



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

OCA CIRCULAR NO. 174-2019

TO : ALL JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : THE JUDGE WHO SHOULD ACT ON THE RETURN OF SEARCH WARRANT IN THE ABSENCE OF THE ISSUING JUDGE

In the 16 July 2019 Resolution in **A.M. No. 19-07-162-RTC** (*Re: Letter Dated March 21, 2019 of Hon. Elmer M. Lanuzo, Executive Judge, Regional Trial Court, Legazpi City, Albay*), the Court *En Banc* **RESOLVED** to **DIRECT** that, in the absence of the issuing judge, the return of search warrant shall be acted upon by the following:

A. Multiple Branch Station:

1. The pairing judge pursuant to Circular No. 7 and Circular No. 19-98;
2. In the absence of the pairing judge, the Executive Judge or, in his absence, the Vice Executive Judge pursuant to paragraphs h and i, Chapter IV of A.M. No. 03-8-02-SC (*Re: Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties*).

B. Single Branch Station:

The nearest presiding judge of the appropriate RTC and in the absence of the presiding judge thereof the presiding judge of the nearest MTC pursuant to OCA Circular No. 271-2016.

In all cases, the record shall be maintained in the *sala* of the issuing judge for monitoring purposes pursuant to paragraph c, Section 12, Rule 126, Rules of Court.

Any prior circular from the Office of the Court Administrator on this matter which is contrary to the foregoing is hereby superseded.

For your information, guidance and strict compliance.

14 October 2019


JOSE MIDAS P. MARQUEZ
Court Administrator

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