

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City



EIGHTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 5130

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Introduced by REPRESENTATIVE PROSPERO A. PICHAY, JR.

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**EXPLANATORY NOTE**

The right to travel is a constitutionally-protected right of which a citizen cannot be deprived without due process of law. This guaranteed freedom allows a citizen to move from one part of the country to another and to travel abroad whenever he wills. However, the constitutional guarantee of the right to travel has never been considered as absolute.

Section 6, Article III of the Constitution explicitly states that 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.**

Clearly, there are only three (3) considerations that may permit a restriction on the right to travel: national security, public safety or public health. As an additional requirement, there must be a law providing for the impairment. (*Genuino v. De Lima*) However, as of the moment, there is still no law enacted by Congress providing for the limitation. Hence, a Hold Departure Order which prevents Filipinos and/or aliens from exiting the Philippine territory, in itself, is a violation of one's right to travel.

This proposed measure aims to provide an enabling law that will identify permissible intrusions in the right to travel.

In view of the foregoing, approval of this measure is earnestly sought.

  
REP. PROSPERO A. PICHAY, JR.

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**The Right to Travel Act of 2019**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the “*The Right to Travel Act of 2019.*”

**SECTION 2. *Declaration of Policy.*** – It is declared the policy of the State that the right to travel cannot be denied without due process of law. As guaranteed by no less than the Constitution, the right to travel cannot be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

To this end, the Congress, finds compelling reasons that an enabling law to Section 6, Article III of the Constitution be enacted to end the indiscriminate issuance of Hold Departure Orders.

**SECTION 3. *Issuance of Hold Departure Order.*** – No Hold Departure Order shall be issued unless a proper notice and hearing is conducted by the court in which the action is pending. The Court shall only issue a Hold Departure Order upon showing that a compelling ground exists.

**SECTION 4. *Grounds for the issuance of Hold Departure Order.*** – A Hold Departure Order shall only be issued based on the following grounds:

- a. That a person is facing a criminal charge involving crimes affecting the



national security such as treason, conspiracy and proposal to commit treason, misprision of treason, espionage, inciting to war or giving motives for reprisals, violation of neutrality, correspondence with hostile country, flight to enemy country, piracy in general, qualified piracy and mutiny in the high seas;

- b. That a person is a threat to public safety as determined by the Department of National Defense (DND) and Department of Interior and Local Government (DILG);
- c. That a person is suffering from a disease that may affect the public health such as Influenza A (H1N1), Bird Flu (Avian Influenza), Ebola, Hand, Foot, and Mouth Disease, Meningococcemia, Severe Acute Respiratory Syndrome (SARS) and other contagious diseases as determined by the Department of Health (DOH).

**SECTION 5. *Applicability.*** – All individuals whose Right to Travel are impaired without sufficient ground shall be restored to the full enjoyment of such right.

**SECTION 6. *Implementing Rules and Regulations.*** - The Department of Justice, in coordination with the Bureau of Immigration, shall issue the necessary rules and regulations within sixty (60) days from the effectivity of this Act.

**SECTION 7. *Separability Clause.*** – If any portion or provision of this Act is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

**SECTION 8. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**SECTION 9. *Effectivity.*** – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette, or in a newspaper of general circulation in the Philippines.

Approved.