



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

**OCA CIRCULAR NO. 12-2024**

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

**SUBJECT: GUIDELINES FOR ESTABLISHING THE VALIDITY OF ADMINISTRATIVE WARRANTS**

In its Decision dated 28 February 2023 in **G.R. No. 242957** (*The Board of Commissioners of the Bureau of Immigration and the Jail Warden, Bureau of Immigration Detention Center, versus. Yuan Wenle*), the Court *en banc* laid down the guidelines for establishing the validity of administrative warrants. The Court stated that for administrative warrants to be valid and justified, all of the following conditions must be present and strictly complied with:

1. The danger, harm, or evil sought to be prevented by the warrant must be imminent and must be greater than the damage or injury to be sustained by the one who shall be temporarily deprived of a right to liberty or property;
2. The warrant's resultant deprivation of a right or legitimate claim of entitlement must be temporary or provisional, aimed only at suppressing imminent danger, harm, or evil and such deprivation's permanency must be strictly subjected to procedural due process requirements;
3. The issuing administrative authority must be empowered by law to perform specific implementing acts pursuant to well-defined regulatory purposes;
4. The issuing administrative authority must be necessarily authorized by law to pass upon and make final pronouncements on conflicting rights and obligations of contending parties, as well as to issue warrants or orders that are incidental to or reasonably necessary for the performance of the executive or administrative duty entrusted to it;
5. The issuance of an administrative warrant must be based on tangible proof of probable cause and must state a specific purpose or infraction allegedly committed with particular descriptions of the place to be searched and the persons or things to be seized;
6. The warrant issued must not pertain to a criminal offense or pursued as a precursor for the filing of criminal charges and any object seized pursuant to such writ shall not be admissible in evidence in any criminal proceeding;
7. The person temporarily deprived of a right or entitlement by an administrative warrant shall be formally charged within a reasonable time if no such period

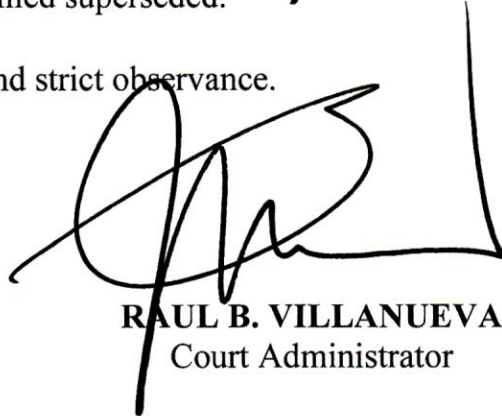
is provided by law and shall not be denied any access to a competent counsel of his or her own choice. Furthermore, in cases where a person is deprived of liberty by virtue of an administrative warrant, the adjudicative body which issued the warrant shall immediately submit a verified notice to the Regional Trial Court nearest to the detainee for purposes of issuing a judicial commitment order; and

8. A violation of any item of these guidelines is a *prima facie* proof of usurpation of judicial functions, malfeasance, misfeasance, nonfeasance, or graft and corrupt practices on the part of responsible officers.

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

For your information, guidance, and strict observance.

15 January 2024



**RAUL B. VILLANUEVA**  
Court Administrator