



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

**OCA CIRCULAR NO. 85-2023**

**TO : ALL JUDGES, CLERKS OF COURT, BRANCH CLERKS OF COURT/ OFFICERS-IN-CHARGE AND SHERIFFS OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT : DUTIES OF THE SHERIFF IN CASE OF RECOURSE TO SATISFACTION BY LEVY UNDER SECTION 9(b), RULE 39 OF THE RULES OF COURT**

In case of recourse to satisfaction by levy under Section 9(b), Rule 39 of the Rules of Court, all sheriffs are reminded of the following matters:

1. The sheriff shall first make a demand from the judgment obligor for the immediate payment of the full amount stated in the *Writ of Execution* and all lawful fees, following the procedure stated in Section 9(a), Rule 39 of the Rules of Court;

2. 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 sheriff is prohibited from demanding that any payment by check be made payable to him/her;<sup>1</sup>

3. In case the judgment obligor cannot pay for all or part of the obligation in the modes stated in the preceding paragraph, the sheriff shall levy the properties of the judgment obligor which are not exempt from execution,<sup>2</sup> subject to the following:

3.1 The judgement obligor shall be given the option to immediately choose which property or part thereof may be levied upon;<sup>3</sup>

<sup>1</sup> Section 9(a), Rule 39 of the Rules of Court.

<sup>2</sup> *Id.*, see Section 9(b); see also *Viscal Development Corporation vs. Atty. Jennifer H. Dela Cuijz-Buendia, in her capacity as Ex-Officio Sheriff of the Office of the Clerk of Court-Regional Trial Court of Manila; and Messrs. Nathaniel F. Abaya, Luis A. Alina, Lorelex B. Ilagan and Mario P. Villanueva, in their capacities as Sheriffs IV of the Office of the Clerk of Court – Regional Trial Court of Manila*, A.M. No. P-12-3097 (Formerly OCA IPI No. 09-3311-P), 26 November 2012.

<sup>3</sup> *Id.*

3.2 If the judgement obligor fails to exercise the option stated in item 3.1 herein, the sheriff shall first levy on the personal properties of the judgment obligor;<sup>4</sup>

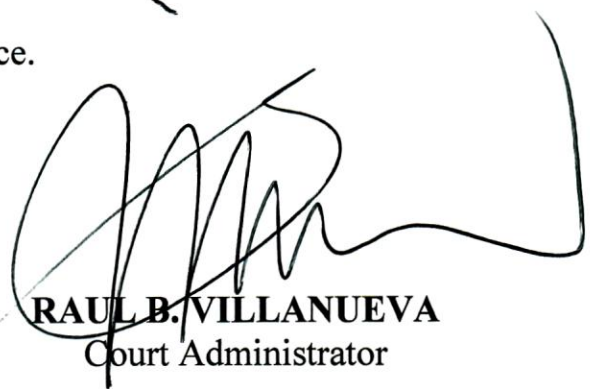
3.3 If the judgement obligor's personal properties are insufficient to answer for the judgment, the sheriff shall levy on the judgement obligor's real properties;<sup>5</sup>

3.4 The sheriff shall sell only a sufficient portion of the personal or real property of the judgement obligor which has been levied upon;<sup>6</sup> and

3.5 The sheriff may levy and sell only such properties as are sufficient to satisfy the judgement and lawful fees.<sup>7</sup>

For guidance and strict compliance.

27 February 2023



**RAUL B. VILLANUEVA**  
Court Administrator

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<sup>4</sup> Section 9(b), Rule 39, Rules of Court.  
<sup>5</sup> *Id.*  
<sup>6</sup> *Id.*  
<sup>7</sup> *24-K Property Ventures, Incorporated vs. Young Builders Corporation*, G.R. No. 193371, 05 December 2016; *Id.*