

## EN BANC

[ **A.M. No. 99-12-192-MTC, January 26, 2000** ]

### **HOLD DEPARTURE ORDER ISSUED BY ACTING JUDGE ANICETO L. MADRONIO, MUNICIPAL TRIAL COURT, MANAOAG, PANGASINAN IN CRIMINAL CASE NO. 5275.**

#### **D E C I S I O N**

##### **MENDOZA, J.:**

This refers to the indorsement, dated January 15, 1999, of the Secretary of Justice concerning a "hold-departure" order issued on December 22, 1998 by Acting Judge Aniceto L. Madronio, Jr., Municipal Trial Court, Manaoag, Pangasinan, in Criminal Case No. 5275, entitled "People of the Philippines v. Christopher Castrence," which is for forcible abduction with rape and homicide. The Secretary of Justice calls attention to the fact that the order in question is contrary to Circular No. 39-97, dated June 19, 1997, of this Court.

Indeed, the said circular limits the authority to issue hold departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction. It provides the following guidelines on the issuance of hold departure orders:

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:

1. Hold-Departure Orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts;
2. The Regional Trial Courts issuing the Hold-Departure Order shall furnish the Department of Foreign Affairs (DFA) and the Bureau of Immigration (BI) of the Department of Justice with a copy each of the Hold-Departure Order issued within twenty-four (24) hours from the time of issuance and through the fastest available means of transmittal;
3. The Hold-Departure Order shall contain the following information:
  - a. The complete name (including the middle name), the date and place of birth and the place of last residence of the person against whom a Hold-Departure Order has been issued or whose departure from the country has been enjoined;