

## **EN BANC**

**[ A.M. No. 99-8-126-MTC, September 22, 1999 ]**

### **ISSUANCE OF HOLD DEPARTURE ORDER OF JUDGE LUISITO T. ADAOAG, MTC, CAMILING, TARLAC.**

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

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

This refers to the endorsement, dated March 31, 1999, of the Secretary of Justice concerning a "hold-departure" order issued on January 29, 1999 by Judge Luisito T. Adaoag, Municipal Trial Court, Camiling, Tarlac, in Criminal Case Nos. 98-131 and 98-132, entitled "People of the Philippines v. Nestor Umagat y Campos." 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;
  - b. The complete title and the docket number of the case in which the Hold-Departure Order was issued;
  - c. The specific nature of the case; and