



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

OCA CIRCULAR NO. 161-2016

**TO : ALL JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT : NON-DESIGNATION OF SHERIFFS TO IMPLEMENT ALL WRITS ISSUED BY THE NON-JUDICIARY AGENCIES**

The Sheriffs Confederation of the Philippines, Inc. (SCOPHIL), through its National President, Mr. Fernando R. Regino, has sought clarification from this Office as to whether the *en banc* Resolution dated 26 August 2014 of the Supreme Court in A.M. No. 14-7-224-RTC (*Letters of CoC Marion Gay C. Mirabueno, RTC-OCC, Gen. Santos City on the Designation of a Sheriff to Implement the Writ of Possession Issued by the National Commission on Indigenous People [NCIP]*) pertains only to writs issued by the NCIP but at the same time opines that “[from] a reading of the reason stated in the Resolution it is clear that all Writs not emanating from the Judiciary are not within the authority of sheriffs as judicial officers to execute.”

The aforesaid resolution denied for lack of merit the request for designation of a sheriff to implement the writ of possession issued by the NCIP, citing the reasons advanced by the Office of the Court Administrator and resolving as follows:

The Office of the Court Administrator cites several reasons for denying Atty. Mirabueno's request:

1. As noted by Atty. Caridad A. Pabello, Chief of Office of Administrative Services, while it is true that her office acts on requests for detail and reassignment of lower court personnel, as well as detail of locally funded employees, there are no rules allowing or guiding them with respect to the designation of sheriffs to implement writs (of possession) issued by other government agencies.

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3. Court sheriffs are trained to implement writs and processes in accordance with the Rules of Court. However, what is sought to be implemented is a writ of possession issued

pursuant to and governed by the NCIP's own rules of procedure.

4. The March 14, 2013 order was directed to Director Wong himself and did not authorize him to seek any assistance from Atty. Mirabueno's office. It merely authorized Director Wong to coordinate with the pertinent units of the Philippine National Police.


This Court has long recognized that sheriffs are judicial officers. Thus, they are part of the judiciary and adjuncts of court of law. The National Commission on Indigenous Peoples, through Chapter IX of Republic Act No. 8371, otherwise known as "The Indigenous Peoples' Rights of 1997" (IPRA), exercises quasi-judicial powers. However, Section 3(k) of the IPRA specifies that the NCIP "shall be under the Office of the President." Thus, the NCIP is an agency under the executive rather than the judicial branch of the government. Its orders are not judicial orders, which are within the authority of sheriffs, as judicial officers to execute. (Emphasis added)

In a subsequent case, in A.M. No. 15-07-12-SC (*Re: Enforcement by Court Sheriffs of the Writs of Execution Issued by Quasi-Judicial Bodies, e.g., Construction Industry Arbitration Commission, Housing and Land Use Regulatory Board, and PAG-IBIG*), dated 2 February 2016, the Court *en banc* re-affirmed its Resolution dated 26 August 2014 and "[r]esolved to clarify that court sheriffs cannot enforce writs of execution issued by quasi-judicial bodies pursuant to the Resolution dated August 26, 2014 in A.M. No. 14-7-224-RTC."

In view of the Court's categorical declaration that court sheriffs cannot enforce writs issued by quasi-judicial bodies, all concerned are hereby **DIRECTED** to **REFRAIN** from **DESIGNATING** their respective sheriffs to implement all writs issued by the said agencies.

For your information, guidance and strict compliance.

22 July 2016

  
JOSE MIDAS P. MARQUEZ  
Court Administrator