

## SECOND DIVISION

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

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

### RESOLUTION

**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;<sup>[1]</sup> 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."<sup>[2]</sup>

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.