Original – Court, 1st Copy – Prosecutor, 2nd Copy – Accused, Other copies as needed

Enter information in block letters in all parts of the Form except when reserved for Court use, which shall be completed by the Clerk.

|  |  |
| --- | --- |
| (Judicial Region)  METC/MTCC/MTC/MCTC Case No.  RTC         (Municipality/City/Province)  BRANCH | For Court Use Only |
| People of the Philippines , v.  ,  *Accused.* |
| ATTORNEY OR PARTY WITHOUT ATTORNEY  *Name* ­­­  *Firm Name*  *Address*  *Email Address*  *Tel./Cel./Fax Nos.*  *PTR No.*       *Date/Place of Issuance*  *Roll No.*       *Date/Place of Issuance*  *IBP No.*       *Lifetime* *Date/Chapter*  *MCLE* *Compliance* *Exemption No.*  *Other Compliances* ­­­­­­­­­  *Attorney for*  *Prosecution:* *Public Prosecutor* *Private Prosecutor*  *Defense:* *Public Attorney* *Private Counsel*  *Other* |

**MOTION TO LIFT HDO**

Accused moves for the lifting of the HDO issued against him dated      .

The accused is not a fugitive from justice.

The accused is not a flight risk because      .

Attached as annex/es in support of this Motion is/are:      .

     

Accused Defense Counsel

PROOF OF SERVICE

A copy of this Motion was served upon parties and/or their counsel(s) on       via

Personal Service

Facsimile or other Electronic Means

and received by the parties and/or their counsel(s) on      .

Proof of such service is attached to this Motion as Annex      .

Date Party/Party’s Counsel’s Signature

NOTICE OF HEARING

Public Prosecutor

Address

Private Complainant

Address

GREETINGS: Please take notice that the foregoing Motion to Lift HDO shall be submitted for the consideration and approval of the Honorable Court on       at      .

Counsel for Accused

COPY FURNISHED

|  |  |  |  |
| --- | --- | --- | --- |
| Person’s Name | Method | Place Served | Date Served |
| Trial Prosecutor | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Counsel for Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Private Complainant | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |

Proof of such service is attached to this Motion as Annex.

     

Date Party/Party’s Counsel’s name and signature

SPECIAL INSTRUCTIONS

*Copies to be filed with the Court*

An original of this Form must be filed with the Court together with such additional copies equivalent to the number of parties in the case, to be used by the Court in sending out its court order contained in the same Form.

*Hold Departure Orders*

Hold-Departure Orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts;

The Regional Trial Courts issuing the Hold-Departure Order shall furnish the Department of Foreign Affairs [DFA] and the Bureau of Immigration [BI] of the Department of Justice with a copy each of the Hold-Departure Order issued within twenty-four (24) hours from the time of issuance and through the fastest available means of transmittal;

Whenever [a] the accused has been acquitted; or [b] the case has been dismissed, the judgment of acquittal or the order of dismissal shall include therein the cancellation of the Hold-Departure Order issued. The Court concerned shall furnish the Department of Foreign Affairs and the Bureau of Immigration with a copy each of the judgment of acquittal promulgated or the order of dismissal issued within twenty-four [24] hours from the time of promulgation/issuance and likewise through the fastest available means of transmittal.

All Regional Trial Courts which have furnished the Department of Foreign Affairs with their respective lists of active Hold-Departure Orders included in the said lists and inform the government agencies concerned of the status of the Orders involved.  (Guidelines in the Issuance of Hold Departure Orders, OCACircular No. 39-97)