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 FOR ISSUANCE OF A**

**HOLD DEPARTURE ORDER**

Public Prosecutor Private Prosecutor moves for the issuance of a Hold Departure Order against accused       based on the following grounds:

Accused has been declared a fugitive from justice.

     *(how and when)*

A warrant of arrest has been issued against the accused and there is reason to believe that he is a flight risk because      .

Pertinent details for the Hold Departure Order are as follows:

1. The complete name (including full middle name) of the accused is      ;
2. His date and place of birth is      ;
3. His citizenship is      ;
4. His place of last residence is      ; and
5. A recent photograph of the accused is attached as Annex “A”.

Date Party/Party’s Counsel’s signature

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

Atty.

Counsel for the Accused

Address

GREETINGS:

Please take notice that the foregoing Motion for Issuance of Hold Departure Order shall be submitted for the consideration and approval of the Honorable Court on       at      .

Party/Party’s Counsel’s signature

**ORDER**

After a review of the Motion, the same is

GRANTED. Let a Hold Departure Order issue against the accused       with the following pertinent details:

1. The complete name (including full middle name) of the accused is      ;
2. His date and place of birth is      ;
3. His citizenship is      ;
4. His place of last residence is      ; and
5. A recent photograph of the accused is attached.

Let copies of the Hold-Departure Order be furnished the Department of Foreign Affairs [DFA] and the Bureau of Immigration [BI] of the Department of Justice within twenty-four (24) hours from the time of issuance and through the fastest available means of transmittal.

DENIED, because      .

     

Judge Date

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 |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |

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)