

FIRST DIVISION

[A.M. No. 00-1281-MTJ, September 14, 2000]

**RE: HOLD-DEPARTURE ORDER DATED AUGUST 9, 1999 ISSUED
BY JUDGE SALVADOR B. MENDOZA, MCTC, PORO-SAN
FRANCISCO-TEDELA-PILAR, PORO, CEBU**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE SALVADOR B. MENDOZA, RESPONDENT.**

R E S O L U T I O N

KAPUNAN, J.:

This refers to the indorsement dated November 4, 1999 of then Secretary of Justice Serafin R. Cuevas to the Court Administrator concerning a "hold-departure" order issued on August 9, 1999 by Judge Salvador B. Mendoza, Municipal Circuit Trial Court, Poro-San Francisco-Tedela-Pilar, Poro, Cebu, in Criminal Case No. T-1806, entitled "People of the Philippines v. Arnie Pena Osabel." The Secretary urged the Court Administrator to look into the fact that the order in question was issued in violation of Supreme Court Circular No. 39-97 dated June 19, 1997.

Required to comment, Judge Mendoza alleged that:

"subject HDO did not emanate from this court motu proprio but in accommodation to a formal motion by Fiscal Alfredo D. dela Victoria actively handling the case who acted in response to a frantic request by a sister of the victim on the basis of unfounded rumors of the accused intending to leave the country which has not been verified the fact being as it is now that warrant has been served on accused who had posted bail, arraigned, and awaiting trial with added information that whatever lapses, inaccuracies and deficiencies in the issuance of subject HDO could solely be attributed to plain oversight, inadvertence and error of judgment sans malice of whatever color undersigned obliging to be more careful and circumspect in dealing with similar matters in the future."

The Court Administrator recommended that Judge Mendoza be reprimanded with warning that a repetition of the same or similar infraction in the future will be dealt with more severely and reminded of his duty to keep himself abreast with the recent issuances of the Court.

The recommendation of the Court Administrator is well-taken. Circular No. 39-97 limits the authority to issue hold-departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction. The following guidelines have been promulgated for strict compliance:

In order to avoid the indiscriminate issuance of Hold-Departure Orders resulting in inconvenience to the parties affected, the same being