

**[ BI MEMORANDUM ORDER NO. ADD-03-004,  
February 17, 2003 ]**

**GUIDELINES FOR THE IMPLEMENTATION OF HOLD DEPARTURE  
ORDERS**

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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