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

OCA CIRCULAR NO. 139-2024

TO : **ALL SPECIAL COMMERCIAL, CYBERCRIME, AND COMPETITION COURTS**

SUBJECT : **DEFINITION OF LAW ENFORCEMENT AUTHORITIES APPLYING FOR CYBERCRIME WARRANT UNDER SECTION 10 OF REPUBLIC ACT (R.A.) NO. 10175 (CYBERCRIME PREVENTION ACT OF 2012)**

The Technical Working Group (TWG) under the Special Committee on Cybercrime and Electronic Evidence on the Proposed Amendments on the Rule on Cybercrime Warrants requested the Office of the Court Administrator (OCA) to issue an OCA Circular clarifying the correct interpretation of Sec. 10 of R.A. No. 10175, which provides:

> SEC. 10. *Law Enforcement Authorities.* -- The National Bureau of Investigation (NBI) and the Philippine National Police (PNP) shall be responsible for the efficient and effective law enforcement of the provisions of this Act. The NBI and the PNP shall organize a cybercrime unit or center manned by special investigators to exclusively handle cases involving violations of this Act.

Concerned judges and law enforcement authorities are urged to take note of and apply the Department of Justice Opinion on the foregoing definition, which the members of the said TWG consider to be the more accurate interpretation, thus:

> "Sec. 10 of R.A. 10175 does not limit the powers of local/other law enforcement units of the PNP and NBI to apply for a Cybercrime Warrant. The exclusivity phrase provides a limitation on the type of cases that may be handled by the NBI-CCD [Cybercrime Division] and PNP-ACG [Anti-Cybercrime Group], true to their mandate of being a specialized unit. The intention of the law is to create these specialized units to handle cybercrime and cyber-related offenses without necessarily precluding other units to investigate the same types of offenses."

Therefore, **any duly authorized unit** of the PNP and NBI may file an application for a Cybercrime Warrant.

For information and guidance.

_06_ May 2024

RAUL B. VILLANUEVA
Court Administrator