



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

19 June 1997

CIRCULAR NO. 39-97

TO : All Judges
SUBJECT : Guidelines in 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
 - d. The date of the Hold-Departure Order.

If available, a recent photograph of the person against whom a Hold-Departure Order has been issued or whose departure from the country has been enjoined should also be included.

4. Whenever (a) the accused has been acquitted; or (b) the case has been dismissed, the judgment of acquittal or the order of dismissal shall include therein the cancellation of the Hold-Departure Order issued. The courts concerned shall furnish the Department of Foreign Affairs and the Bureau of Immigration with a copy each of the judgment of

acquittal promulgated or the order of dismissal issued within twenty-four (24) hours from the time of promulgation/issuance and likewise through the fastest available means of transmittal.

All Regional Trial Courts which have furnished the Department of Foreign Affairs with their respective lists of active Hold-Departure Orders are hereby directed to conduct an inventory of the Hold-Departure Orders included in the said lists and inform the government agencies concerned of the status of the Orders involved.

This Circular revokes Circular No. 38-94 dated 6 June 1994 and Circular No. 62-96 dated 9 September 1996, takes effect immediately and shall remain in force until further orders.

For strict compliance.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line and a small flourish at the end.

ALFREDO L. BENIPAYO
Court Administrator