

FIRST DIVISION

[A.M. No. 01-9-245-MTC, December 05, 2001]

RE: HOLD-DEPARTURE ORDER ISSUED BY JUDGE AGUSTIN T. SARDIDO, MTC, KORONADAL, SOUTH COTABATO IN CRIMINAL CASE NO. 19418

R E S O L U T I O N

KAPUNAN, J.:

This refers to an undated indorsement of Honorable Hernando B. Perez, Secretary of the Department of Justice, concerning a hold-departure order issued by Judge Agustin T. Sardido, Municipal Trial Court of Koronadal, South Cotabato in Criminal Case No. 19418 titled "People of the Philippines v. Jinky A. Besorio" for estafa. The said judge granted the motion of the private complainants and ordered the Bureau of Immigration to cause the issuance of a hold-departure order against the accused.

When required to comment on the matter, herein judge explained that at the time he issued the hold-departure order, he was unaware that he had no authority to do so. He further explained that he issued the questioned order based on his belief that he was authorized to do so.

Deputy Court Administrator Jose P. Perez, after finding that MTC Judge Sardido erred in issuing the subject hold-departure order, recommended that he be (a) reprimanded with a warning that a repetition of the same or similar acts in the future will be dealt with more severely, and (b) advised to keep himself abreast with the latest issuances of the Court.

The recommendation of the Deputy Court Administrator is well-taken.

Circular No. 39-97 provides that hold-departure orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts. Clearly then, Municipal Trial Courts do not have jurisdiction to issue hold-departure orders and it was an error on the part of MTC Judge Sardido to have issued one in the instant case.

To ensure the strict implementation of the Circular, the following guidelines were promulgated:

In order to avoid the indiscriminate issuance of Hold-Departure Orders resulting in inconvenience to the parties affected, the same being tantamount to an infringement on the right and liberty of an individual to travel and to ensure that the Hold-Departure Orders which are issued contain complete and accurate information, the following guidelines are hereby promulgated: