



**Republic of the Philippines  
SOCIAL SECURITY COMMISSION**

**12<sup>th</sup> Floor, SSS Building  
Ayala Avenue corner Rufino Street  
Makati City**

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# **THE 2016 RULES OF PROCEDURE OF THE SOCIAL SECURITY COMMISSION**

## **RULE I TITLE AND CONSTRUCTION**

**Section 1. Title of the Rules.** - These rules shall be known as the 2016 Rules of Procedure of the Social Security Commission.

**Section 2. Technical Rules Not Binding.** - These rules shall be liberally construed to carry out the objectives of the Social Security Act of 1997 and to assist the parties in obtaining expeditious and inexpensive settlement or resolution of any dispute arising under the said Act.

In any proceeding before the Commission or any of the Commissioners or Hearing Officers, which shall be non-litigious in nature, the rules of evidence prevailing in the courts of law shall not be controlling and it is the spirit and intention of these rules that the Commission and the Commissioners or Hearing Officers shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process.

**Section 3. Suppletory Application of the Rules of Court and Jurisprudence.** - In the absence of any applicable provision in these rules, the pertinent provisions of the Revised Rules of Court of the Philippines and prevailing jurisprudence may, in the interest of expeditious settlement of claims and whenever practicable and appropriate, be applied in a suppletory character and effect.

## **RULE II PLEADINGS AND APPEARANCES**

**Section 1. Title of, Parties to, and Dockets of, Cases.** - The initial pleading in all cases filed before the Commission shall be known and denominated as "Petition". The party bringing the action shall be called the "Petitioner", and the party against whom the relief is sought shall be called the "Respondent". The full names of all the parties shall be stated in the caption of the petition. The petition shall be assigned a docket number in the order of the date and time of filing thereof.

The caption shall be as follows:

“Republic of the Philippines  
SOCIAL SECURITY COMMISSION  
Makati City

_____, Petitioner,	
- versus -	SSC CASE NO. <u>(Mo. No. Yr.)</u>
_____, Respondent,	FOR: (State nature of action such as Coverage, Remittance of Contributions, Correction of Record, etc.)
SOCIAL SECURITY SYSTEM,* Intervenor.	
x-----x	
(Title of Pleading)”	

\* The Social Security System may also be the Petitioner or Respondent in applicable cases.

**Section 2. Filing of Petition.\*\*** - All petitions shall be filed with the Office of the Executive Clerk of the Commission or his/her Deputy at the 12th Floor, SSS Makati Bldg., 6782 Ayala Avenue corner Rufino Street, Legazpi Village, Makati City, Metro Manila, or at any Regional Commission Legal Department. No petition shall be docketed by the Executive Clerk of the Commission or his/her Deputy unless it is duly verified and accompanied by a sworn Certification Against Forum Shopping. In cases filed by a private party, the petition shall, in addition to the foregoing requirements, be accompanied by the written action of the SSS President or the Manager or the Officer-in-Charge or authorized personnel of the SSS Department/Branch/Representative Office concerned on the question at issue. Provided, that in case of denial of SS benefit claim, loan application, or other matters related thereto, the petition shall likewise be accompanied by a certification/resolution from the Benefits Review Committee and/or Flag Clearing Committee stating its findings and recommendation.

If the petition is not accompanied by the written action or certification/resolution aforementioned, the petition shall be returned to the petitioner for compliance with this requirement, with the proper advice as to procedure.

In all cases filed by the private party with the Commission, the SSS shall be an indispensable party.

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\*\* Amended by SSC Resolution No. 977-s.2018, dated November 27, 2018 which was published in the Philippine Star and Manila Bulletin on February 2, 2019, and filed with the Office of the National Administrative Register on February 8, 2019 and became effective fifteen (15) days thereafter or on February 23, 2019.

*Provided further*, that the petition to be filed by an employer pursuant to the Guidelines on the Warrants of Distrainment, Levy, and/or Garnishment shall be accompanied by the following:

(a) A copy of the SSS receipt with annotation of the words “payment under protest” indicating the payment of the entire assessed delinquency, inclusive of the contributions, penalties due, and damages, if any; and

(b) A copy of the Resolution issued by the SSS authorities of the Protest filed by the employer in accordance with the Guidelines on the Warrants of Distrainment, Levy, and/or Garnishment.

Otherwise, the petition shall not be entertained/docketed.

### **Section 3. Who May File Petition. -**

(a) Private Person - Any person, natural or juridical, who may be prejudiced by the enforcement or non-implementation of the provisions of the Social Security Act and its implementing rules and regulations may file a verified petition before the Commission either personally or through counsel.

(b) The SSS in appropriate cases may file a verified petition before the Commission through its legal counsel.

### **Section 4. Contents of Petition.\* -** The verified petition shall state the following:

(a) Name, capacity to sue and address and contact number/s of the petitioner;

(b) Name, address and contact number/s of the respondent, “if known”;

(c) A clear and concise statement of the cause or causes of action. If the cause of action involves violation of the Social Security Act, the particular section or sections violated shall be indicated. If the act complained of concerns the implementation of a rule, regulation, resolution, memorandum or order of the Commission, the date of the promulgation of such rule, regulation, resolution, memorandum or order should be mentioned whenever practicable.

(d) Other jurisdictional facts.

(e) The remedy or relief sought.

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\* In applicable cases, the petitioner may accomplish or follow the template petitions which can be accessed in the SSS website ([www.sss.gov.ph](http://www.sss.gov.ph)) in the section “The 2016 Rules of Procedure of the Social Security Commission/Template Petitions/Others”, or copies thereof may be secured at the Office of the Executive Clerk of the Commission, Makati, Metro Manila, or at any Regional Commission Legal Department.

**Section 5. Summons.** - The Executive Clerk of the Commission or his/her Deputy, in accordance with the existing office internal guidelines, shall forthwith issue the corresponding summons to the respondent and to the intervenor together with a copy of the petition.

**Section 6. Service of Summons. –**

(a) **Service in person on respondent** - The summons shall be served by handing a copy thereof to the respondent in person, or, if he/she refuses to receive and sign it, by tendering and leaving a copy to him/her.

(b) **Substituted Service** - If, for justifiable causes, the respondent cannot be served within a reasonable time after at least three (3) attempts made on separate days, as provided in the preceding paragraph, service may be effected (1) by leaving copies of the summons at the respondent's residence with any person of suitable age and discretion then residing therein, or (2) by leaving the copies at the respondent's office or regular place of business with any competent person in charge thereof.

(c) **Service upon entity without juridical personality** - When persons associated in an entity without juridical personality are sued under the name by which they are generally or commonly known, service may be effected upon all the respondents by serving upon any one of them, or upon the person in charge of the office or place of business maintained in such name. Such service, however, shall not bind individually any person whose connection with the entity concerned has, upon due notice, been severed before the action was brought.

(d) **Service upon minors and incompetents** - When the respondent is a minor, insane or otherwise an incompetent, service shall be made upon him/her personally and upon his/her legal guardian if he/she has one, or if none, upon his/her guardian *ad litem* whose appointment shall be applied for by the petitioner. In the case of a minor, service may also be made upon his/her father or mother.

(e) **Service upon domestic private juridical entity** - When the respondent is a corporation, partnership or association organized under the laws of the Philippines with a juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel, or directors or trustees of the corporation, wherever they may be found, or their respective secretaries at the respondent's office.

If the service cannot be made upon anyone of the foregoing, service shall be made upon a person at the respondent's office with whom the respondent has a relationship of confidence, ensuring the latter would actually receive the summons.

(f) **Service upon foreign private juridical entity** - When the respondent is a foreign private juridical entity which has transacted business in the Philippines, service may be made upon its resident agent designated in accordance with law for that purpose,



or, if there be no such agent, upon the government official designated by law to that effect, or upon any of its officers or agents within the Philippines.

**(g) Service upon respondent whose identity or whereabouts are unknown** - In any action where the respondent is designated as an unknown owner, or the like, or whenever his/her whereabouts are unknown and cannot be ascertained by diligent inquiry, service may, by leave of the Commission, be effected upon him/her by publication in a newspaper of general circulation and in such places and for such time as the Commission may order, or by announcement in a radio/TV station of nationwide broadcast in such places as the Commission may determine, at the expense of the petitioner. If the latter is indigent, upon proper motion and proof of such fact, the Commission may cause such publication at the expense of the SSS.

For this purpose, an “indigent or low-income litigant” shall include anyone who has no visible means of support or whose income does not exceed Thirty Thousand Pesos (₱30,000.00) per month or whose income even in excess of Thirty Thousand Pesos (₱30,000.00) per month is insufficient for the subsistence of his/her family, which fact shall be determined by the Hearing Commissioner or Hearing Officer.

**(h) Extraterritorial service and service upon residents temporarily out of the Philippines** - When the respondent does not reside and is not found in the Philippines, and the action affects the personal status of the petitioner or relates to, or the subject of which is, property within the Philippines, in which the respondent has or claims a lien or interest, actual or contingent, or when an action is commenced against a respondent who ordinarily resides within the Philippines, but who is temporarily out of it, service may, in addition to those provided under the Rules of Court, by leave of the Commission, be effected by announcement in a radio/TV station of nationwide broadcast, in such places and for such time as the Commission may determine, at the expense of the petitioner. If the latter is indigent, upon proper motion and proof of such fact, the same shall be at the expense of the SSS; *provided*, however, that such expenses shall be charged and recoverable as costs.

**Section 7. Leave of Commission.** - Any application under these Rules for leave to effect service in any manner for which leave of Commission is necessary shall be made by motion in writing, supported by affidavit of the petitioner or some person on his/her behalf, setting forth the grounds for the application. Any order granting such leave shall specify a reasonable period, which shall not be more than sixty (60) days after publication, within which the respondent may answer.

**Section 8. Proof of Service.** - The proof of service of a summons shall be made in writing by the server and shall set forth the manner, place, and date of service and shall specify the papers which have been served with the process and the name of the person who received the same and his/her relationship to the respondent or his/her position/designation in the office.

**Section 9. Proof of Service by Radio/TV Announcement/Publication.** - If the service has been made by announcement over the radio/TV, service may be proved by the affidavit or certification executed by the station manager of the radio/TV station or the

announcer or anchorperson of the program that aired the summons or by the proper SSS personnel who effected the announcement if the announcement is caused by the Commission through the SSS.

If the service has been made by publication, service may be proved by the affidavit or certification issued by the publisher, editor or business/advertising manager of the publication, attaching thereto a clear and legible copy thereof or a certification by the SSS attaching thereto a copy of the publication, if the publication was caused by the Commission at the expense of the SSS.

**Section 10. Voluntary Appearance.** - The respondent's voluntary appearance in the case shall be equivalent to service of summons.

**Section 11. Answer.** - Within fifteen (15) days from service of summons and a copy of the petition, the respondent and the intervenor shall file their answer or intervention, as the case may be, not a motion to dismiss, and serve a copy thereof upon the petitioner. In no case shall extensions be granted except when, in the discretion of the Hearing Commissioner/Hearing Officer, there are good reasons therefor.

**Section 12. Default.** - If the respondent fails to answer within the time prescribed under Section 11, the Hearing Commissioner may, upon motion of the petitioner, or *motu proprio*, declare the respondent in default and shall either recommend rendition of judgment based on the allegations of the petition or forthwith proceed with the initial hearing to receive the petitioner's evidence *ex parte* and thereafter recommend to the Commission either the granting or denial of the petition as the evidence may warrant.

Should there be a subsequent proceeding, a party in default shall be entitled to notice of subsequent proceedings, but not to take part in the trial. He/She may, however, at any time after notice thereof and before judgment, file a motion under oath to set aside the order of default upon proper showing that his/her failure to answer was due to fraud, accident, mistake or excusable negligence and that he/she has a meritorious defense. In such case, the order of default may be set aside on such terms and conditions as the Commission may impose in the interest of justice.

**Section 13. Appearances.** - An attorney appearing for a party is presumed to be properly authorized for that purpose. In every case, he/she shall indicate in his/her pleadings and motions his/her Attorney's Roll Number, his/her IBP and PTR numbers for the current year, the number and date of issue of his/her MCLE certificate of compliance or exemption for the immediately preceding compliance period and the contact details such as email address, telephone number and cellphone number.

A non-lawyer may appear before the Commission only if:

(a) He/She represents himself/herself as party to the case;

(b) He/She represents an organization or its members or a juridical entity, *provided* that he/she shall be made to present a special power of attorney or a secretary's certificate

that he/she is an authorized representative of the organization or its members or the juridical entity.

(c) He/She is a law student who has successfully completed his/her 3<sup>rd</sup> year of the regular 4-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court. He/She may appear without compensation before the Commission to represent an indigent or low-income litigant accepted by the legal clinic. The appearance of such law student shall be under the direct supervision and control of a member of the Integrated Bar of the Philippines duly accredited by the law school. Any and all pleadings, motions, briefs, memoranda or other papers to be filed must be signed by the supervising attorney for and in behalf of the legal clinic.

The rules safeguarding privileged communication between attorney and client shall apply to similar communications made to or received by the law student, acting for the legal clinic.

The law student shall comply with the standards of professional conduct governing members of the Bar. Failure of an attorney to provide adequate supervision of student practice may be a ground for disciplinary action.

Appearances may be made orally or in writing. In both cases, the complete office address and contact numbers of parties and their counsels shall be made of record and the adverse party or his/her counsel or representative should be properly advised thereof.

Any change in the address of counsel or representative should forthwith be filed with the record of the case and notice thereof furnished the adverse party or counsel.

**Section 14. Authority to Bind Party.** - Attorneys and other representatives of parties shall have authority to bind their clients in all matters of procedure; but they cannot, without a special power of attorney or express consent, enter into a compromise agreement with the opposing party in full or partial discharge of a client's claim.

**Section 15. Fee of Agents, Attorneys, Etc.** - No agent, attorney or other person in charge of the preparation, filing or pursuing any claim for benefit under the Social Security Act shall demand or charge for his/her services any fee, and any stipulation to the contrary shall be null and void. The retention or deduction of any amount from any benefit granted under the aforementioned Act for the payment of fees for such services is prohibited: *Provided*, however, that any member of the Philippine Bar who appears as counsel in any case heard by the Commission shall be entitled to attorney's fees not exceeding ten percent (10%) of the benefits awarded by the Commission, which fees shall not be payable before the actual payment of the benefits, and any stipulation to the contrary shall be null and void.

**Section 16. Death of a Party.** - Whenever a party to a pending case dies, it shall be the duty of his/her counsel to inform the Commission within thirty (30) days after such

death about the fact thereof, and to give the names and addresses of his/her legal representative or representatives.

The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator.

The Commission shall forthwith order said legal representative or representatives to appear and be substituted within a period of thirty (30) days from notice.

### **RULE III\***

#### **JURISDICTION OF THE COMMISSION**

**Section 1. Jurisdiction.** - Any dispute arising under the Social Security Act with respect to coverage, entitlement to benefits, collection and settlement of contributions and penalties thereon, or any other matter related thereto, shall be cognizable by the Commission after the SSS, through the duly authorized personnel of the concerned SSS Department/Branch/ Representative Office had first taken action thereon in writing. *Provided*, that in case of denial of SS benefit claim, loan application, or other matters related thereto, the petition shall likewise be accompanied by a certification/resolution from the Benefits Review Committee and/or Flag Clearing Committee stating its findings and recommendation, subject to the transitory clause in Rule X hereof.

*Provided further*, that no petition filed by an employer pursuant to the Guidelines on the Warrants of Distrain, Levy, and/or Garnishment shall be entertained/docketed unless the employer first pays under protest the entire assessed delinquency, inclusive of the contributions, penalties due, and damages, if any. For this purpose, the petition shall be accompanied by a copy of the receipt with annotation of the words “payment under protest” indicating the payment of the entire assessed delinquency, inclusive of the contributions, penalties due, and damages, if any.

In the event that the petition is finally decided in favor of the employer, the entire protested amount or a portion thereof shall be refunded to said employer.

*Provided finally*, the petition shall not be entertained/docketed unless accompanied with a copy of the Resolution issued by the SSS authorities of the Protest filed by the employer in accordance with the Guidelines on the Warrants of Distrain, Levy, and/or Garnishment.

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\* Amended by SSC Resolution No. 977-s.2018 dated November 27, 2018 which was published in the Philippine Star and Manila Bulletin on February 2, 2019, and filed with the Office of the National Administrative Register on February 8, 2019 and became effective fifteen (15) days thereafter or on February 23, 2019.

**RULE IV**  
**VENUE, DESIGNATION OF HEARING**  
**COMMISSIONER AND HEARING OFFICER**

**Section 1. Venue.** - Petitions shall be heard at the 12<sup>th</sup> Floor SSS Makati Bldg., 6782 Ayala Avenue corner Rufino Street, Legazpi Village, Makati City, Metro Manila, if the petitioner resides in the National Capital Region; at Luzon Commission Legal Department, if the petitioner resides in Luzon; at the Visayas Commission Legal Department, if the petitioner resides in the Visayas; or at the Mindanao Commission Legal Department, if the petitioner resides in Mindanao.

However, the Hearing Commissioner may, upon motion of a party or *motu proprio*, transfer on meritorious grounds the venue of hearing of the case to any SSS Branch/Representative Office. In case of disagreement, venue shall be at the option of the petitioner.

**Section 2. Designation of Hearing Commissioner to Hear Case.** - Any member of the Commission may be assigned to hear a case pending before it and shall have the power to issue interlocutory orders and similar processes of the Commission. When so acting, the Hearing Commissioner shall bind the entire Commission which, for all intents and purposes, shall be considered the one actually issuing the interlocutory orders and similar processes; *Provided*, that resolutions or orders proposed by a Hearing Commissioner which finally dispose of a case shall be submitted to the Commission *en banc* for approval and confirmation before the promulgation thereof.

**Section 3. Designation of Hearing Officers.** - Any official or employee of the Commission, Commission Legal Department, and the Commission Secretariat who is a lawyer may be designated by the Commission as Hearing Officer with the following specific powers and duties:

(a) to receive the evidence, oral or documentary, of all parties to a case, including the admission or exclusion of evidence;

(b) to issue interlocutory orders and other similar processes in the course of a formal hearing presided over by him/her or in resolving motions or incidents as follows:

- Acting on extension of time to file answer and other pleadings
- Noting entry of appearance of counsel with the further directive to send a copy of the resolution, orders, pleadings and other court processes to the new counsel at his/her address
- Granting the withdrawal of appearance of counsel if with the conformity of client

- Requiring the investigation/information on respondent's new address or present whereabouts
- Requiring the verification of authenticity of documents submitted by the parties
- Requiring the submission of position paper
- Requiring the submission of a comment/opposition/reply
- Noting a pleading, report or other document submitted
- Reiterating a previous order issued by the Hearing Commissioner/Officer
- Requiring SSS to produce SSS records and/or the private parties to bring the originals of the supporting documents.

(c) to appoint counsel *de officio* for pauper litigants who are unable to secure the assistance of counsel;

(d) to perform such other acts as may be directed to be done by the Hearing Commissioner and as fairness and justice may warrant.

**Section 4. Impleading of an Indispensable or Necessary Party.** - If, at any time during the proceedings of a case involving entitlement to benefit, it is ascertained that there are other parties in interest without whom complete relief cannot be accorded, or a complete/final determination or settlement of the claim cannot be had, the Hearing Commissioner shall implead such indispensable or necessary parties, with proper notice to existing parties or counsel of records.

## RULE V

### PROCEEDINGS BEFORE THE HEARING COMMISSIONER OR HEARING OFFICER

**Section 1. Mandatory Pre-Hearing.** - Within fifteen (15) calendar days after the answer/responsive pleading is filed, the case shall be set for mandatory pre-hearing conference wherein the parties and their attorneys or their duly authorized representatives are required to appear before the Hearing Commissioner or Hearing Officer to consider:

- (a) The possibility of amicable settlement;
- (b) The simplification of the issues;
- (c) The necessity and desirability of amendments to the pleadings;
- (d) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;

- (e) The possible limitation of the number of witnesses to be presented;
- (f) The necessity and advisability of referring certain issues for determination to a third person who may be commissioned for the purpose;
- (g) The propriety of rendering judgment on the pleadings, or summary judgment, or of dismissing the action should a valid ground therefor be found to exist;
- (h) The advisability or necessity of suspending the proceedings;
- (i) The necessity of requiring SSS to produce the SSS records and/or the private parties to bring the originals of the supporting documents; and
- (j) Such other matters as may aid in the speedy disposition of the case.

**Section 2. Summary Judgment or Settlement.** - If the petition does not raise a question of fact and involves purely questions of law, the Hearing Commissioner or Hearing Officer shall inform the parties that the case is deemed submitted for resolution based on the pleadings and documents submitted, and on existing applicable jurisprudence or previous decisions, rules and regulations of the Commission.

**Section 3. Continuance and Postponements.** - Requests for postponement of hearings may be granted by the Hearing Commissioner or Hearing Officer only when filed at least three (3) days before the date of hearing, copy furnished the other parties, unless the Hearing Commissioner or Hearing Officer, in the exercise of his/her discretion or in the interest of justice, allows a different mode of continuance; *Provided*, however, that no more than three (3) postponements upon the request of either of the parties shall be allowed during the pendency of the case, except for very good reasons in the discretion of the Hearing Commissioner or Hearing Officer.

**Section 4. Oaths, Affirmations, Witnesses and Production of Records.** - In all cases pending before or referred to it, the Commission shall have the power to issue *subpoena ad testificandum* and *subpoena duces tecum*, to compel any person to testify and to produce books, papers, correspondence and other records deemed necessary as evidence. Any person who without lawful excuse, shall fail or refuse to make oath, give testimony or produce documentary evidence shall be dealt with in accordance with Section 7 of the Social Security Act. In case of failure or refusal to produce documents for examination, the person concerned may likewise be liable for prosecution under Section 28 (e) of the Social Security Act. The Hearing Commissioners or Hearing Officers duly designated to hear cases, and the Executive Clerk, his/her Deputy, and the Hearing Clerks of the Commission, shall have the power to administer oaths or affirmation in all matters pending before the Commission. Any case of contumacy shall be dealt with by the Commission in accordance with law and these rules.

**Section 5. Submission of Position Papers.** - After the mandatory pre-hearing or during the hearing under Section 12, Rule II hereof, the Hearing Commissioner or Hearing Officer shall require the parties to simultaneously submit their respective verified position

papers not later than thirty (30) calendar days from receipt of the Order for this purpose unless the case falls under Section 2 of this Rule and is already deemed submitted for resolution. The Hearing Commissioner or Hearing Officer shall issue the Order for the submission of the position papers by the parties within five (5) working days after the mandatory pre-hearing or after the initial hearing. If all the parties and counsel are present during the hearing, the order for the submission of the position paper shall be done in open hearing. The position papers shall cover only the issues raised in the petition, accompanied by all supporting documents then available to them and the affidavits of their witnesses which shall take the place of their direct testimonies. The parties shall thereafter not be allowed to allege, or present evidence to prove facts not referred to and any cause or causes of action not included in their petition or position papers, affidavits and other documents. The parties shall furnish each other with copies of their position papers, together with the supporting documents submitted by them. Failure to submit position paper on time shall be considered a waiver of the right to present evidence and the Commission may, in proper cases, proceed to determine the issues based only on the pleadings and evidence on hand.

**Section 6. Determination of Necessity of Hearing.** - Immediately after the submission by the parties of their position papers and supporting documents, the Hearing Commissioner or Hearing Officer shall determine within ten (10) working days whether there is a need for further hearing. He/She may elicit pertinent facts or information, including documentary evidence, if any, from any party or witness to complete the facts of the case. Facts or information so elicited may serve as basis for clarification, simplification or limitation of the issues in the case, encouraging for this purpose further submission by the parties of admissions and stipulations of fact and/or resort to modes of discovery such as those allowed under Rules 24, 25, 26, and 27 of the Rules of Court, in order to abbreviate the proceedings. In no case shall the hearing last for more than three (3) months unless extended upon motion of a party or by the Commission *motu proprio* on meritorious or justifiable grounds. Whenever feasible and practicable, the Commission shall adopt electronic means to facilitate hearing of cases.

**Section 7. Role of Hearing Commissioner or Hearing Officer in Proceedings.** - The Hearing Commissioner or Hearing Officer shall personally conduct the hearing if deemed necessary after the submission of position papers. He/She shall take full control of the proceedings, examine the parties and their witnesses to satisfy himself/herself with respect to the matters at issue, and may allow the parties or their counsel to ask questions only for the purpose of clarifying points of law or of fact involved in the case. He/She shall limit the presentation of evidence to matters relevant to the issue before him/her and necessary for a just and speedy disposition of the case.

**Section 8. Transcripts.** - Pertinent hearings of the Commission shall be attended by a stenographer who shall take down notes of all the proceedings had therein. At the end of each hearing, it shall be the duty of the stenographer to immediately transcribe all the notes taken thereat and deliver said notes, as well as the transcription thereof to the Executive Clerk of the Commission or his/her Deputy, to be attached to the records of the case. Any interested party may secure the transcript of the stenographic notes taken at the hearing of his/her case by paying the stenographer concerned a fee of Five Pesos (₱5.00) per



typewritten page thereof; *Provided*, that upon written request, an indigent or low-income litigant, shall be furnished a free certified transcript of said notes.

## **RULE VI** **COMMISSION *EN BANC***

**Section 1. Sessions *En Banc*.** - In the issuance of final orders, resolutions, awards and decisions, the Commission shall sit *en banc*.

**Section 2. Contents of Decisions.** - The orders, resolutions, awards and decisions of the Commission on the merits of the case shall be in writing, which may or may not be based on the recommendations of the Hearing Commissioner and shall state clearly and distinctly the facts and the law or jurisprudence on which it is based and filed with the Executive Clerk of the Commission.

In making the orders, resolutions, awards and decisions, the Commission shall not be restricted to the specific relief claimed or demands made by the parties, but may include a determination of any matter which may be deemed necessary or expedient for the purpose of settling or preventing further controversy.

**Section 3. Findings and Recommendations.** - Within twenty (20) days after the submission of evidence of all the parties concerned, the Commissioner designated by the Commission to hear the case shall submit the records of the case together with the findings and recommendations to the Commission which may adopt, modify, or reverse the findings or remand the case to the Commissioner for further hearing and reception of evidence.

**Section 4. Orders, Resolutions, Awards, or Decisions.** - All final orders, resolutions, awards or decisions of the Commission shall require the concurrence of the majority of the Commissioners constituting a quorum and shall bear the seal of the Commission.

**Section 5. Motion for Reconsideration.** - The party aggrieved by the order, resolution, award or decision of the Commission may file a motion for reconsideration thereof within fifteen (15) days from receipt of the same. No second motion for reconsideration shall be allowed.

The filing of the motion for reconsideration shall interrupt the running of the period to appeal, unless said motion is *pro forma*.

The party interested in upholding the order, resolution, award or decision of the Commission may file his/her opposition to the motion for reconsideration within fifteen (15) days from receipt thereof.

**Section 6. Finality of Orders, Resolutions, Awards, Decisions.** - An order, resolution, award or decision of the Commission shall become final after the expiration of the period within which to appeal without such appeal having been filed. However, if the

order, resolution, award, or decision of the Commission is adverse to or against the SSS (or in favor of the other party who does not interpose any objection thereto, whether the latter is a petitioner or respondent), the same shall immediately become final and executory.

**Section 7. Service of Orders, Resolutions, Awards, Decisions.** - All orders, resolutions, awards, or decisions of the Commission shall be served by the Executive Clerk of the Commission or his/her Deputy upon the parties personally or by registered mail. The registry return card or the electronic Proof of Delivery (POD) generated by the on-line Proof of Delivery features of the Post Office or by the authorized Courier Service Provider shall be *prima facie* evidence of the receipt of the order, resolution, award or decision by the addressee.

Personal service is complete upon actual delivery. Service by registered mail is complete upon actual receipt by the addressee, provided that if he/she fails to claim his/her mail from the post office within five (5) days from the date of first notice of the postmaster, service shall take effect upon the expiration of such time. Provided further, service is completed five (5) days after first notice when party/counsel did not notify the Commission of his/her change of address.

When a party summoned by publication or by radio/TV announcement has failed to appear in the action, all orders, resolutions, awards or decisions against him/her shall be served upon him/her also by publication or by radio/TV announcement, at the expense of the prevailing party.

## **RULE VII APPEALS**

**Section 1. Appeals.** - Any order, resolution, award or decision of the Commission, in the absence of an appeal therefrom as herein provided, shall become final and executory fifteen (15) days after the date of notification to the parties, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his/her remedies before the Commission. The Commission shall be deemed to be a party to any judicial action involving any such decision, and may be represented by an attorney employed by the Commission, or when requested by the Commission, by the Solicitor General or any public prosecutor. A party may appeal the decision of the Commission to the Court of Appeals or Supreme Court as the case may be. *Provided*, that no appeal shall be brought by the SSS against the decision of the Commission.

In either appeal, no bond shall be required. If no appeal is perfected within the periods hereinabove fixed, the order, resolution, award, or decision of the Commission shall become final and may be executed as provided herein.

**Section 2. How Appeal Taken.** - Appeal shall be taken by filing a verified petition for review with the Court of Appeals under Section 5, Rule 43 of the Rules of Court or a verified petition for review on certiorari with the Supreme Court under Rule 45, as the case

may be, with proof of service of a copy thereof on the adverse party and on the Commission.

No appeal shall act as a *supersedeas* or a stay of the order of the Commission unless the Commission itself, the Court of Appeals, or the Supreme Court, shall so order.

## **RULE VIII EXECUTION**

**Section 1. Execution of Decisions.** - The Commission may, *motu proprio* or on motion of any interested party, issue a writ of execution to enforce any of its orders, resolutions, awards or decisions, after it has become final and executory, by directing the Sheriff of the Commission or the city or provincial sheriff to enforce such final decision or execute such writ in the same manner by which a decision of the Regional Trial Court is enforced. A hearing may also be conducted, with proper notice to the parties, in order to determine whether execution should issue or that no third-party claims are lodged against the losing party's properties, real or personal, or that the same are not exempt from execution, as provided under the Rules of Court.

**Section 2. Enforcement of Writ.** - In executing an order, resolution, award or decision, the Sheriff of the Commission shall be guided strictly by the Manual on the Execution of Decisions of the Social Security Commission which shall form part of these rules.

**Section 3. Contempt.** - Any person who shall fail or refuse to comply with such decision, award, or writ, after being required to do so shall, upon application by the Commission, pursuant to Rule 71 of the Rules of Court, be punished for contempt.

## **RULE IX EXECUTIVE CLERK OF THE COMMISSION**

**Section 1. Powers and Duties of the Executive Clerk of the Commission.** - The Secretary to the Commission shall be its Executive Clerk and shall have the following powers and duties:

(a) to receive all papers authorized or required to be filed with the Commission in connection with any question or controversy raised before it and to stamp the date and hour of the filing thereof;

(b) to issue summons and notices to the parties in cases pending with the Commission;

(c) to keep such book or books as may be necessary for recording all the proceedings before the Commission and its awards or decisions;

(d) to compile, for the purpose of publication in a series of volumes to be designated “Reports of the Social Security Commission of the Philippines”, such orders, resolutions and decisions of the Commission certified by the Executive Clerk as being, in the judgment of the Commission, of general public interest;

(e) to administer oaths in all matters pending before the Commission; and

(f) to perform such other duties as may be assigned by the Commission.

The records of the proceedings before the Commission under these rules shall be open to the public for inspection during regular office hours. The Commission, however, shall have the power to exclude particular record or records from public scrutiny which in its judgment, are of such a confidential character that their revelation would be prejudicial to either party to the case.

**Section 2. Deputy Clerk.** - There shall be a Deputy Clerk of the Commission who shall discharge such duties as provided in these rules and may be assigned by the Commission and the Executive Clerk.

Regional Clerk of the Commission may be designated by the Commission as the need arises.

## **RULE X TRANSITORY PROVISION**

The Commission may, for a period of two (2) years from effectivity hereof, *motu proprio* accept and take cognizance of a petition lacking the approved resolution of the Benefits Review Committee and/or Flag Clearing Committee under Section 2, Rule II hereof, in the interest of public service and social justice.

Provided, that once the Commission has taken cognizance of the petition, the Benefits Review Committee and/or the Flag Clearing Committee shall refrain from acting on the claim.

## **RULE XI REPEAL**

**Section 1. Repeal.** - All Commission Rules previously adopted and inconsistent herewith are hereby repealed.

## **RULE XII EFFECTIVITY**

**Section 1. Effectivity.** - These rules shall become effective fifteen (15) days after publication in at least two (2) newspapers of general circulation.

Makati City, Philippines, May 25, 2016.

# **MANUAL ON EXECUTION OF DECISIONS OF THE SOCIAL SECURITY COMMISSION**

Pursuant to the provisions of Republic Act No. 8282, otherwise known as the Social Security Act of 1997, in relation to Section 1, Rule VIII of the 2016 Rules of Procedure of the Social Security Commission, the following Manual on Execution of Decisions of the Social Security Commission is hereby adopted and promulgated:

## **RULE I TITLE AND CONSTRUCTION**

**Section 1. Title.** - This Manual shall be known as the Manual on Execution of Decisions (Sheriff's Manual) of the Social Security Commission (hereinafter referred to as Commission).

**Section 2. Construction.** - This Manual shall be construed in a manner that shall attain a just, expeditious and inexpensive execution of a decision or award of the Commission.

**Section 3. Suppletory Application of the 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 a judgment, and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

## **RULE II THE SHERIFF**

**Section 1. Sheriff.** - The Sheriff shall be an employee of the Social Security System duly designated as such by the Commission.

**Section 2. Duties.** - The sheriff shall execute and enforce all writs, serve all processes and carry into effect any decision or award of the Commission.

**Section 3. Responsibility and Bond.** - Only bonded sheriffs may serve writs of execution involving the taking, holding or delivery 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 Social Security System of all properties, real or personal, that may officially come into his/her control and custody.

**Section 4. Norm of Conduct.** - The sheriff must, in the performance of his/her official duties, exercise prudence and conduct himself/herself in an upright manner. He/She must exert every reasonable effort to achieve the purpose of the writ.

**Section 5. Control and Supervision Over the Sheriff.** - The Commission shall have full control and supervision over the sheriff assigned to enforce the writ of execution.

The Commission may authorize the sheriff to carry duly licensed firearms in the enforcement of final decisions or awards and, in appropriate cases, deputize the Philippine National Police or any law enforcement agencies to assist the sheriff in the enforcement of the writ of execution.

### **RULE III THE WRIT OF EXECUTION**

**Section 1. Execution of Decisions or Awards.** - Execution shall issue as a matter of right, *motu proprio* or on motion of any interested party, after a decision or award has become final and executory.

**Section 2. Execution by Motion or by Independent Action.** - A final and executory decision or award may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a decision or award may be enforced by action. The revived decision or award may also be enforced by motion within five (5) years from date of its entry and thereafter by action before it is barred by the statute of limitations.

**Section 3. Issuance, Form, and Contents of a Writ of Execution.** - The writ of execution shall: 1) issue in the name of the Republic of the Philippines from the Social Security Commission; 2) state the case number and title and the dispositive part of the subject final decision or award; 3) require the sheriff to whom it is directed to enforce the writ according to its terms.

### **RULE IV EXECUTION**

**Section 1. Property Exempt from Execution.** - Except as otherwise expressly provided by law, the following property, and no other, shall be exempt from execution:

(a) The losing party's family home as provided by law, or the homestead in which he/she resides, and land necessarily used in connection therewith;

(b) Ordinary tools and implements personally used by him/her in his/her trade, employment, or livelihood;

(c) Three (3) horses, or three (3) cows, or three (3) carabaos, or other beasts of burden, such as the losing party may select necessarily used by him/her in his/her ordinary occupation;

(d) His/Her necessary clothing and articles for ordinary personal use, excluding jewelry;

(e) Household furniture and utensils necessary for housekeeping, and used for that purpose by the losing party and his/her family, such as the losing party may select, of a value not exceeding One Hundred Thousand Pesos (₱100,000.00);

(f) Provisions for individual or family use sufficient for four (4) months;

(g) The professional libraries and equipment of judges, lawyers, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers, and other professionals, not exceeding Three Hundred Thousand Pesos in value (₱300,000.00);

(h) One (1) fishing boat and accessories not exceeding the total value of One Hundred Thousand Pesos (₱100,000.00) owned by a fisherman and by the lawful use of which he/she earns his/her livelihood;

(i) So much of the salaries, wages, or earnings of the losing party for his/her personal services within the four (4) months preceding the levy as are necessary for the support of his/her family;

(j) Lettered gravestones;

(k) Monies, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance;

(l) The right to receive legal support, or money or property obtained as such support, or any pension or gratuity from the Government;

(m) Properties specially exempted by law.

**Section 2. Execution in Case of Death of Party.** - In case of the death of a party, execution may issue or be enforced in the following manner:

(a) In case of the death of the prevailing party, upon the application of his/her executor or administrator, or successor in interest;

(b) In case of the death of the losing party, against his/her executor or administrator or successor in interest;

(c) In case of the death of the losing party, after the execution is actually levied upon any of his/her property, the same may be sold for the satisfaction of the judgment

obligation, and the sheriff making the sale shall account to his/her executor or administrator or successor in interest for any surplus in his/her hands.

**Section 3. Execution of Judgment, How Enforced; Immediate Payment on Demand.** - The sheriff shall enforce an execution of a decision or award by demanding from the losing party the immediate payment of the full amount stated in the writ of execution and all lawful fees. The losing party shall pay in cash, certified bank check payable to the Social Security System, or any other form of payment acceptable to the latter, the amount of judgment debt and the lawful fees under proper receipt directly to the Social Security System or its authorized representative.

The excess, if any, shall be delivered to the losing party while the lawful fees shall be retained by the Social Security System for disposition as may be determined by the Commission. In no case shall the executing sheriff demand that any payment by check be made payable to him/her.

**Section 4. Voluntary Satisfaction of Judgment.** - Any voluntary tender of payment by the losing party shall be effected by depositing the same with the cashier of the Social Security System and shall be released only upon orders from the Commission.

## **RULE V LEVY**

**Section 1. Satisfaction by Levy.** - If the losing party cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the Social Security System, the officer shall levy upon the properties of the losing party 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 losing party 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.

The sheriff shall sell only a sufficient portion of the personal or real property of the losing party which has been levied upon.

When there is more property of the losing party than is sufficient to satisfy the judgment and lawful fees, he/she must sell only so much of the personal or real property as is sufficient to satisfy the judgment and lawful fees.

Real property, stocks, shares, debts, credits, and other personal property, or any interest in either real or personal property, may be levied upon in like manner.

**Section 2. Levy on Personal Property.** - To constitute a valid levy on personal property, the sheriff must take possession and control of the same in the following manner:



(a) Personal property capable of manual delivery, by taking and safely keeping it in his/her capacity as sheriff after issuing the corresponding receipt therefor;

(b) Stocks, 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 or award, and a notice stating that the stock or interest of the party against whom the levy is issued, is levied pursuant thereto;

(c) 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 or award and a notice that said interest is levied. A copy of said decision 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 order, resolution, award or decision, and notice shall be filed with the proper court, and notice of levy served upon the custodian of such property.

**Section 3. Garnishment of Debts and Credits.** - The sheriff may levy on debts due the losing party 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/her possession or control such credits to which the losing party is entitled. The garnishment shall cover only such amount as will satisfy the judgment and all lawful fees.

The garnishee shall make a written report to the Commission within five (5) days from service of the notice of garnishment stating whether or not the losing party has sufficient funds or credits to satisfy the amount of the judgment. If not, the report shall state how much funds or credits the garnishee holds for the losing party. The garnished amount in cash, or certified bank check issued in the name of the Social Security System, shall be delivered within ten (10) working days from service of notice on said garnishee requiring such delivery, as well as the lawful fees.

In the event there are two (2) or more garnishees holding deposits or credits sufficient to satisfy the judgment, the losing party, if available, shall have the right to indicate the garnishee or garnishees who shall be required to deliver the amount due; otherwise, the choice shall be made by the Social Security System.

**Section 4. Effect of Garnishment.** - Garnishment is effected by the sheriff 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/her (garnishee) to hold the same subject to further orders from the Commission. Where the property garnished consists of money deposited with a bank or

third-party, the Commission shall order that the same shall only be released to the Social Security System.

**Section 5. Levy on Real Property.** - Real property or any interest therein may be levied in the following manner:

(a) 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 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 order, resolution, award or decision, 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 Social Security System and the losing party.

(b) 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 award, together with a description of the property, and a notice that such real property, and any interest therein of said property, held or standing, in the name of such other person, naming him/her are levied by leaving with the occupant of the property, if any, and with such other persons, or his/her agents, if found within the province or city or at the residence of either, if within the province or city, a copy of such decision or award, description and notice.

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 the Social Security System, the losing party and of the person whom the property is held or in whose name it stands on the records.

**Section 6. Effect of Levy.** - The levy on execution shall create a lien in favor of the Social Security System over the right, title and interest of the losing party in such property at the time of the levy.

**Section 7. Effect of Levy on Debts and Credits.** - All persons having in their possession or under their control any credit or other similar personal property belonging to the party against whom levy is issued, or owing any debt to the latter, at the time of service upon them a copy of the decision or award, and notice, shall be liable to the Social Security System for the amount of such credits, debt or other property, until the levy is discharged, or any judgment recovered by him/her is satisfied, unless such property is

delivered or transferred, or such debts are paid, to the Social Security System through the sheriff, or its duly designated officer.

## **RULE VI THIRD-PARTY CLAIM**

**Section 1. Proceedings Where Property Claimed by Third Person.** - If the property levied on is claimed by any person other than the losing party or his/her agent, such person shall make an affidavit of his/her title thereto or right to the possession thereof, stating the grounds of such right or title, and shall file the same with the sheriff and copies thereof served upon the Commission and upon the prevailing party. Upon receipt of the third-party claim, all proceedings with respect to the execution of the property subject of the third-party claim, shall automatically be suspended and the Commission shall conduct a hearing with due notice to all parties concerned and resolve the claim within ten (10) working days from receipt thereof.

However, should the prevailing party put up an indemnity bond in a sum not less than the value of the property levied, execution shall proceed. In case of disagreement as to such value, the same shall be determined by the Commission.

**Section 2. Resolution of the Third-Party Claim; Effect.** - In the event the third-party claim is declared to be valid, the sheriff shall immediately release the property to the third-party claimant, his/her agent or representative and the levy on execution shall immediately be lifted or discharged. However, should the third-party claim be found to be without basis, the sheriff shall proceed with the execution of the property levied upon as if no third-party claim has been filed.

## **RULE VII SALE OF PROPERTY ON EXECUTION**

**Section 1. Notice of Sale.** - Before the sale of property on execution, notice thereof must be given as follows:

(a) In case of perishable property, by posting written notice of the time and place of the sale in three (3) public places, preferably in conspicuous areas of the SSS branch/representative office, municipal or city hall and public market in the municipality or city, where the sale is to take place, for such time as the sheriff may deem reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in the three (3) public places above-mentioned for not less than five (5) days;

(c) In case of real property, by posting for twenty (20) days in the three (3) public places above-mentioned 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 (₱50,000.00), by publishing a copy of the notice once a week for two (2) consecutive weeks in one (1) newspaper selected by raffle, whether in English, Filipino, to any major regional language published, edited and circulated or, in the absence thereof, having general circulation in the province or city.

(d) In all cases, written notice of the sale shall be given to the losing party, at least three (3) days before the sale, except as provided in paragraph (a) hereof where notice shall be given at any time before the sale, in the same manner as personal service of pleadings and other papers as provided by Section 6 (a), Rule II of the 2016 Rules of Procedure of the Social Security Commission.

The notice shall specify the place, date and exact time of the sale which should not be earlier than nine o'clock in the morning and not later than two o'clock in the afternoon. The place of the sale may be agreed upon by the parties. In the absence of such agreement, the sale of real or personal property shall be held at the Commission, SSS Bldg., Makati City, Metro Manila, at the branch/representative office of the Social Security System, or in the place where the property is stored or located.

An execution sale without the valid levy and notice of sale as herein provided is null and void and vests no title in the purchaser.

**Section 2. No Sale if Judgment and Costs Paid.** - At any time before the sale of property on execution, the losing party may prevent the sale by paying the amount required by the execution and the costs that have been incurred therein.

**Section 3. How Property Sold on Execution; Who May Direct Manner and Order of Sale.** - All sales of property under execution must be made at public auction, to the highest bidder, to start at the exact time fixed in the notice. After sufficient property has been sold to satisfy the execution, no more shall be sold and any excess property or proceeds of the sale shall be promptly delivered to the losing party or his/her authorized representative. When the sale is of real property, consisting of several known lots, they must be sold separately; or, when a portion of such real property is claimed by a third person, he/she may require it to be sold separately. When the sale is of personal property capable of manual delivery, it must be sold within the view of those attending the same and in such parcels as are likely to bring the highest price. The losing party, if present at the sale, may direct the order in which property, real or personal, shall be sold, when such property consists of several known lots or parcels which can be sold to advantage separately. The sheriff conducting the execution sale can neither become a purchaser, nor be interested directly or indirectly in any purchase at such sale.

**Section 4. Refusal of Purchaser to Pay.** - If a purchaser refuses to pay the amount bid by him/her for property struck off to him/her at a sale under execution, the sheriff may again sell the property to the highest bidder and shall not be responsible for any loss occasioned thereby; but the Commission may order the refusing purchaser to pay to the Commission the amount of such loss, with costs. The amount of such payment shall be for the benefit of the person entitled to the proceeds of the execution unless the execution has

been fully satisfied, in which event, such proceeds shall be for the benefit of the losing party. The sheriff may thereafter reject any subsequent bid of such purchaser who refuses to pay.

**Section 5. Prevailing Party as Purchaser.** - When the purchaser is the prevailing party, and no third-party claim has been filed, he/she need not pay the amount of the bid if it does not exceed the amount of the judgment. If it does, he/she shall pay only the excess.

**Section 6. Adjournment of Sale.** - By written consent of the prevailing party and the losing party, the sheriff may adjourn the sale to any date and time agreed upon by them in writing. Without such agreement, he/she may adjourn the sale from day to day if it becomes necessary to do so for lack of time to complete the sale on the day fixed in the notice or the day to which it was adjourned.

**Section 7. Conveyance to Purchaser of Personal Property Capable of Manual Delivery.** - When the purchaser of any personal property, capable of manual delivery, pays the purchase price, the sheriff making the sale shall deliver the property to the purchaser and, if desired, execute and deliver to him/her a certificate of sale. The sale conveys to the purchaser all the rights which the losing party had in such property as of the date of the levy on execution.

**Section 8. Conveyance to Purchaser of Personal Property Not Capable of Manual Delivery.** - When the purchaser of any personal property, not capable of manual delivery, pays the purchase price, the sheriff making the sale must execute and deliver to the purchaser a certificate of sale. Such certificate conveys to the purchaser all the rights which the losing party had in such property as of the date of the levy on execution.

**Section 9. Conveyance of Real Property; Certificate Thereof Given to Purchaser and Filed With the Registry of Deeds.** - Upon a sale of real property, the sheriff must give to the purchaser a certificate of sale containing:

- (a) A particular description of the real property sold;
- (b) The price paid for each distinct lot or parcel;
- (c) The whole price paid by him/her;
- (d) A statement that the right of redemption expires one (1) year from the date of the registration of the certificate of sale.

Such certificate must be registered in the registry of deeds of the place where the property is situated.

**Section 10. Certificate of Sale Where Property Claimed by Third Person.** - When a property sold by virtue of a writ of execution is claimed by a third person, the

certificate of a sale to be issued by the sheriff pursuant to sections 7, 8 and 9 of this Rule shall make express mention of the existence of such third-party claim.

**Section 11. Redemption of Real Property Sold; Who May Redeem.** - Real property sold as provided in the last preceding section or any part thereof sold separately, may be redeemed in the manner hereinafter provided, by the following persons:

(a) The losing party, or his/her successor in interest in the whole or any part of the property;

(b) A creditor having a lien by virtue of an attachment, judgment or mortgage on the property sold, or on some part thereof, subsequent to the lien under which the property was sold. Such redeeming creditor is termed a redemptioner.

**Section 12. Time and Manner of, and Amounts Payable on, Successive Redemptions; Notice to be Given and Filed.** - The losing party, or redemptioner, may redeem the property from the purchaser, at any time within one (1) year from the date of the registration of the certificate of sale, by paying the purchaser the amount of his/her purchase, with one per centum (1%) per month interest thereon, in addition up to the time of redemption, together with the amount of any assessments or taxes which the purchaser may have paid thereon after purchase, and interest on such last-named amount at the same rate; and if the purchaser be also a creditor having a prior lien to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such other lien, with interest.

Property so redeemed may again be redeemed within sixty (60) days after the last redemption upon payment of the sum paid on the last redemption, with two per centum (2%) thereon in addition, and the amount of any assessments or taxes which the last redemptioner may have paid thereon after redemption by him/her, with interest on such last-named amount, and in addition, the amount of any liens held by said last redemptioner prior to his/her own, with interest. The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty (60) days after the last redemption, on paying the sum paid on the last previous redemption, with two per centum (2%) thereon in addition, and the amounts of any assessments or taxes which the last previous redemptioner paid after the redemption thereon, with interest thereon, and the amount of any liens held by the last redemption prior to his/her own, with interest.

Written notice of any redemption must be given to the sheriff who made the sale and a duplicate filed with registry of deeds of the place, and if any assessments or taxes are paid by the redemptioner or if he/she has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and filed with the registry of deeds; if such notice be not filed, the property may be redeemed without paying such assessments, taxes or liens.

**Section 13. Effect of Redemption by Losing Party, and a Certificate to be Delivered and Recorded Thereupon; To Whom Payments on Redemption Made.** - If the losing party redeems, he/she must make the same payments as are required to effect a redemption by a redemptioner, whereupon, no further redemption shall be allowed and he/she is restored to his/her estate. The person to whom the redemption payment is made must execute and deliver to him/her a certificate of redemption acknowledged before a notary public or other officer authorized to take acknowledgements of conveyances of real property. Such certificate must be filed and recorded in the office of the registry of deeds of the place in which the property is situated, and the register of deeds must note the record thereof on the margin of the record of the certificate of sale. The payments mentioned in this and the last preceding sections may be made to the purchaser or redemptioner, or for him/her to the sheriff or duly designated officer who made the sale.

**Section 14. Proof Required of Redemptioner.** - A redemptioner must produce to the sheriff, or person from whom he/she seeks to redeem, and serve with his/her notice to the sheriff a copy of the judgment or final order under which he/she claims the right to redeem, certified by the Executive Clerk of the Commission or his/her Deputy; or, if he/she redeems upon a mortgage or other lien, a memorandum of the record thereof, certified by the register of deeds; or an original or certified copy of any assignment necessary to establish his/her claim; and an affidavit executed by him/her or his/her agent, showing the amount then actually due on the lien.

**Section 15. Deed and Possession to be Given at Expiration of Redemption Period; By Whom Executed or Given.** - If no redemption be made within one (1) year from the date of the registration of the certificate of sale, the purchaser is entitled to a conveyance and possession of the property; or, if so redeemed whenever sixty (60) days have elapsed and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner is entitled to the conveyance and possession; but in all cases, the losing party shall have the entire period of one (1) year from the date of the registration of the sale to redeem the property. The deed shall be executed by the sheriff making the sale or by his/her successor in office, and in the latter case shall have the same validity as though the sheriff making the sale had continued and executed it.

Upon the expiration of the right of redemption, the purchaser or redemptioner shall be substituted to and acquire all the rights, title, interest, and claim of the losing party to the property as of the time of the levy. The possession of the property shall be given to the purchaser or last redemptioner by the same sheriff unless a third party is actually holding the property adversely to the losing party.

**Section 16. Recovery of Price If Sale Not Effective; Revival of Judgment.** - If the purchaser of real property sold on execution, or his/her successor in interest, fails to recover the possession thereof, or is evicted therefrom, in consequence of irregularities in the proceedings concerning the sale, or because the judgment has been reversed or set aside, or because a third person has vindicated his claim to the property, he may, on motion, recover from the prevailing party the price paid, with interest, or so much thereof

as has not been delivered to the losing party; or he/she may, on motion, have the original judgment revived in his/her name for the whole price with interest, or so much thereof as has been delivered to the losing party. The judgment so revived shall have the same force and effect as an original judgment would have as of the date of the revival and no more.

**Section 17. Entry of Satisfaction of Judgment by the Executive Clerk of the Commission or his/her Deputy** - Satisfaction of a judgment shall be entered by the Executive Clerk of the Commission or his/her Deputy in the case docket, and in the execution book, upon the return of a writ of execution showing the full satisfaction of the judgment, or upon the filing of an admission to the satisfaction of the judgment executed and acknowledged in the same manner as a conveyance of real property by the prevailing party or by his/her counsel unless a revocation of his/her authority is filed, or upon the endorsement of such admission by the losing party or his/her counsel on the face of the record of judgment.

## **RULE VIII SHERIFF'S RETURN**

**Section 1. Return of Writ of Execution.** - The writ of execution shall be returnable to the Commission immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his/her receipt of the writ, the sheriff shall report to the Commission and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The sheriff shall make a report to the Commission every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the Commission and copies thereof promptly furnished the parties.

**Section 2. Break Open Order; When Issued.** - Should the losing party, his/her agent or representative refuse or prohibit the sheriff or his/her authorized representative entry to the place where the property subject of execution is located or kept, the interested party may apply to the Commission for a break open order which the latter may issue after due notice and hearing.

## **RULE IX MISCELLANEOUS PROVISIONS**

**Section 1. Hours and Days When Writ Shall Be Served.** - Writ of execution shall be served at any day, except Saturdays, Sundays, and holidays, between the hours of eight in the morning (8:00 A.M.) and five in the afternoon (5:00 P.M.). If, by the nature of the losing party's business, it requires the implementation of the same beyond the period provided herein a written authorization must be secured by the sheriff from the Commission.



**Section 2. Sheriff's Report.** - The sheriff enforcing the writ of execution shall make a monthly status report on its implementation to the Commission.

**Section 3. Storing of Levied Property.** - To avoid pilferage of or damage to levied property, the same shall be inventoried and stored in a secured place as may be determined by the Commission with the notice to the losing party or third-party claimant. In case of disagreement, the same shall be referred to the Commission for proper disposition. For this purpose, the sheriff shall inform the Commission of the corresponding storage fees, furnishing the Commission as well as the parties with a copy of the inventory by the losing party.

**Section 4. Referral of Questions Relative to Writ Enforcement.** - Questions relative to writ enforcement shall be referred to the Commission for resolution.

**Section 5. Sheriff's Expenses.** - The sheriff shall be provided at the beginning of the month with a cash advance not exceeding Ten Thousand Pesos (₱10,000.00) which shall be liquidated at the end of the month with a statement of expenses and itinerary of travel duly approved by the Commission or the Executive Clerk of the Commission or his/her Deputy.


**Section 6. Execution of Judgment in Certain Areas.** - Whenever practicable, in areas where there are no sheriffs, execution of judgment may be delegated by the Commission to the sheriff of the city or province where the property of the losing party sought to be levied/garnished is located. The sheriff shall make his/her return to the Commission within thirty (30) days from receipt thereof.

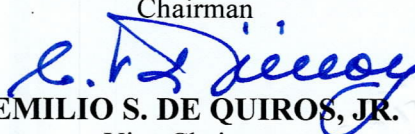
**Section 7. Sheriff's Identification.** - In the performance of their official duties, the sheriffs shall be in uniform and should carry at all times their identification cards and necessary papers or documents respecting their authority.

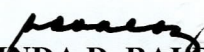
## **RULE X EFFECTIVITY**

**Section 1. Effectivity.** - This Manual shall become effective fifteen (15) days after publication in at least two (2) newspapers of general circulation.

Makati City, Philippines, May 25, 2016.

  
**JUAN B. SANTOS**  
Chairman

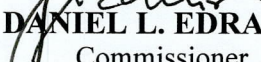
  
**EMILIO S. DE QUIROS, JR.**  
Vice-Chairman

  
**ROSALINDA D. BALDOZ**  
Secretary of Labor and Employment  
Ex Officio

Dept. of Labor & Employment  
Office of the Secretary

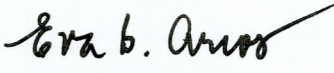


  
**DIANA PARDO AGUILAR**  
Commissioner

  
**DANIEL L. EDRALIN**  
Commissioner

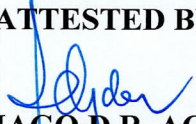
  
**BARRA A. MALONZO**  
Commissioner

  
**BIENVENIDO E. LAGUESMA**  
Commissioner

  
**EVA B. ARCOS**  
Commissioner

  
**MICHAEL VICTOR N. ALIMURUNG**  
Commissioner

**ATTESTED BY:**

  
**SANTIAGO D.R. AGDEPPA**  
Commission Secretary  
Executive Clerk of the Commission

### **ANNOTATION**

The 2016 Rules of Procedure of the Social Security Commission and the Manual on Execution of Decisions of the Social Security Commission were approved under Social Security Commission Resolution Nos. 328 and 329, respectively, both dated May 25, 2016, and published in the Philippine Daily Inquirer on June 27, 2016 and the Manila Bulletin on June 28, 2016, and filed with the Office of the National Administrative Register on July 5, 2016, and became effective fifteen (15) days thereafter or on July 20, 2016.