



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

OCA CIRCULAR NO. 131-2019

TO : ALL JUDGES AND CLERKS OF COURT OF COMMERCIAL CYBERCRIME COURTS

SUBJECT : FAITHFUL COMPLIANCE WITH SECTION 2.1 (VENUE OF CRIMINAL ACTIONS) AND SECTION 2.2 (WHERE TO FILE AN APPLICATION FOR A WARRANT) OF THE RULE ON CYBERCRIME WARRANTS DULY APPROVED BY THE COURT EN BANC THROUGH A.M. NO. 17-11-03-SC DATED 3 JULY 2018

Acting on the letter dated 8 July 2019 of Hon. Estela M. Perlas-Bernabe, Associate Justice and Chairperson, Sub-Committee on Commercial Courts, requesting for the circularization of the specific provisions, particularly Section 2.1 (*Venue of Criminal Actions*) and Section 2.2 (*Where to File an Application for a Warrant*) of the Rule on Cybercrime Warrants (RCW) which was approved by the Court *En Banc* through A.M. No. 17-11-03-SC dated 3 July 2018, all concerned are hereby **EXHORTED** to **OBSERVE** and **COMPLY** with said Sections 2.1 and 2.2 of RCW, the full text of which is as follows:

Section 2.1. Venue of Criminal Actions. - The criminal actions for violation of Section 4 (Cybercrime offenses) and/or Section 5 (Other offenses), Chapter II of RA 10175, shall be filed before the designated cybercrime court of the province or city where the offense or any of its elements is committed, or where any part of the computer system used is situated, or where any of the damaged caused to a natural or juridical person took place: Provided, that the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of the other courts.

All other crimes defined and penalized by the Revised Penal Code, as amended, and other special laws, committed by, through, and with the use of ICT, as provided under Section 6, Chapter II of RA 10175, shall be filed before the regular or other specialized regional trial courts, as the case may be.

Section 2.2. Where to File an Application for a Warrant. - An application for a warrant under this Rule concerning a violation of Section 4 (Cybercrime Offenses) and/or Section 5 (Other Offenses), Chapter II of RA 10175 shall be filed by the law enforcement authorities before any of the designated cybercrime courts of the province or the city where the offense or any of its elements has been committed, is being committed, or is about to be committed, or where any part of the computer system used is situated, or where any of the damage caused to a natural or juridical person took place. However, the cybercrime courts in Quezon City, the City of Manila, Makati City, Pasig City, Cebu City, Iloilo City, Davao City and Cagayan de Oro City shall have the special authority to act on applications and issue warrants which shall be enforceable nationwide and outside the Philippines.

On the other hand, an application for a warrant under this Rule for violation of Section 6, Chapter II of RA 10175 (all crimes defined and penalized by the Revised Penal Code, as amended, and other special laws, if committed by, through, and with the use of ICT) shall be filed by the law enforcement authorities with the regular or other specialized regional trial courts, as the case may be, within its territorial jurisdiction in the places above-described. (Emphasis underlined)

Strict compliance is enjoined.

23 July 2019


JOSE MIDAS P. MARQUEZ
Court Administrator