provided in paragraph (a) hereof where notice shall be given at any time before the sale.
- e) The notice shall specify the place, date and exact time of the sale which should not be earlier than nine o'clock in the morning and not later than two o'clock in the afternoon. The place of the sale may be agreed upon by the parties. In the absence of such agreement, the sale of real property or personal property not capable of manual delivery shall be held in the office of the voluntary arbitrator or Labor Arbiter who issued the writ. In the case of personal property capable of manual delivery, the sale shall be held in the place where the property is located.
- f) An officer selling without the notice prescribed in the preceding sections shall forfeit five thousand pesos (P5, 000. 00) to any party injured thereby, in addition to his actual damages, both to be recovered in a single proper action; and a person wilfully removing or defacing the notice posted, if done before the sale shall forfeit five thousand pesos (P5,000.00) to any person injured by reason thereof, to be recovered in any proper action.

An execution sale without the valid levy and notice of sale as herein provided is null and void and vests no title in the purchaser.

Section 2. No Sale If Judgment and Costs Paid. - At any time before the sale of property on execution, the losing party may prevent the sale by paying

the amount required by the execution and the costs that have been incurred therein.

Section 3. How Property Sold on Execution. - All sales of property under execution shall be made at public auction, to the highest bidder, to start at the exact time, fixed in the notice. After sufficient property has been sold to satisfy the execution, no more shall be sold. When the sale is of real property, consisting of several known lots, they shall be sold separately, or when a portion of such real property is claimed by a third person, he may require it to be sold separately. When the sale is of personal property capable of manual delivery, it shall be sold within the view of those attending the sale and in such parcels as are likely to bring the highest price. The losing party, if present at the sale, may direct the order in which property, real or personal, shall be sold, when such property consists of several known lots or parcels which can be sold to advantage separately. Neither the sheriff or duly designated officer holding the execution sale can become a purchaser, nor be interested directly or indirectly in any purchase at such sale.

Section 4. Refusal of Purchaser to Pay. - If a purchaser refuses to pay the amount bid by him for property struck off to him at a sale under execution, the sheriff may again sell the property to the highest bidder and shall not be responsible for any loss occasioned thereby; but the Voluntary Arbitrator who issued the writ of execution may order the refusing purchaser to pay into the Board the amount of such loss, with costs, and may punish him for contempt if he disobeys the order. The amount of such payment shall be for the benefit of the person entitled to the proceeds of the execution, unless the execution has been fully satisfied, in which event, such proceeds shall be for the benefit of the losing party. When a purchaser refuses to pay, the sheriff may thereafter reject any subsequent bid of such person.

Section 5. Prevailing Party as Purchaser. - When the purchaser is the prevailing party, and no third-party claim has been filed, he need not pay the amount of the bid if it does not exceed the amount of the monetary award/decision. If it does, he shall pay only the excess.

Section 6. Adjournment of Sale. - By written consent of the prevailing party and losing party or their duly authorized representatives, the sheriff may adjourn any sale on execution to any date and time agreed upon in writing by the parties. Without such agreement, he may adjourn the sale from day to day, if it becomes necessary to do so for lack of time to complete the sale on the day fixed in the notice or the day to which it was adjourned.

Section 7. Conveyance to Purchaser of Personal Property Capable of Manual Delivery. - When the purchaser of any personal property, capable of manual delivery pays the purchase price, the sheriff making the sale shall deliver the property to the purchaser and if desired, execute and deliver to him a certificate

of sale. The sale conveys to the purchaser all the rights which the losing party has in such property on the day of its levy.

Section 8. Conveyance to Purchaser of Personal Property Not Capable of Manual Delivery. - When the Purchaser of any personal property not capable of manual delivery pays the purchase price, the sheriff making the sale shall execute and deliver to the purchaser a certificate of sale. Such certificate conveys to the purchaser all the rights which the losing party had in such property on the day of its levy.

Section 9. Conveyance of Real Property Certificate Thereof Given to Purchaser and Filed With the Registry of Deeds. - Upon a sale of real property, the sheriff shall give to the purchaser a certificate of sale containing:

- a) A particular description of the real property sold:
- b) The price paid for each distinct lot or parcel;
- c) The whole price paid by him.
- d) A statement that the right of redemption expires on
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(1) year from the date of the registration of the certificate of sale.

A duplicate of such certificate shall be filed by the sheriff with the office of the Registry of Deeds of the province or city where the property is located.

Section 10. Certificate of Sale When Property is Claimed by Third Party. – *When a property sold by virtue of a writ of execution is claimed by a third party, the certificate of sale to be issued by the sheriff pursuant to preceding sections 7, 8 and 9 shall indicate therein the existence of such third party claim.*

Section 11. Redemption of Real Property Sold: Who May Redeem. - Real Property sold as provided in the last preceding section or any part thereof sold separately, may be redeemed in the manner hereinafter provided, by the following parties/persons:

- a) The losing party, or his successor-in-interest in the whole or any part of the property,
- b) A creditor having lien by virtue of an attachment, judgment or mortgage on the property sold, or on some part thereof, subsequent to the lien under which the property was sold. Such redeeming creditor is termed redemptioner.

Section 12. Time and Manner of, and Amounts Payable on, Successive Redemptions. Notice To Be Given and Filed. - The losing party, or redemptioner, may redeem the property from the purchaser, at any **time within one (1) year from the date of the registration of the** certificate of sale, by paying the purchaser the amount of this purchase, with one per centum per month interest thereon, in addition, up to the time of redemption, together with the amount of any assessments or taxes which the purchaser may have paid thereon after purchase, and interest on such last named amount at the same rate; and if the purchaser be also a creditor having prior lien that redemptioner, other than award/decision under which such purchase was made, the amount of such other lien, with interest.

Property so redeemed may again be redeemed within sixty (60) days after the last redemption upon payment of the sum paid on the last redemption, with two per centum thereon in addition, and the amount of any assessments or taxes which the last redemptioner may have paid thereon after redemption by him, with interest on such last-named amount, and in addition, the amount of any liens held by said last redemptioner prior to his own, with interest. The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty (60) days after the last redemption, on paying the sum paid on the last previous redemption, with two per centum thereon in addition, and the amounts of any assessments or taxes which the last previous redemptioner paid after the redemption thereon, with interest thereon, and the amount of any liens held by last redemptioner prior to his own, with interest.

Written notice on any redemption must be given to the sheriff who made the sale and a duplicate filed with the registry of deeds of the province or city, and if any assessments or taxes are paid by the redemptioner or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and filed with the registry of deeds; if such notice be not filed, the property may be redeemed without paying such assessments, taxes or liens.

Section 13. Effect of Redemption by Losing Party, and a Certificate to be Delivered and Recorded Thereupon; To whom Payments on Redemption Made. - If the losing party redeems, he shall make the same payments as are required to effect a redemption by a redemptioner, whereupon no further redemption shall be allowed and he is restored to his estate. The person to whom the redemption payment is made shall execute and deliver to him a certificate of redemption acknowledged or approved before a notary public or other officer authorized to take acknowledgements of conveyances of real property. Such certificate must be filed and recorded in the office of the registry of deeds of the province or city in which the property is situated and the registrar of deeds must note the record thereof on the margin of the record of the certificate of sale. The payments mentioned in this and the last preceding sections may be made to the

purchaser or redemptioner, or for him to the sheriff or duly designated officer who made the sale.

Section 14. Proof Required of Redemptioner. - A redemptioner shall produce to the sheriff, or person from whom he seeks to redeem, and serve with his notice to the sheriff

- a) A copy of the decision/award under which he claims the right to redeem, certified by the proper officer wherein the decision/award is docketed; or, if he redeems upon a mortgage other liens, a memorandum of the record thereof, certified by the registrar of deeds;
- b) An original or certified copy of any assignment necessary to establish his claim;
- c) An affidavit by himself or his agent showing the amount then actually due on the lien.

Section 15. Deed and Possession to be Given at Expiration of Redemption Period; By Whom Executed or Given. If no redemption be made within one (1) year from the date of the registration of the certificate of sale, the purchaser, or his assignee, is entitled to a conveyance and possession of the property, or if so redeemed whenever sixty (60) days have elapsed and no other redemption has been made, and notice thereof given, and the time of redemption has expired, the last redemptioner, or his assignee, is entitled to the conveyance and possession; but in all cases, the losing party shall have the entire period of one (1) year from the date of the registration of the sale to redeem the property. The deed shall be executed by the sheriff making the sale or by his successor in office, and in the latter case, shall have the same validity as though the sheriff making the sale had continued in office and executed it.

Upon the expiration of the right of redemption, the purchaser, or redemptioner, or his assignee, shall be substituted to and acquire all the rights, title, interests and claim of the losing party to the property as of the time of the levy. The possession of the property shall be given to the purchaser or last redemptioner by the same sheriff unless a third party is actually holding the property adversely to the losing party.

Section 16. Recovery of Price If Sale Not Effective; Revival of judgment.
- If the purchaser of real property sold on execution, or his successor in interest fails to recover the possession thereof, or is evicted therefrom in consequence of irregularities in the proceedings concerning the sale, or because the property sold was exempt from execution, or because a third party has vindicated his claim to the property, he may, on motion in the same action or in a separate action recover from the prevailing party the price paid, with interest, or so much thereof

as has not been delivered to the losing party,. or he may, on motion after notice, have the original judgment revived in his name for the whole price with interest, or so much thereof as has been delivered to the losing party. The judgment so revived shall have the same force and effect as an original judgment would have as of the date of the revival and no more.

RULE VIII

SHERIFF'S RETURN

Section 1. **Return of writ of execution.** - The writ of execution shall be returnable to the voluntary arbitrator issuing it immediately after the award/decision has been satisfied in part or in full. If the award/decision cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the voluntary arbitrator and state the reason therefor. Such writ shall continue in effect during the period within which the judgment maybe enforced by motion. The officer shall make a report to the voluntary arbitrator every thirty (30) calendar days on the proceedings taken thereon until the award/decision is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the voluntary arbitrator and copies thereof promptly furnished the parties. Failure to make the return within the stated period shall subject the sheriff to a fine of not less than P 500.00 or suspension for fifteen (15) days without pay or both.

Section 2. **Break Open Order; When Issued.** - Should the losing party, his agent or representative refuse or prohibit the sheriff or his authorized representative entry to the place where the property subject of execution is located or kept, the prevailing party may apply to the voluntary arbitrator concerned for a break-open order which the latter may issue after due notice and hearing.

RULE IX

MISCELLANEOUS PROVISIONS

Section 1. **Hours and Days When Writ Shall Be Served.** - Writ of Execution shall be served at any day, except Saturdays, Sundays, and holidays, between the hours of eight in the morning and five in the afternoon. If, by the nature of the losing party's business, it requires the implementation of the same beyond the period provided therein, a written authorization must be secured by the sheriff or duly designated officer from the voluntary arbitrator who issued the writ.

Section 2. **Sheriff's Report.** - The Sheriff enforcing the writ of execution shall make a regular monthly status report on its implementation to the voluntary

arbitrator who issued the same. Standards forms shall be made available to the sheriff in compliance with this provision.

Section 3. **Assignment of Writ of Execution.** - Regional Director concerned shall be responsible in assigning writs of execution to the sheriffs/s.

Section 4. **Storing of Levied Property.** - To avoid pilferage of or damage to the levied property, the same shall be inventoried and stored in a bonded warehouse, wherever available, or in a secured place as may be determined by the sheriff with notice to and conformity of the losing party or third party claimant. In case of disagreement, the same shall be referred to the Voluntary Arbitrator who issued the writ for proper disposition. For this purpose, the sheriffs shall inform the voluntary arbitrator concerned of the corresponding storage fees, furnishing him as well as the parties with a copy of the inventory by the losing party.

Section 5. **Referral of Question Relative to Writ Enforcement.** Questions relative to writ enforcement shall be referred to the voluntary arbitrator who issued the writ for resolution.

Section 6. **Sheriffs/Execution Fees.** - Sheriffs or duly designated officers shall be provided at the beginning of the month with a cash advance not exceeding five hundred pesos (P500.00) for transportation expenses which shall be liquidated at the end of the month with a statement of expenses and itinerary of travel duly approved by the voluntary arbitrator issuing the writ.

Section 6. **Execution of Judgment in Certain Areas.** - Whenever practicable, in areas where there are no regional or district office, execution of judgment may be delegated by the voluntary arbitrator concerned to the sheriffs of the city or province where the property of the losing party sought to be levied/garnished is located. The sheriff shall make his return to the voluntary arbitrator concerned within thirty (30) days from receipt thereof

Section 7. **Sheriff's Identification.**- In the performance of their duties, sheriffs or duly designated officers shall be in uniform as prescribed by the Board and should carry at all times their identification cards, as well as the necessary papers or documents respecting their authority.

RULE X

Section 1. **Effectivity.** - These guidelines shall take effect fifteen (15) days after its publication in two (2) newspapers in general circulation.

Manila, Philippines, June 1, 2001.

ROLANDO RICO C. OLALIA
Chairman

BENEDICTO ERNESTO R. BITONIO, JR.
Member, Government Sector

ROBERTO A. PADILLA
Member, Labor Sector

EDGAR C. RECIÑA
Member, Labor Sector

RANULFO P. PAYOS
Member, Employer Sector

ANIANO G. BAGABALDO
Member, Employer sector

A P P R O V E D B Y:

PATRICIA A . STO. TOMAS
Secretary