



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 14-11
Supplemental Issue

Sheriffs: Grave abuse of authority

Section 9, Rule 39 of the Rules of Court provides for the procedure as to how execution of judgments for money is enforced. It reads:

SEC. 9. Execution of judgments for money, how enforced. –

(a) *Immediate payment on demand.* - The officer shall enforce an execution of a judgment for money by demanding from the judgment obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees. The judgment obligor shall pay in cash, certified bank check payable to the judgment obligee, or any other form of payment acceptable to the latter, the amount of the judgment debt under proper receipt direct to the judgment obligee or his authorized representative if present at the time of payment.

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(b) *Satisfaction by levy.* – If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligee, the officer shall levy upon the properties of the judgment obligor 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 judgment.** If the judgment obligor does not exercise the option, the officer 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 judgment.

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(c) *Garnishment of debts and credits.* - The officer may levy on debts due to judgment obligor 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 judgment obligor is entitled. The garnishment shall cover only such amount as will satisfy the judgment and all lawful fees. (Emphasis supplied)

As provided above, the obligor shall be given the option to choose which property or part thereof may be levied upon, sufficient to satisfy the judgment.

Respondent sheriff violated the rule when he ignored complainant's option to surrender its real property. He insisted and pursued to levy on cash and other personal properties despite the said offer.

For grave abuse of authority, respondent sheriff was fined P5,000.00 and sternly warned. **(A. M. No. P-14-3246, October 15, 2014)**

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