



HLURB ADMINISTRATIVE ORDER NO. 02
Series of 2017 Date: 26 APRIL 2017

TO : ALL CONCERNED

FROM : The Chief Executive Officer and Commissioner

SUBJECT : **EXECUTIVE COMMITTEE RESOLUTION NO. 009, S. of 2016, PROMULGATING THE GUIDELINES ON THE EXECUTION OF JUDGMENTS, ORDERS AND AWARDS OF THE HOUSING AND LAND USE REGULATORY BOARD**

Attached herewith is HLURB Executive Committee Resolution No. 009, Series of 2016, *Promulgating the Guidelines on the Execution of Judgments, Orders and Awards of the Housing and Land Use Regulatory Board*, approved by the Executive Committee on 27 September 2016 and ratified by the HLURB Board of Commissioners on 12 October 2016.

The said Board Resolution was published in The Philippine Star on 26 April 2017, and, in accordance with the pertinent provisions of law, will take effect fifteen (15) days from its date of publication, on 11 May 2017.

Please be guided accordingly.


LLOYD CHRISTOPHER A. LAO






Republic of the Philippines
Office of the President
Housing and Urban Development Coordinating Council
HOUSING AND LAND USE REGULATORY BOARD

Board of Commissioners
RESOLUTION NO. 943
Series of 2016

RATIFYING RESOLUTION NO. 009, Series of 2016 OF THE EXECUTIVE COMMITTEE PROMULGATING THE GUIDELINES ON THE EXECUTION OF JUDGMENTS, ORDERS AND AWARDS OF THE HOUSING AND LAND USE REGULATORY BOARD

RESOLVED AS IT IS HEREBY RESOLVED, that Resolution No. 009, Series of 2016 of the Executive Committee, dated September 27, 2016, promulgating the guidelines on the execution of judgments, orders and awards of the Housing and Land Use Regulatory Board be, as the same is hereby ratified.

APPROVED, 12 October 2016, Quezon City.



MARIA LEONOR G. ROBREDO
Vice President of the Philippines
And HUDCC Chairperson

AUSTERE A. PANADERO
Undersecretary, DILG


ANTONIO M. BERNARDO
Chief Executive Officer and Commissioner

MARIA CATALINA E. CABRAL
Undersecretary, DPWH


RIA CORAZON A. GOLEZ-CABRERA
Commissioner


ROLANDO G. TUNGPALAN
Deputy Director-General, NEDA


LUIS ALVAREZ PAREDES
Commissioner


ANTONIO T. KHO, JR.
Undersecretary, DO


LINDA L. MALENA-HORNILLA, MNSA
Commissioner

Attested:

CHARITO B. LANSANG
Board Secretary



EXECUTIVE COMMITTEE

Resolution No. 009

Series of 2016

**PROMULGATING THE GUIDELINES ON THE EXECUTION
OF JUDGMENTS, ORDERS AND AWARDS OF THE
HOUSING AND LAND USE REGULATORY BOARD**

PURSUANT to Rule 18 of the 2011 HLURB Revised Rules of Procedure in relation to PD No. 1344, Section 5 (c) and (j) of Executive Order No. 648, Series of 1981, as amended, and Executive Order No. 535, Series of 1979, as amended by Section 26 of RA No. 8763, and RA No. 9904, the Housing and Land Use Regulatory Board (HLURB) hereby adopts and promulgates the following Guidelines on the Execution of Judgments, Orders and Awards:

RULE I

TITLE AND CONSTRUCTION

Section 1. *Short Title.* – This HLURB Guidelines on the Execution of Judgments, Orders and Awards shall be known and cited as the HLURB GUIDELINES ON EXECUTION.

Section 2. *Construction.* — This Guidelines shall be construed in a manner that shall attain a just, expeditious and inexpensive execution of judgments and orders as defined herein.

Section 3. *Suppletory Application of the Rules of Court and Jurisprudence.* – The pertinent provisions of the Revised Rules of Court of the Philippines and prevailing law and jurisprudence may, in the interest of expeditious execution of judgments, orders and awards, and whenever practicable and convenient, be applied by analogy or in a suppletory manner.

RULE II

THE SHERIFF

Section 4. *Definition.* – The sheriff is a duly appointed public officer or one duly deputized or designated by the HLURB tasked with the service or enforcement of writs and other processes, and carries into effect all decisions, orders or awards issued by the HLURB or any of its Arbiters and Regional Field Officers as well as the final judgments and orders of the Court of Appeals and the Supreme Court in proper cases. The Office of the Supervising Commissioner for Legal, through the Legal Services Group, shall have full control and supervision over sheriffs.

Section 5. Bond. — Only bonded sheriffs may serve writs of execution involving the taking, holding, or delivering of money or property in trust for the judgment obligee/creditor. 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 the persons entitled thereto, of all property or sum of money that may officially come into his/her control and custody.

Section 6. Norm of Conduct. — The first and primary duty of the sheriff is to implement the writ of execution by every reasonable effort and, for this purpose, must conduct himself/herself at all times in an upright manner.

Any settlement attempts or settlement entered into by the parties shall be referred by the sheriff to the Arbiter who issued the writ. In no case shall the sheriff conciliate or take part in any settlement proceedings during enforcement.

The sheriff, or other authorized officer, conducting the execution sale, shall not be a purchaser, nor be interested directly or indirectly in any purchase at such execution sale.

RULE III WRIT OF EXECUTION

Section 7. Judgments or orders subject to execution. — The following judgments, decisions, orders and awards are subject to execution:

(a) **Mandatory Execution.** A writ of execution may be issued *motu proprio* or upon motion for the following:

- (1) A decision or order of the Arbiter that has become final for failure to appeal within the reglementary period or an appeal which is fatally defective;
- (2) In real estate management cases, the final decision or order of the Office of the President, or if further appealed to the Court of Appeals and to the Supreme Court, the final decision or order thereof.
- (3) In homeowners association cases, the judgment of the Board appealed to the Court of Appeals and the Supreme Court, in which case, the final judgment thereof.

(b) **Discretionary Execution.** The writ of execution may be issued, only upon motion, for the following:

- (1) Judgments or orders which are immediately executory as provided under the HLURB Guidelines of Procedure and other ^{ln}

rules and regulations as may be promulgated by duly constituted authorities; and,

- (2) Judgments or orders where execution is allowed pending appeal.

Section 8. *Effects of appeal and petition for certiorari.* – The perfection of an appeal shall stay the execution of the decision or order except those judgments or orders which are immediately executory.

A petition for certiorari filed with the Court of Appeals or the Supreme Court, where allowed, shall not stay the execution of the assailed decision unless a restraining order is issued.

Section 9. *Order of Execution.* – The Order of Execution is an order issued by the Arbiter, either *motu proprio* or upon motion, directing the issuance of the writ of execution or an alias writ of execution to enforce the judgment, order or award sought to be implemented.

Section 10. *Writ of Execution.* –

(a) ***Definition.*** A writ of execution is a document directing the sheriff to enforce, implement or satisfy the final decisions, orders or awards of the Arbiter or the Regional Field Officer, which shall be effective for a period of five (5) years from the date of the finality of the judgment or order, or from the issuance thereof in case of discretionary execution, unless sooner recalled. After the lapse thereof, the judgment shall become dormant, and may only be enforced by an independent action before the Regional Field Office of origin and within a period of ten (10) years from the date of its finality.

(b) ***Issuance.*** The writ shall be issued upon the order of the Arbiter requiring the sheriff to execute the decisions, orders, or awards of the HLURB or any of its Arbiters and Regional Field Officers as well as the final judgments and orders of the Court of Appeals and the Supreme Court in proper cases.

(c) ***Form.*** The writ shall:

- (1) Be in the name of the Republic of the Philippines from the Housing and Land Use Regulatory Board through its Regional Field Office;
- (2) State the case number and title and duly signed by the Arbiter who issued the writ;
- (3) Be addressed or directed to the sheriff to enforce the writ according to its terms; and
- (4) Contain the dispositive portion of the decisions, orders, or awards sought to be executed and the instructions on the execution thereof; and,

(5) Attach a certified copy of the judgment, order or award.

(d) *Contents.* The writ shall contain:

- (1) The specific amounts, and the acts to be performed or not to be performed as stated in the dispositive portion of the judgment, order or award;
- (2) Any amounts for interests, costs, damages, rents, and/or any other amounts due as of the date of the issuance of the writ, which shall be stated in the motion for execution and/or in the order of execution as well as the amounts collectible monthly or a fragment thereof, until fully satisfied;
- (3) The instruction that the writ be served upon the judgment obligor/debtor or upon any other person required by law to obey the same, and,
- (4) The instruction that the foregoing amounts be satisfied out of the personal property of the party charged and, if insufficient, then out of real property and such party or person may be punished for contempt if he/she disobeys such judgment, order or award.

(e) *Service.* The writ shall be served at any day, except Saturdays, Sundays and holidays, between the hours of eight in the morning and five in the afternoon. The written authorization from the Arbiter shall be required if, by nature of the judgment obligor/debtor's business, the writ can only be implemented beyond the aforementioned period.

(f) *Referral of Questions.* Questions relative to the enforcement of the writ shall be referred to the Arbiter who issued the writ for resolution.

Section 11. *Property Exempt from Execution.* – Except as otherwise expressly provided by law, the following property shall be exempt from execution:

(a) The judgment obligor/debtor's family home, constituted in accordance with law and, in the absence thereof, the homestead in which he/she resides, and land necessarily used in connection therewith, subject to the limits fixed by law;

(b) The judgment obligor/debtor's necessary clothing, and that of his family;

(c) Household furniture and utensils necessary for housekeeping, and used for that purpose by the judgment obligor/debtor such as he/she may select, of a value not exceeding the amount fixed by law;

(d) Provisions for individual or family use sufficient for three (3) months;

(e) The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding the amount fixed by law;

(f) So much of the earnings of the judgment obligor/debtor for his/her personal services within the month preceding the levy as are necessary for the support of his/her family;

(g) All moneys, benefits, privileges or annuities accruing or, in any matter, growing out of any life insurance and proceeds of retirement plan expressly provided for by law;

(h) Tools and instruments necessarily used by him/her in his/her trade or employment of a value not exceeding three thousand pesos (P3,000.00).

Section 12. Execution of Money Judgment or Order. – The writ of execution for money judgments, orders or awards shall be strictly enforced as follows:

(a) **Cash payment.** The sheriff shall demand full payment, within a period of five days, of the amounts as stated in the writ of execution and all lawful fees from the judgment debtor or any other person required by law to obey the same. In case of voluntary payment, the tender shall be in cash or certified/manager's check and shall be immediately turned over to the judgment creditor, if present, or, if absent, to the cashier of the Regional Field Office and released upon the order of the Arbiter who issued the writ.

(b) **Order of properties levied.** In case of failure or refusal to pay the judgment award in cash or certified check, the sheriff shall levy on the properties of the judgment debtor in the following order:

- (1) **Bond Forfeiture.** The sheriff shall enforce the award on the cash bond or, if insufficient, on the surety bond, if any.
- (2) **Garnishment.** If the bond is insufficient, the sheriff shall serve notice/s to third parties who have possession or control of such money, goods, chattels and/or any interest therein, belonging or owing to the judgment debtor, and directing or requiring the garnishee to hold the same until further orders from the Arbiter who issued the writ. Where the property garnished consists of money deposited with a bank or third party, the Arbiter shall order that the same be released to the cashier of the Regional Field Office.
- (3) **Levy on Personal Property.** If the personal property garnished is insufficient, the sheriff shall levy on the personal properties, not exempt from execution, of the judgment debtor as may be sufficient, based on his/her estimation on the value of the

properties levied, to answer for the judgment debt.

- (4) *Levy on Real Property.* If despite the foregoing the judgment or award has not been fully satisfied, the sheriff shall levy on the real property of the judgment debtor not exempt from execution.

(c) *Execution Sale.* After due notice, the sheriff shall conduct the sale of the levied personal properties and, if still insufficient, shall proceed to sell the real properties levied on execution to the highest bidder. The proceeds shall be deposited with the cashier of the Regional Field Office, if in cash, or, if by check, made payable to the HLURB and deposited to its special account. The Arbiter shall then issue an order releasing the amounts to the judgment creditor and any excess amount shall be turned over to the judgment debtor.

Section 13. Execution of judgments or orders for specific acts. –

(a) *Conveyance, delivery of deeds, or other specific acts; vesting title.* If a judgment or order directs the judgment obligor to execute a conveyance of land, or to deliver deeds or other documents, or to perform any other specific act in connection therewith, and he/she fails to comply within the time specified, the Arbiter shall perform the act to be done or direct some other person/s to do the act at the expense of the disobedient party and the act when so done shall have like effect as if done by the party.

(b) *Delivery or restitution of real property.* The sheriff shall demand from the judgment obligor to deliver or restitute real property and all persons claiming rights under him/her to peaceably vacate the property within three (3) working days, and restore possession thereof to the judgment obligee; otherwise, the sheriff or other deputized officer shall oust such person/s therefrom with the assistance, if necessary, of appropriate peace officers, and employing such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property. Any costs, damages, rents or profits awarded by the judgment shall be satisfied in the same manner as a money judgment.

(c) *Special judgments, orders or awards.* When a judgment or order requires the performance or non-performance of any act other than those mentioned in the two preceding sections, a certified copy of the judgment or order shall be attached to the writ and served by the officer upon the party against whom the same is rendered, or upon any other person required thereby, or by law, to obey the same, and such party or person may be punished for contempt if he/she disobeys such judgment or order.

Section 14. Special orders. – Special orders are required in the following instances:

(a) *Removal of improvements on property subject of execution.* Any improvements constructed or planted by the judgment obligor/debtor, or his/her agent, shall not be destroyed, demolished or removed unless the special order,

issued only upon motion and after notice and hearing, provides for a reasonable period within which the judgment obligor/debtor may remove the same. If the judgment obligor/debtor fails or refuses to remove the said improvements despite the lapse of the period, the sheriff may cause the destruction, demolition or removal thereof, the costs of which shall be advanced by the judgment obligee/creditor subject to reimbursement from the judgment obligor/debtor.

(b) *Deputization Order.* The Arbiter may deputize:

- (1) Any officer of the HLURB to assist in the implementation of the writ in cases where the officer has special expertise in the instructions as stated in the writ or where the writ is to be served on properties beyond his/her territorial jurisdiction.
- (2) Any law enforcement officer or agency, upon written request and showing special circumstances, to assist in the enforcement of judgments, orders or awards under the direct supervision and control of the sheriff.

(3) *Break Open Order.* The break open order may be granted and implemented only upon compliance with the following:

- (1) The sheriff shall submit a written Report to the Arbiter that the judgment obligor/debtor, his/her agent or representative, has refused or prohibited the sheriff, or his/her authorized representative, entry to the place where the property is located or kept;
- (2) The Arbiter, after notice and hearing, may issue the order if warranted by the circumstances alleged and proved;
- (3) Whenever the circumstances warrant, the sheriff, who may be accompanied by law enforcement officer/s authorized to render assistance, break open any obstruction for ingress and may use reasonable force necessary to repel any resistance, to gain entry in the place of the defiant judgment obligor/debtor, where the properties subject of execution are located.

RULE IV LEVY AND SALE ON EXECUTION

Section 15. *Levy and sale on execution.* –

(a) *Definition.* Levy is the act of taking possession, actual or constructive, by the sheriff or duly designated officer, of sufficient property of the judgment obligor/debtor or of the appeal or surety bond posted by the latter to satisfy the decision, order or award. Except for the bond, the levied property shall be sold at

public auction and shall be valid only if the requirements of levy and sale on execution are strictly complied with.

(b) *Procedure.* The procedure for levy and sale shall be as follows:

- (1) The sheriff shall notify, in writing, the judgment obligor/debtor, or any person in custody of the property or properties subject of levy, that the said property or properties has been levied on execution;
- (2) The sheriff, or duly designated officer, shall take actual or constructive possession of sufficient property of the losing party to satisfy the decision, order or award;
- (3) The sheriff shall then issue a notice particularly describing the property to be sold, its location, the date and time of the sale, and the terms and conditions thereof, and serving copies thereof to the judgment obligor/debtor or any other person in possession or having custody of the property levied on execution and posting the said notice;
- (4) On the date, time and place as stated in the notice, the sheriff shall proceed to conduct the execution sale as follows:
 - i. Submission of written bids of the bidders
 - ii. Announcement of the highest written bid only
 - iii. Inquiry from the bidders present on who intends to bid higher
 - iv. Announcement of the winning bid
 - v. Payment of the full bid price by the winning bidder;
- (5) Upon payment of the full bid price, the sheriff shall convey to the purchaser the property sold at public execution either by manual or constructive delivery, through the issuance of a certificate of sale;
- (6) In the event that the judgment obligor/debtor has the right of redemption and has not exercised the right within the period provided, the sheriff shall issue a Final Deed of Sale.

Section 16. Levy of personal property. – The sheriff must take possession and control, actual or constructive, of personal property as follows:

(a) *Capable of manual delivery,* by taking and safely keeping the property after issuing the corresponding receipt. To avoid pilferage or damage, the levied property shall be inventoried and stored in a warehouse, wherever available, or in a secured place as may be determined by the HLURB with notice to the judgment obligor/debtor or third party claimant. For this purpose, the sheriff shall inform the concerned Arbitrator of the corresponding storage fees, chargeable to the judgment obligee/creditor.

(b) *Shares of stocks, or an interest in stocks or shares in any corporation*, by leaving with the president, corporate secretary or managing partner/resident agent thereof a copy of the decision, order or award, and a notice stating that the shares of stock or interest of the judgment debtor is levied;

(c) *Interest in the estate of decedent*, by serving to the executor or administrator or other representative of the decedent a copy of the decision, order or award and a notice that said interest is levied. The notice and a copy of the decision, order or award 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;

(d) *Property in custodia legis*, by filing a notice with the proper court and attaching therewith a copy of the decision, order or award, and notice of levy served upon the custodian of such property.

Section 17. Levy on execution of real property. – Real property or any interest therein may be levied in the following manner:

(a) *Possession by judgment obligor/debtor*. The sheriff shall file with the Register of Deeds a copy of the decision, order, or award, together with a description of the property levied, and serving notice, with the attached copy of the judgment, order or award, to the occupant, if any, of the property that the property is levied upon. If the property is titled, the notice shall also contain a reference to the number of the certificate of title and the volume and page in the registration book where the certificate is registered; and,

(b) *Possession by a third party*. The sheriff shall serve notice to the judgment obligor/debtor and the person in possession of the property, in addition to the aforementioned requirements.

(c) *Movable property attached to immovable property*. Machinery, equipment or mechanical contrivances attached to an immovable in a fixed manner, in such a way that they will break or deteriorate if separated therefrom, and machinery, receptacles instruments or implements intended by the owner of the tenement for an industry or works which may be carried on in a building or in a piece of land, and which tend directly to meet the need of the said industry or works are classified as immovable/real property and cannot be dismantled and levied as personal property.

Section 18. Effects of Levy. – The levy shall have the following effects:

(a) *Property levied*. The levy on execution shall create a lien in favor of the judgment obligee/creditor over the right, title or interest of the judgment obligor/debtor in such property at the time of the levy.

(b) *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, shall be liable to the judgment obligee/creditor for the amounts thereof at the time of the service upon them of the notice of levy, attaching therewith a copy of the decision, order or award, until the levy is discharged or the judgment satisfied, unless such property is delivered or transferred, or such debts are paid, to the sheriff or duly designated officer of the HLURB.

Section 19. Notice of Sale. –

(a) **Posting requirements.** The notice shall be furnished the judgment obligor/debtor and posted in three (3) public places in the municipality or city where the sale is to take place, and for –

- (1) **Perishable property**, by posting for such time as the sheriff may deem reasonable, considering the character and condition of the property;
- (2) **Personal Property**, by posting for not less than five (5) nor more than ten calendar (10) days before the date of the sale;
- (3) **Real Property**, by posting for at least twenty (20) calendar days before the date of the sale and, if the assessed value of the property exceeds fifty thousand pesos (P50,000.00), by publishing a copy of the notice once a week for two (2) consecutive weeks, in one newspaper published and circulated in the province or city or, in the absence thereof, in a newspaper having general circulation.

(b) **Payment before sale.** At any time before the sale on execution, the judgment obligor/debtor may prevent the sale by paying the award, including any interests thereon, and the costs that have been incurred in the execution.

(c) **Sanctions. –**

- (1) A sheriff selling without compliance with the notice requirements shall forfeit five thousand pesos (P5,000.00) to any party injured thereby, including actual damages, both to be recovered in a single proper action; and,
- (2) Any person willfully 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.

Section 20. How Property Sold on Execution. – All sales of property under execution must be made at public execution and start at the exact time fixed in the notice under the following conditions:

(a) *Real property.* When the property consists of several known lots, each lot must be sold separately from the others. When a portion of such real property is claimed by a third person, the latter may require it to be sold separately.

(b) *Personal Property.* When capable of manual delivery, the personal property must be sold within view of those attending the same and in such parcels as are likely to bring the highest price.

(c) *Several lots or parcels.* When such property consists of several known lots or parcels which can be sold to advantage separately, the judgment obligor/debtor, if present at the sale, may direct the order by which the property, real or personal, shall be sold.

(d) *Termination of Sale.* After sufficient property has been sold to satisfy the execution, no more shall be sold and any excess property or proceeds of the sale shall be promptly delivered to the judgment obligor/debtor or his/her authorized representative, unless otherwise directed by the Arbiter.

Section 21. *Non-payment by purchaser.* —

(a) *Failure to pay.* In case the purchaser fails to pay for any justifiable reason, the execution sale shall be conducted anew under the same procedure as aforementioned, except that in the case of real property, a republication shall be made.

(b) *Refusal to pay.* If a purchaser refuses to pay his/her bid, the sheriff may again sell the property to the highest bidder and the former shall not be responsible for any loss occasioned thereby. The Arbiter who issued the writ of execution may order the refusing purchaser to pay the amount of such loss with costs and may punish him for contempt. The amount of such payment shall be for the benefit of the person entitled to the proceeds of the execution sale, unless the execution has been fully satisfied, in which event, such proceeds shall be for the benefit of the judgment obligor/debtor. The sheriff may reject any subsequent bid from a purchaser who refuses to pay.

Section 22. *Judgment obligee/creditor as purchaser.* — When the purchaser is the judgment obligee/creditor, and no third party claim has been filed, he/she need not pay the amount of the bid if it does not exceed the amount of the judgment. If it does, the judgment obligor/creditor shall pay only the excess. In no case shall a Special Power of Attorney be issued by the judgment obligee/creditor to any person to represent him/her in the execution sale.

Section 23. *Adjournment of Sale.* — The sheriff or authorized officer may adjourn any sale on execution to any date agreed upon in writing by the parties. Without such agreement, the sale may be adjourned 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.

Section 24. Conveyance to Purchaser of Personal Property. – The property sold shall be delivered to the purchaser as follows:

(a) *Capable of Manual Delivery.* The sheriff making the sale shall deliver the property to the purchaser and, if desired, execute and deliver to him/her a certificate of sale. The sale conveys to the purchaser all the rights which the judgment obligor/debtor has in such property on the day of its levy.

(b) *Incapable of Manual Delivery.* The sheriff making the sale shall execute and deliver to the purchaser a certificate of sale which conveys to the purchaser all the rights which the judgment obligor/debtor has in such property on the day of its levy.

Section 25. Certificate of sale. – The sheriff shall issue a certificate of sale for real property in favor of the purchaser as follows:

(a) *Contents.* The certificate shall contain a particular description of the real property sold, the price paid for each distinct lot or parcel, the whole price paid by him/her, and a statement that the right of redemption expires one (1) year from the date of the registration of the certificate of sale.

(b) *Registration.* The purchaser shall register a duplicate of the certificate with the Office of the Register of Deeds of the province or city where the property is located.

(c) *Third Party Claimant.* When property sold on execution is claimed by a third party, the certificate of sale shall indicate therein such third party claim.

(d) *Deed of Sale.* The sheriff, or his/her successor, shall convey the property to the purchaser, or his/her assignee, by way of deed of final sale, and place the latter in possession of the property if no redemption is made within one (1) year from registration of the certificate of sale.

RULE V RIGHT OF REDEMPTION

Section 26. Persons entitled. – Real property sold or any part thereof separately sold on execution may be redeemed by the following parties/persons:

(a) The judgment obligor/debtor, or his successor in interest in the entire or any part of the property;

(b) The creditor having a lien by attachment, judgment or mortgage on the property sold, or on some part thereof, subsequent to the judgment under which the property was sold provided that a notice of redemption is served on the sheriff and accompanied by the following;

- (1) A certified true copy of the judgment or final order under which he/she claims the right to redeem, or, if he/she redeems upon a mortgage or other liens, a memorandum of the record thereof, certified by the Register of Deeds;
- (2) A certified true copy of any deed of assignment necessary to establish his/her claim, supported by a verified affidavit, or of a subscribing witness thereto;
- (3) An affidavit by himself/herself or his/her agent, showing the amount then actually due on the lien.

Section 27. Exercise of right of redemption. –

(a) *Initial Redemption.* Any one of the redemptioners may redeem the property from the purchaser at any time within one (1) year after the registration of the certificate of sale under the following procedure:

- (1) *Voluntary.* The redemptioner shall redeem the property paying the purchaser the amount of his/her purchase plus any assessments or taxes which may have been paid up to the time of redemption with interest at one per centum (1%) per month;
- (2) *Involuntary.* If the purchaser, despite proof of the right of the redemptioner, refuses to accept the aforementioned amounts, the amounts as stated in the preceding paragraph shall be deposited with the cashier of the Regional Field Office and held in trust on behalf of the purchaser. The Arbiter shall then execute the necessary documents to convey the property to the redemptioner.

(b) *Subsequent Redemptions.* Property so redeemed may again, and as often as a redemptioner is so disposed, be redeemed from any previous redemptioner within sixty (60) days after the last redemption upon payment of the following:

- (1) The sum paid in the last redemption;
- (2) The amount of any assessments or taxes which the last redemptioner may have paid thereon after redemption by him/her;
- (3) The amount of any liens held by said last redemptioner prior to his/her own; and,
- (4) Interest at the rate of two per centum (2%) a month on all the aforesaid amounts.

(c) *Written notice.* Notice of any redemption must be given to the sheriff who made the sale, and if any assessments or taxes are paid by the redemptioner

or if he/she 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 by the redemptioner with the register of deeds. If no such notice is filed, the property may be redeemed without paying such assessments, taxes or liens. In all cases, the sheriff shall immediately transmit the written notice of redemption including the proof submitted by the redemptioner to the Arbiter.

(d) *Certificate of Redemption.* The person to whom the payment is made shall execute and deliver to the person who redeemed the property a certificate of redemption acknowledged or approved before a notary or public officer authorized to take acknowledgements of conveyance of real property. Such certificate must be filed by the judgment obligor/debtor or redemptioner and recorded in the Office of the Register of Deeds of the province of city in which the property is situated, and the Register of Deeds must note the record thereof on the margin of the record of the certificate of sale. In case of the refusal of the person to accept the redemption amounts and execute the certificate of redemption, the said amounts shall be deposited and held in trust for the benefit of the said purchaser which shall then authorize the Arbiter to execute the certificate of redemption.

(e) *Conveyance and Possession.* In the event redemption is made with notice and sixty (60) days have elapsed, the last redemptioner or his/her assignee, is entitled to the conveyance and possession of the property so redeemed. In all cases, the judgment obligor/debtor shall have the entire period of one (1) year from the date of the registration of the certificate of sale to redeem the property. The deed shall be executed by the sheriff making the sale or by his/her successor in office, and in the latter case, shall have the same validity as though the sheriff making the sale has continued in office and executed it.

(f) *Effects.* Upon the execution and delivery of said deed, the purchaser, or redemptioner, or his/her assignee, shall be substituted to and acquire all the rights, title, interest and claim of the judgment obligor/debtor to the property as of the time of levy, except as against the judgment obligor/debtor in possession, in which case, the substitution shall be effective as of the date of the deed. 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 judgment obligor/debtor.

RULE VI MISCELLANEOUS PROVISIONS

Section 28. Execution Fees. –

(a) *Fees.* The sheriff or duly designated officer shall collect from the judgment obligor/debtor the following execution fees:

- (1) For awards of not less than ₱100,000.00 - ₱1,000.00;
- (2) ₱100,001 but not less than ₱500,000.00 – ₱1,500.00;

- (3) P500,001 but not less than P1,000,000.00 – P2,000.00;
- (4) P1,000,001 but not less than P1,500,000.00 – P2,500.00;
- (5) P1,500,001 but not less than P2,000,000.00 – P3,000.00; plus P10.00 for every P100,000.00 in excess of P2,000,000.00.

(b) *Transportation Expenses.* The transportation expenses and other costs of execution shall be advanced by the judgment obligee/creditor subject to reimbursement by the judgment obligor/debtor as costs of litigation.

(c) *Collection.* The sheriff shall be render a full accounting of any funds received as advances from the judgment obligee/creditor and shall be responsible for the collection of the execution fees and expenses from the judgment obligor/debtor.

Section 29. Report and Return. –

(a) *Sheriff's Report.* The sheriff enforcing the writ of execution shall submit not later than three (3) calendar months from receipt of such writ, and every thirty (30) days thereafter, a report, copies furnished the Supervising Commissioner for Legal and the Director of the Legal Services Group, updating the Arbiter who issued the writ of execution on the status of the enforcement thereof.

(b) *Sheriffs Return.* The writ of execution shall be made returnable to the Arbiter who issued it immediately after the full satisfaction of the judgment award or after five (5) years from the date of entry of judgment or issuance of a certificate of finality. The sheriff shall set forth in writing the whole proceedings and file it with the Arbiter concerned to form part of the records of the case.

(c) *Sanctions.* Failure of the sheriff to submit a report or make the return within the stated period shall subject him/her to a fine of not less than five hundred pesos (P500) nor more than ten thousand pesos (P10,000) or suspension for fifteen (15) days without pay or both.

Section 30. Effectivity. – This Guidelines shall take effect immediately upon its approval.

APPROVED, 27 September 2016, Quezon City



ANTONIO M. BERNARDO
Chief Executive Officer and Commissioner



ANTONIO T. KHO, JR.
Undersecretary, DOJ




RIA CORAZON A. GOLEZ-CABRERA
Commissioner



LUIS ALVAREZ PAREDES
Commissioner

Linda L. Malenab-Hornilla
LINDA L. MALENAB-HORNILLA, MNSA
Commissioner

Attested by:


CHARITO B. LANSANG
Board Secretary