

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 1361

Introduced by CHRISTOPHER S. CO and RODEL M. BATOCABE

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 law. Specifically, Section 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 an HDO.

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


CHRISTOPHER S. CO


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AN ACT REGULATING THE ISSUANCE AND/OR 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:

SECTION 1. Definition of Terms.

a. Hold Departure Order - 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 - an order issued by a competent authority instructing the Commissioner of the Bureau of Immigration and/or any of his/her authorized representative to allow the departure from the country of the person or persons named in the said order.

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

SECTION 3. Authority to issue and/or life 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 an HDP against respondent and/or respondents subject of the preliminary investigation effective for a non-extendible period of ninety (90) days in order to ensure his/their appearance and/or participation.

SECTION 4. Automatic Expiration of the HDO after ninety (90) days. The HDO issued by the Secretary of Department of Justice and/or Ombudsman automatically expires ninety (90) days from its issuance without 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.

SECTION 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.

SECTION 6. Allow Departure Order (ADO). Upon proper application, a person and/or person against whom a HDO was issued may request the he or they be allowed to depart pending investigation and/or during trial.

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

SECTION 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 an HDO.

SECTION 8. Implementing Rules and Regulations. The DOJ and the Ombudsman will issue the required implementing rules and regulations to implement this law within sixty (60) days from its effectivity.

SECTION 9. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

SECTION 10. Repealing Clause. - All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity Clause. This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least one (1) newspapers of general circulation.

Approved.