

## **[ MANUAL OF INSTRUCTIONS FOR SHERIFFS OF THE NLRC, May 19, 1988 ]**

### **PURSUANT TO THE PROVISIONS OF ART. 218 (A) OF THE LABOR CODE**

Pursuant to the provisions of Art. 218 (a) of the Labor Code, as amended, in relation to Section 4, Rule XI of the Revised Rules of the National Labor Relations Commission, the following Sheriffs Manual is hereby adopted and promulgated:

#### **RULE I**

##### **Title and Constructions**

*SECTION 1. Title of the Manual* — This Manual shall be known as the Manual of Instructions for Sheriffs of the National Labor Relations Commission.

*SECTION 2. Construction* — This Manual shall be construed in a manner that shall attain a just, expeditious, and inexpensive execution of the judgment of the National Labor Relations Commission or any of its Labor Arbiters, the Philippine Overseas Employment Administration, and the Supreme Court in proper cases.

*SECTION 3. Suppletory Application of Rules of Court and Jurisprudence* — In the absence of any applicable provision in this Manual, and in order to carry out its objectives, the pertinent provisions of the Revised Rules of Court of the Philippines and prevailing jurisprudence may, in the interest of expeditious execution of the judgment of the National Labor Relations Commission or any of its Labor Arbiters, the Philippine Overseas Employment Administration, and the Supreme Court in proper cases and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

#### **RULE II**

##### **The Sheriff**

*SECTION 1. Concept* — The sheriff is a public officer who exercises his duties and functions within the limits of his authority and jurisdiction, as defined by law.

*SECTION 2. Duties* — The sheriff serves all writs, executes all processes, and carries into effect all decisions, orders or awards issued by the National Labor Relations Commission or any of its Labor Commission or any of its Labor Arbiters, the Philippine Overseas Employment Administration, and the Supreme Court in proper cases.

*SECTION 3. 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 Commission 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 control and custody.

*SECTION 4. Norm of Conduct* — The sheriff of the Commission 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**

#### **Writ of Execution**

*SECTION 1. Definition* — The writ of execution is an order directing the sheriff to enforce, implement or satisfy the final decisions, orders, or awards of the National Labor Relations Commission or any of its Labor Arbiters, the Philippine Overseas Employment Administration, and the Supreme Court in proper cases. The writ of execution is valid only for a period of sixty (60) days from receipt thereof by the sheriff or other proper officer.

*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 National Labor Relations Commission or any of its Labor Arbiters, the Philippine Overseas Employment Administration and the Supreme Court in proper cases, requiring the sheriff or proper officer to execute the decisions, orders, or awards of the National Labor Relations Commissions or any of its Labor Arbiters, the Philippine Overseas Employment Administration, and the Supreme Court in proper cases, and must contain the dispositive portion of the decisions, orders, or awards sought to be executed and must require the sheriff or other proper officer to whom it is directed substantially as follows:

- (1) 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 upon any other person required by law to obey the same before proceeding to satisfy the judgment out of the personal property of such party and if no sufficient personal property can be found, then out of his real property;
- (2) 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 upon any other person required by law to obey the same, and such party or person may be punished for contempt if he disobeys such decisions, orders, or awards.

### **RULE IV**

#### **Execution**

*SECTION 1. Properties Subject to Execution* — Only the properties of the losing party shall be the subject of execution, except those exempted by law from execution as follows;

1. The losing party's family home constituted in accordance with the Civil Code or Family Code, or as may be provided for by law or in the absence thereof, the homestead in which he resides, and land necessarily used in connection therewith, subject to the limits fixed by law;
2. His necessary clothing, and that of his family;
3. Household furniture and utensils necessary for housekeeping, and used for that purpose by the losing party such as he may select, of a value not exceeding the amount fixed by law;
4. Provisions for individual or family use sufficient for three (3) months;
5. The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding the amount fixed by law;
6. So much of the earnings of the losing party for his personal services within the month preceding the levy as are necessary for the support of his family.
7. All monies, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance;
8. Tools and instruments necessarily used by him in his trade or employment of a value not exceeding Three Thousand Pesos (P3 ,000.00);
9. Other properties especially exempted by law.

*SECTION 2. Execution of Money Judgment* — The sheriff or proper officer shall enforce the execution of a money judgment by levying on all the property, real and personal, of the losing party, of whatever name and nature and which may be disposed of for value, not exempt from execution, or on a sufficient amount of such property, if there be sufficient and selling the same at public auction to the highest bidder, and depositing the proceeds thereof with the Cashier of the National Labor Relations Commission or the Philippine Overseas Employment Administration and that the same shall be released only upon orders from the Labor Arbiter, National Labor Relations Commission, or Philippine Overseas Employment Administration. Where payments are made in checks, the same shall be issued in the name of the National Labor Relations Commission or Philippine Overseas Employment Administration, as the case may be. Any excess in the proceeds of the sale over the judgment and the accruing costs shall be delivered by the proper Cashier to the losing party or parties who own the property sold unless otherwise directed by the judgment or order. When there is more property of the

losing party than is sufficient to satisfy the judgment or award and accruing costs, within the view of the officer, he shall levy only on such part of the property as is amply sufficient to satisfy the judgment or award and the costs.

*SECTION 3. Voluntary Satisfaction of Money Judgment* — Any voluntary tender of payment by the losing party shall be effected by depositing the same with the Cashier of the National Labor Relations Commission or the Philippine Overseas Employment Administration and shall be released only upon orders of the Labor Arbiters, NLRC or POEA who issued the writ of execution.

## **RULE V**

### **Levy**

*SECTION 1. Definition* — **Levy** is the act of taking possession and control by the sheriff or proper officer of sufficient property of the losing party to satisfy the decision, order, or award.

A sale not preceded by a valid levy is void and the purchaser acquires no title.

*SECTION 2. Levy on Personal Property* — To constitute a valid levy on personal property, the sheriff must take possession and control of the same.

1. Personal property capable of manual delivery, by taking and safely keeping it in his capacity as sheriff after issuing the corresponding receipt therefor;
2. Stocks 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 decision, order, or award, and a notice stating that the stock or interest of the party against whom the levy is issued, is levied pursuant thereto;
3. Debts and credits, 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 decision, order, or award, 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 decision, order, or award.
4. The interest of the party against whom levy is issued in property belonging to the estate of a decedent, whether as heir, legatee or devisee, by serving to the executor or administrator or other personal representative of the decedent a copy of the decision, order, or award and a notice that said interest is levied. A copy of said decision, order, or award, 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 decision, order, or award, and notice shall be filed with the proper court, and notice of levy served upon the custodian of such property.

*SECTION 3. Garnishment, Defined* — Garnishment is 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.

Garnishment is effected by the sheriff or authorized officer, by serving a notice thereof to the third party who has possession or control of such money, goods, chattels, and/or any interest therein, belonging or owing to the losing party directing or requiring him (garnishee) to hold the same subject to further orders of the National Labor Relations Commission or any of its Labor Arbiters and the Philippine Overseas Employment Administration. Where the property garnished consists of money deposited with a bank or third party, the Labor Arbiter shall order that the same shall only be released to the Cashier of the NLRC or POEA as the case may be.

*SECTION 4. Levy on Real Property* — Real property or any interest therein may be levied in the following manner:

1. Real property, or growing crops thereon, standing upon the records of the register of deeds of the province or city in the name of the party against whom levy is issued, not appearing at all upon such records, by filing with the register of deeds a copy of the decision, order, or award, together with a description of the property levied, and a notice that it is levied upon and by leaving a copy of such decision, order, or award, description, and notice with the occupant of the property if there is any. When the property has been brought under the operation of the land registration system, the notice shall 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. The register of deeds must index levies filed under this paragraph in the name of both the prevailing party and the losing party.

2. Real property, or growing crops thereon or any interest therein, belonging to the party against whom levy is issued, and held by any other person or standing on the records of the register of deeds in the name of any other person, by filing with the register of deeds a copy of the decision, or order, or award, together with a description of the property, and a notice that such real property, and any interest therein of said property, held by or standing in the name of such other person, naming him are levied by leaving with the occupant of the property, if any, and with such other persons, or his agents, if found within the province or city or at the residence