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b. Court Attorneys V and Court Attorneys IV.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago, JJ.*, concur.

EN BANC

[A.M. No. 99-8-108-MCTC. August 25, 1999]

HOLD DEPARTURE ORDER ISSUED BY JUDGE EUSEBIO M. BAROT, MCTC, Branch 2, Aparri, Calayan, Cagayan.

SYNOPSIS

A hold departure order was issued by MCTC Judge Barot in an Estafa case entitled *"People v. de Jesus"* to prevent the departure of the accused from the Philippines. The Secretary of Justice called attention to the fact that the Order is contrary to the Court's Circular No. 39-97 which limits the authority to issue hold departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction. The Judge recalled his Order, but the Court Administrator recommended that he be reprimanded and reminded of his duty to keep himself abreast with the Court's circulars.

The Court found the recommendation well-taken. The Court of Judicial Conduct enjoins judges to be faithful to the law and maintain professional competence. They should be diligent in keeping abreast with developments in law and jurisprudence, and regard the study of law as a never-ending and ceaseless process.

SYLLABUS

ADMINISTRATIVE LAW; JUDGES; DUTY TO MAINTAIN PROFESSIONAL COMPETENCE.— MCTC Judge Barot issued a hold departure order in violation of Circular No. 39-97. The Code of Judicial Conduct enjoins judges to be faithful to the

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law and maintain professional competence. Judges should be diligent in keeping abreast with the developments in law and jurisprudence, and regard the study of law as a never ending and ceaseless process.

RESOLUTION

MENDOZA, *J.*:

This concerns the indorsement, dated March 30, 1999,[1] of Secretary of Justice Serafin R. Cuevas referring to the Court Administrator the letter of Commissioner Rufus B. Rodriguez of the Bureau of Immigration regarding a hold departure order issued by Judge Eusebio M. Barot of the Municipal Circuit Trial Court, Branch 2, Aparri, Calayan, Cagayan. The order was issued on February 10, 1999 in Criminal Case No. II-8473, entitled *"People of the Philippines v. Florence de Jesus,"* for estafa, in order to prevent the departure of the accused from the Philippines. The Secretary of Justice calls attention to the fact that the order in question is contrary to the Court's Circular No. 39-97, dated June 19, 1997, which limits the authority to issue hold departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction.

Required to comment, Judge Barot states that he has recalled the order in question, and submits a copy of his new order, dated March 8, 1999, which reads:

This Court issued a Hold-Departure Order for the above-named accused to the Department of Immigration and Deportation, Manila dated February 10, 1999, honestly unaware of Circular No. 39-97 dated June 19, 1997 by the Honorable Court Administrator.

In view of the said circular that said Hold-Departure Order shall be issued only in criminal cases with[in] the exclusive jurisdiction of the Regional Trial Court[s], this Court hereby recalls as it is hereby recalled the Order issued on February 10, 1999.

Let copy of this Order be furnished to the Department of Immigration and Deportation, Manila.

SO ORDERED.

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[1] *Rollo*, p. 6.

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The Court Administrator recommends that Judge Barot be reprimanded and reminded of his duty to keep himself abreast with the Court's circulars.

The Court finds the recommendation to be well taken. The Code of Judicial Conduct enjoins judges to be faithful to the law and maintain professional competence.[2] As this Court has impressed on judges, they should be diligent in keeping abreast with developments in law and jurisprudence, and regard the study of law as a never ending and ceaseless process.[3]

WHEREFORE, Judge Eusebio M. Barot is hereby *REPRIMANDED* with *WARNING* that repetition of the same or similar acts will be dealt with more severely.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-77468. August 25, 1999]

EDUARDO LUCENA and NATIVIDAD PARALES, *petitioners, vs.* **COURT OF APPEALS and RURAL BANK OF NAUJAN, INC., ROGELIO PINEDA, MARIANITO BAJA, PATRICIA ARAJA, BRAULIO BAGUS, REYNALDO MAMBIL and RAMON GARCIA,** *respondents.*

SYNOPSIS

Petitioners obtained a loan from the private respondent rural bank in the amount of P3,000.00 secured by a real estate mortgage

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[2] Canon 3, Rule 3.01.

[3] Re: Hold Departure Order Dated April 13, 1998 Issued By Judge Juan C. Nartatez, MTCC-Branch 3, Davao City, A.M. No. 98-10141-MTCC, November 18, 1998.