



RESOLUTION NO. 06-2008

**AMENDING CIAC RESOLUTION NO. 08-2004
(Prescribing a Policy In the Issuance of Writs of Execution
To be Addressed to the Clerk of Court/Ex-Officio Sheriffs)**

WHEREAS, on 12 August 2004, the CIAC passed Resolution No. 08-2004 (Prescribing a Policy In the Issuance of Writs of Execution To be Addressed to the Clerk of Court/Ex-Officio Sheriffs) requiring all writs of execution to be addressed to the Executive Clerk of Court/Ex-Officio Sheriff of the City or Province where the accounts/properties sought to be garnished/levied are located;

WHEREAS, the Commission, in its Special Meeting held on 11 September 2007, made the following clarifications on the issuance of writs of execution by the CIAC:

1. Pursuant to Section 20 (Execution and Enforcement of Awards) of Executive Order No. 1008, the CIAC may issue writs of execution addressed to any sheriff or other proper officer to enforce CIAC decisions, orders or awards;
2. There is no known restriction or limitation on the enforcement of writs of execution issued by the CIAC. Thus, the writs of execution issued by the CIAC may be enforced by the sheriff or other proper officer to whom the writ is addressed in any part of the Philippines without prior approval; and
3. Any of the properties of the losing party, not necessarily limited to the project in dispute and except those exempt from execution, can be subjected to garnishment in order to satisfy the writ of execution.

WHEREAS, the Commission, in its 108th Regular Meeting held on 30 April 2008, agreed to amend CIAC Resolution No. 08-2004 to reflect the above clarifications and to be consistent with the following provisions of E.O. No. 1008 (the Construction Industry Arbitration Law) and the Revised Rules of Court:

- E.O. No. 1008

“Section 20. Execution and Enforcement of Awards – As soon as a decision, order or award has become final and executory, the Arbitral Tribunal or the single arbitrator, with the concurrence of the CIAC, shall motu proprio or on motion of any interested party, issue a writ of execution requiring any sheriff or other proper officer to execute said decision, order or award.”

- Rule 135 (Powers & Duties of Court and Judicial Officers), Revised Rules of Court

SN

jsn

May