

[CID LAW INSTRUCTIONS NO. 7, January 28, 1988]

HOLD DEPARTURE GUIDELINES

The Constitution provides in Article III, Bill of Rights:

SECTION 6. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public safety, or public health as may be provided by law.

Further, the 1985 Rules of Criminal Procedure, Rule 114, provides:

SECTION 15. .xxx — An accused released on bail may be re-arrested without the necessity of a warrant if he attempts to depart from the Philippines without prior permission of the court where the case is pending.

Under these provisions, we hereby set the following guidelines, effective today:

1. In case of doubt, the presumption shall be resolved in favor of the constitutional right to travel.
2. As a general rule, we shall issue Hold Departure (HD) order only when the applicant files authenticated copies — i.e., slumped, signed, and sealed — of:
 - a. Information in criminal case filed in court;
 - b. Order of the judge holding departure;
3. If a government agency requests for HD order;
 - a. It shall name the specific law (e.g. B.P. No. 10, Section 11) which authorizes the agency to make the request. But it shall be based only on any of the three grounds: national security, public safety, or public health;
 - b. The letter request shall be filed by a government official, at the level of a bureau director or higher.
4. Copies of the HD order shall be distributed not only to the proper government agencies, but also to the subject of the