

## EN BANC

[ **A.M. No. 98-10-141-MTCC, November 18, 1998** ]

**RE: HOLD DEPARTURE ORDER DATED APRIL 13, 1998 ISSUED  
BY JUDGE JUAN C. NARTATEZ, MUNICIPAL TRIAL COURT,  
BRANCH 3, DAVAO CITY.**

### D E C I S I O N

**MENDOZA, J.:**

This concerns the indorsement, dated June 4, 1998, of the Secretary of Justice referring to the Court Administrator a hold departure order issued by Judge Juan C. Nartatez of the Municipal Trial Court, Branch 3, Davao City. The order was issued on April 23, 1998, in Criminal Cases Nos. 68,229-C-98 to 68,231-C-98, entitled *People of the Philippines v. Eileen Lope*, for violations of Batas Pambansa Blg. 22, to prevent the departure of the accused from the Philippines. The Secretary of Justice calls attention to the fact that the order in question is contrary to Circular No. 39-97 of this Court. Indeed, the circular limits the authority to issue hold departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction.

Required to comment,<sup>[1]</sup> Judge Nartatez states that:

[He is] admitting that [he] issued the hold-departure order referred to in the letter of Ma. Daphne Dancel.

With deep regrets, [he] erroneously issued the order, unaware of the existence of Supreme Court Circular No. 39-97 dated June 19, 1997.

To rectify the error, [he] has issued his Order dated August 4, 1998 setting aside and/or recalling the hold-departure order, copy of which is enclosed.

Based on these facts, the Court Administrator recommends that Judge Nartatez be reprimanded and reminded that "he should keep himself abreast of Supreme Court issuances so as not to commit the same mistake in the future."

The Court finds this recommendation well taken. The Code of Judicial Conduct enjoins judges to be faithful to the law and maintain professional competence.<sup>[2]</sup> They can live up to this expectation only by diligent effort to keep themselves abreast of the legal and jurisprudential developments. The learning process in law is a never ending and ceaseless process.<sup>[3]</sup>

**WHEREFORE**, Judge Juan C. Nartatez is hereby **REPRIMANDED** with **WARNING** that repetition of the same or similar acts will be dealt with more severely.

**SO ORDERED.**