

SC CIRCULAR NO. 8, May 15, 1987

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL / COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS, SHARI'A CIRCUIT COURTS, INTEGRATED BAR OF THE PHILIPPINES AND MAJOR VOLUNTARY BAR ASSOCIATIONS

SUBJECT: Amendment of Rule 39, Section 18 of the Rules of Court on Notice of Sale of Property on Execution

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Court En Banc, dated April 7, 1987 in "Re: Amendment of Rule 39, Section 18 of the Rules of Court on Notice of Sale of Property on Execution"

"Re: Amendment of Rule 39, Section 18 of the Rules of Court on Notice of Sale of Property on Execution.- The Court Resolved to APPROVE the following amendments of Rule 39, Section 18 (c) of the Rules of Court on Notice of Sale of Property on Execution which consists of (1) publication, in addition to posting, is required where the assessed value of the real property subject of sale on execution exceeds P50,000.00 (increased from P400.00 under the present provision); (2) such publication of the notice of sale shall be made once a week for two (2) consecutive weeks (instead of for twenty [20] days) , in some newspaper published or having general circulation in the province; (3) in places where newspapers are published in English and/or Pilipino, publication shall be made in one such newspaper (instead of publishing said notice in both the English and Spanish newspapers as presently provided in the Rules); as well as the addition of paragraph (d) in said Section 18, imposing the requirement that in all cases, written notice of the sale must be given to the judgment debtor. The text of the amendments follow:

RULE 39

'EXECUTION, SATISFACTION AND EFFECT OF JUDGMENTS

'SECTION 18. Notice of sale of property on execution.- Before the sale of property on execution, notice thereof must be given as follows:

'(a) x x x

'(b) x x x

'(c) In case of real property, by posting for twenty (20) days in three (3) public places in the municipality or city where the property is situated, a similar notice particularly describing the property and stating where the property is to be sold, 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 some newspaper published or having general circulation in the province, if there be one. If there are newspapers

published in the province in English and/or Filipino, then the publication shall be made in one such newspaper.

'(d) In all cases, written notice of the sale shall be given to the judgment debtor.'

"Let copies hereof be circulated among all Courts, the Integrated bar of the Philippines and major voluntary bar associations."

Please be guided accordingly.

May 15, 1987.

(Sgd.) CLAUDIO TEEHANKEE

Chief Justice

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