

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE LUCENITO N. TAGLE, REGIONAL TRIAL COURT, BRANCH 20,
IMUS, CAVITE, RESPONDENT.**

A.M. No. RTJ-01-1635. September 17, 2002

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

This refers to the 1st Indorsement dated January 10, 2001 sent by then Commissioner Rufus B. Rodriguez of the Bureau of Immigration and Deportation (BID) to then Court Administrator Alfredo L. Benipayo concerning the Hold Departure Order (HDO) issued by Executive Judge Lucenito N. Tagle, Regional Trial Court, Imus, Cavite (Branch 20) in Civil Case No. 2206-00, entitled “Alexander Templanza, petitioner vs. Ella V. Maestre Templanza and Jaime D. Maestre, respondents.”

In his Comment, respondent avers that the HDO he issued against respondents was recalled by him per his Order dated November 15, 2000 even before Commissioner Rodriguez referred the HDO to Court Administrator Benipayo;[1] that the HDO “had already become moot and without effect even before he was directed by then Court Administrator Alfredo L. Benipayo to comment” on the said Indorsement.

However, as aptly observed by then Acting Court Administrator Zenaida N. Elepaño:

“While it is true that Judge Tagle lifted his HDO, this was upon motion to recall filed by the respondent Ella V. Maestre Templanza. It appears that the reason for the recall was not because Tagle recognized his mistake in issuing the subject HDO but because respondent is a Canadian immigrant working in Canada and she was only on visit to the Philippines. Nothing was mentioned that the HDO was being lifted because it was in violation of Circular No. 39-97. Worse, the HDO was still in effect in so far as Jaime Maestre was concerned. Obviously, Judge Tagle was not aware of the aforesaid circular of this Court.”[2]

Circular No. 39-97 provides that:

“1. Hold-Departure orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts;”

“xxx xxx xxx”

Respondent Judge had clearly violated the same for lack of knowledge thereof.

The Court adopts the recommendation of the then Acting Court Administrator that respondent be reprimanded for such violation and advised to keep himself abreast with the circulars and other issuances of the Court.

Rule 3.01, Canon 3 of the Code of Judicial Conduct mandates judges to be faithful to the law and maintain professional competence. The Court had consistently and persistently impressed on judges that they should be diligent in keeping abreast with developments in law and jurisprudence and regard the study of law as a never ending and ceaseless process.[3]

WHEREFORE, Judge Lucenito N. Tagle is hereby REPRIMANDED with warning that repetition of the same or similar acts will be dealt with more severely.

In the exercise of our direct supervision over judges, Judge Tagle is directed to immediately recall the Hold Departure Order issued against Jaime Maestre in Civil Case No. 2206-00.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 44-45.

[2] Rollo, pp. 1-2.

[3] Re: Hold Departure Order dated April 13, 1998 issued by Judge Juan C. Nartatez, MTC-Br. 3, Davao City, A.M. No. 98-10-141-MTCC, Nov. 18, 1998, 298 SCRA 710; Hold Departure Order issued by Judge Eusebio M. Barot, MCTC, Br. 2, Aparri, Calayan, Cagayan, A.M. No. 99-8-108-MCTC, 313 SCRA 44, 46 (1999).

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