



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

OCA CIRCULAR NO. 64-2019

TO : ALL JUDGES OF FIRST AND SECOND LEVEL COURTS

SUBJECT : ISSUANCE OF SEARCH WARRANTS DURING ELECTION PERIOD

Acting on reports that the courts are being used by unscrupulous politicians to obtain search warrants against their rivals during this election period, all judges are hereby **REMINDED** and **ADVISED** to remain impartial and non-partisan, and be very circumspect on acting on applications for search warrants, to preclude the courts from being used for election purposes.

Courts must ensure their jurisdiction before entertaining applications for search warrants,¹ and conduct the proper proceedings before the same are issued.²

In *Rodriguez v. Villamiel*, the Court admonished that "of all the rights of a citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves the exemption of his private affairs, books and papers from inspection and scrutiny of others. While the power to search and seize is necessary to the public welfare, still it must be exercised and the law enforced without transgressing the constitutional rights of the citizens, for the enforcement of no statute is of sufficient importance to justify indifference to the basic principles of government."³ Thus, in issuing a search warrant, the judge must strictly comply with the requirements of the Constitution and the statutory provisions.⁴

¹ See Rules of Court, Rule 126, Section 2.

² See Rules of Court, Rule 126, Sections 4 and 5.


³ G.R. No. 44328, 23 December 1937.

⁴ People v. Mamaril, G.R. No. 147607, 22 January 2004.

Nothing can justify the issuance of a search warrant unless all legal requisites are fulfilled.⁵ At the very least, the disregard by a judge of the requirements for the issuance of a search warrant constitutes grave abuse of discretion.⁶

For strict compliance.

17 April 2019


JOSE MIDAS P. MARQUEZ
Court Administrator

⁵ People v. Salanguit, G.R. Nos. 133254-55, 19 April 2001.

⁶ Marcelo v. De Guzman, No. L-29077, 29 June 1982; Silva v. Presiding Judge, Br. 33, RTC, Dumaguete City, Negros Oriental, G.R. No. 81756, 21 October 1991; Uy v. Bureau of Internal Revenue, G.R. No. 129651, 20 October 2000.