

Title: ****The Challenge Against DOJ Circular No. 41: Asserting Constitutional Integrity over the Right to Travel****

****Facts:****

The consolidated petitions for certiorari and prohibition, filed by various petitioners including former President Ma. Gloria Macapagal-Arroyo (GMA) and members of the Genuino family, question the constitutionality of the Department of Justice (DOJ) Circular No. 41, series of 2010. This Circular, issued by then Acting Secretary of Justice Alberto Agra, consolidated previous rules on the issuance of Hold Departure Orders (HDOs), Watchlist Orders (WLOs), and Allow Departure Orders (ADOs). The petitioners argue that this Circular unduly restricts their constitutional right to travel.

The DOJ issued several WLOs and HDOs against the petitioners based on Circular No. 41. These orders were issued in light of various pending criminal complaints before the DOJ, aiming to ensure the petitioners' presence during investigations. The petitioners filed their respective petitions before the Supreme Court, arguing that the Circular and the consequent orders infringe on their right to travel, lack statutory basis, and were issued without proper authority.

****Issues:****

1. Whether the Supreme Court may exercise its power of judicial review over the petitions.
2. Whether the DOJ has the legal authority to issue Circular No. 41 and consequently issue WLOs, HDOs, and ADOs.
3. Whether the Circular and the orders issued pursuant thereto violate the constitutional right to travel.

****Court's Decision:****

The Supreme Court ruled that it could exercise its power of judicial review as the issue on the constitutionality of DOJ Circular No. 41 represents a justiciable controversy. The Court decided that the DOJ does not possess the legal authority to issue Circular No. 41 and the consequential WLOs, HDOs, and ADOs as they infringe on the constitutional right to travel without a statutory basis. This violates the constitutional mandate that the right to travel can only be impaired through legislation expressly provided by law or in the interest of national security, public safety, or public health.

****Doctrine:****

The Court's decision reiterates the inviolability of the constitutional right to travel, emphasizing that any restriction imposed on this right must be expressly provided by law. The decision establishes that administrative issuances, like DOJ Circular No. 41, which unduly restrict constitutional rights without clear legislative backing, are unconstitutional.

****Class Notes:****

- The right to travel is a fundamental liberty protected under the Constitution (Article III, Section 6).
- Restrictions on the right to travel must have a statutory basis and be in the interest of national security, public safety, or public health.
- Administrative issuances like DOJ Circular No. 41 cannot legally impair constitutional rights without explicit legislative authorization.
- Judicial review can be invoked to challenge administrative actions infringing constitutional rights.

****Historical Background:****

The issuance and challenge against DOJ Circular No. 41 arise from a broader context of legislative and administrative actions aimed at regulating individuals' mobility to secure their presence for legal proceedings within the Philippines. This case underscores the tension between governmental efforts to prevent evasion of legal responsibilities and the overarching need to uphold constitutional rights, reflecting the Judiciary's crucial role in maintaining the balance between state interests and individual liberties in a democratic society.