

GUIDELINES FOR THE IMPLEMENTATION OF HOLD DEPARTURE ORDERS

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The Supreme Court (SC) has acknowledged that the right to travel is not absolute, but must yield to the inherent police power of the State (Kant Kwong, et al. vs. PCGG, G.R. No. 794384, 7 December 1987). Thus, on 19 June 1997, the SC issued Circular No. 39-97 that governs hold departure orders (HDO) issued by the Regional Trial Courts. However, this circular provides, among others, that RTC-issued HDO shall contain the following:

1. The complete name (including the middle name), the date of birth and the place of the last residence of the person to whom an HDO has been issued or whose departure from the country has been enjoined;
2. The complete title and docket number of the case in which the HDO was issued;
3. The specific nature of the case; and
4. The date of the HDO. If available, a recent photograph of the person against whom an HDO has been issued or whose departure from the country has been enjoined should also be included. (*Italics ours*)

In deference to the right to travel, therefore, any RTC issued HDO that does not comply with SC Circular No. 39-97 shall not be implemented by this Bureau.

This Order shall take effect immediately.

Adopted: 17 Feb. 2003

(SGD.) ANDREA D. DOMINGO
Commissioner

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