

**[BOI Operations Order No. SBM-2015- 027,
August 14, 2015]**

**TEMPORARY PASS OF WARDS COMMITTED AT THE BI HOLDING
FACILITIES**

*Adopted: 14 August 2015
Date Filed: 18 August 2015*

WHEREAS, Article 3, Section 14 of the 1987 Constitution of the Philippines provides that in all criminal prosecutions, the accused has a right to have a speedy, impartial, and public trial, and to meet the witnesses face to face;

WHEREAS, Republic Act No. 9745 otherwise known as the "Anti-Torture Act of 2009" and its Implementing Rules and Regulations (IRR) mandate the Right to Physical Examination of every person arrested, detained, or under custodial investigation immediately before and after any transfer of the person to places of detention;

WHEREAS, the Bureau of Immigration (BI) recognizes the right of a ward with pending criminal case in court to have a speedy, impartial, and public trial, to meet the witnesses face to face;

WHEREAS, the BI recognizes the necessity of assuring that proper medical attention is given to a ward with reasonable need for treatment and assistance;

NOW THEREFORE, pursuant to the rule-making authority of the Immigration Commissioner under CA 613, Sec. 3, the following shall be observed:

Section 1. Duties of BI Warden Facility (BIWF) or other BI Holding facilities in sub-port. – Notices, subpoenas, or produce orders requiring the attendance of a ward detained at BIWF or other BI Holding facilities in sub-ports to appear before the Office of the Prosecutor or in court shall be indorsed to the Office of the Commissioner not later than three (3) days from its receipt for appropriate action.

Section 2. Approval by the Commissioner. All notices, subpoenas, or produce orders requiring the attendance of a ward shall require the approval of the Commissioner prior to its implementation.

Section 3. Presence of the Accused, when mandatory. – Presence of the accused is indispensable only at the following stages:

- (1) At the arraignment;
- (2) At the time of the defendant's answering the complaint, if he pleads guilty, and
- (3) At the pronouncement of the judgment;