HOLD DEPARTURE ORDER ISSUED BY ACTING JUDGE ANICETO L. MADRONIO, MUNICIPAL TRIAL COURT, MANAOAG, PANGASINAN IN CRIMINAL CASE NO. 5275.

A.M. No. 99-12-192-MTC. January 26, 2000

Ponente: MENDOZA, J.

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MENDOZA, J.:

This refers to the indorsement, dated January 15, 1999, of the Secretary of Justice concerning a "hold-departure" order issued on December 22, 1998 by Acting Judge Aniceto L. Madronio, Jr., Municipal Trial Court, Manaoag, Pangasinan, in Criminal Case No. 5275, entitled "People of the Philippines v. Christopher Castrence," which is for forcible abduction with rape and homicide. 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:
>
> - Hold-Departure Orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts;
>
> - 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;
>
> - The Hold-Departure Order shall contain the following information:
>
> - 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;
>
> - The complete title and the docket number of the case in which the Hold-Departure Order was issued;
>
> - The specific nature of the case; and
>
> - 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.

> - Whenever (a) the accused has been acquitted; (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 twenty-four (24) hours from the time of promulgation/issuance and 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.

In his comment, Judge Madronio admits his mistake, stating that he signed the hold departure order through oversight and pleading for leniency in view of his cardiac illness which required surgery and his assignment to three salas in addition to the Municipal Trial Court in Manaoag.

In several recent cases[1] [Re: Hold Departure Order dated April 13, 1998 issued by Judge Juan C. Nartatez, Municipal Trial Court, Branch 3, Davao City, A.M. No. 98-10-141-MTCC, Nov. 18, 1998; Hold Departure Order issued by Judge Eusebio M. Barot, MCTC, Branch 2, Aparri, Calayan, Cagayan, A.M. No. 98-8-108-MCTC, Aug. 25, 1999, and Issuance of Hold Departure Order of Judge Luisito T. Adaoag, Municipal Trial Court, Camiling, Tarlac, A.M. No. 99-8-126-MTC, Sept. 22, 1999.] involving similar violations, this Court imposed the penalty of reprimand on the offending judges. Indeed, this is not the first time that a complaint for violation of Circular No. 39-97 has been filed against Judge Madronio. In our Resolution, dated August 17, 1999 in Administrative Matter No. 99-7-105-MTC, Judge Madronio was found guilty of a similar violation of Circular No. 39-97 and reprimanded with warning that a repetition of the same or similar act would be dealt with more severely. His illness, additional assignments, and the fact that he issued the second hold departure order in violation of Circular No. 39-97 prior to the release of our Resolution cannot excuse him. However, considering that the act complained of in this case was committed on December 22, 1998, before the decision in his previous case, the Court agrees with the recommendation of the Court Administrator that as in the previous case, Judge Madronio be simply reprimanded.

WHEREFORE, Judge Aniceto L. Madronio, Jr. is REPRIMANDED with WARNING that a repetition of the same offense will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago and De Leon, Jr., JJ., concur.

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[1] Re: Hold Departure Order dated April 13, 1998 issued by Judge Juan C. Nartatez, Municipal Trial Court, Branch 3, Davao City, A.M. No. 98-10-141-MTCC, Nov.18, 1998; Hold Departure Order issued by Judge Eusebio M. Barot, MCTC, Branch 2, Aparri, Calayan, Cagayan, A,M, No. 98-8-108-MCTC, Aug. 25, 1999, and Issuance of Hold Departure Order of Judge Luisito T. Adaoag, Municipal Trial Court, Camiling, Tarlac, A.M. No. 99-8-126-MTC, Sept. 22, 1999.

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