

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5577



Introduced by: Hon. Christopher S. Co, Hon. Rodel M. Batocabe
and Hon. Alfredo A. Garbin, Jr.

Explanatory Note

The right to travel under the Constitution can only be regulated in the interest of national security, public safety or public health pursuant to a law. Specifically, Sec. 6 Article 3 of the 1987 Constitution provides, as follows:

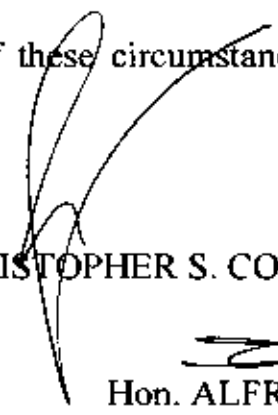
"Section 6. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law."

At present there is no law defining what a Hold Departure Order [HDO] is and who may issue it and under what circumstances it may be issued and/or lifted.

It is the intention of this law to provide for a definition of what a Hold Departure Order [HDO] is, when may it be issued and/or lifted and who may issue and/or lift the same.

This bill also seeks to remove the confusion and discontinue the use and/or issuance by the DOJ of the Watch List Order [WLO]. Although, different in name, a WLO by experience works like a HDO.

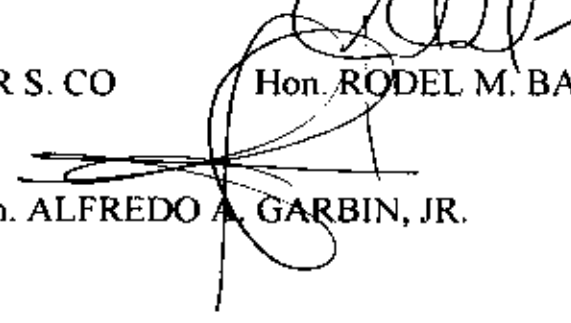
In light of these circumstances, the swift passage of this bill is earnestly sought.



Hon. CHRISTOPHER S. CO



Hon. RODEL M. BATOCABE



Hon. ALFREDO A. GARBIN, JR.

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HOUSE BILL NO. 5577

Introduced by: AKO Bicol [AKB] Party represented by Hon. Christopher S. Co,
Rodel M. Batocabe and Alfredo A. Garbin, Jr.

AN ACT REGULATING THE ISSUANCE AND/OR THE LIFTING OF A
HOLD DEPARTURE ORDER [HDO] AND FOR OTHER PURPOSES
OTHERWISE KNOWN AS THE HDO LAW OF 2012.

*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

Sec. 1. Definition of Terms:

- a. Hold Departure Order is an order issued by a competent authority instructing the Commissioner of the Bureau of Immigration and/or any of his/or authorized representative not to allow the departure from the country of the person or persons named in the said order.
- b. Allow Departure Order – is an order issued by a competent authority instructing the Commissioner of the Bureau of Immigration and/or any of his/or authorized representative to allow the departure from the country of the person or persons named in the said order.

Sec. 2. Felonies and/or crimes subject to a Hold Departure Order – A hold departure order may be issued only against a person or persons accused in a criminal investigation and/or case involving a felony punishable by an imprisonment of not less than 1 year.

Sec. 3. Authority to issue and/or lift hold departure order pending preliminary investigation. The Office of the Secretary of the Department of Justice [DOJ] and of the Ombudsman may upon proper request issue hold departure order [HDO] against respondent and/or respondents subject of preliminary investigation effective for a non extendible period of Ninety Days [90 days] in order to ensure his/their the appearance and/or participation.

Sec. 4. Automatic expiration of the HDO after Ninety [90] days. The HDO issued by the Secretary of Department of Justice and/or of the Ombudsman automatically expires Ninety [90] days from its issuance without any need of application and/or clearance. The Commissioner of the Bureau of Immigration is only required to count the Ninety [90] days from the issuance of the HDO and need no other documents to determine its expiry date.

Sec. 5. Authority of Courts to issue Hold Departure Order [HDO]. The proper court having competent jurisdiction upon a felony and/or an offense subject to the issuance of a hold departure order [HDO] upon proper application may issue the same subject to such conditions that it may deem appropriate.

The HDO issued by a competent court remains valid and effective during the pendency of the criminal proceedings until ordered otherwise. It is however, automatically lifted upon the dismissal of the case and/or acquittal of the accused.

Sec. 6. Allow Departure Order [ADO]. Upon proper application, a person and/or persons against whom a HDO was issued may request that he or they be allowed to depart pending investigation and/or during trial.

In the issuance of an Allow Departure Order, the competent authority must satisfy itself that the party requesting for an Allow Departure Order [ADO] will return as promised and will appear when required.

Sec. 7. No Watch List Order [WLO] and others. The DOJ, and/or the Ombudsman cannot, invoking this law, issue any other order either described as a watch list order [WLO] or others which may directly and/or indirectly operate as a Hold Departure Order.

Sec. 8. Implementing rules and Regulation. The DOJ and the Ombudsman will issue the required implementing rules and regulations to implement this law within 60 days from its effectivity.

Sec. 9. Separability clause. In case any part of this law is declared void and/or invalid, the portion not affected by the same and which may continue will remain effective.

Sec. 10. Effectivity Clause. This law shall take effect fifteen [15] days following its publication in at least [1] newspaper of general circulation.