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peculiarly treacherous means and manner adopted to ensure the execution of the crime, or that it facilitated the treacherous character of the attack.[61]

We further rule that the aggravating circumstance of dwelling[62] attended the commission of the crime. The appellant hacked the victim at the latter's house. The appellant's deliberate invasion of the tranquility of the victim's dwelling shows greater perversity.[63]

IN VIEW WHEREOF, the decision of the trial court finding appellant guilty of murder and sentencing him to *reclusion perpetua* and to pay the amount of ₱50,000.00 to the heirs of the victim and the cost of suit is affirmed.

SO ORDERED.

Davide, Jr., C. J.(Chairman), Kapunan, and *Pardo, JJ.*, concur.

Ynares-Santiago, J., is on leave.

FIRST DIVISION

[A.M. No. 00-1281-MTJ. September 14, 2000]

Re: Hold-Departure Order Dated August 9, 1999 Issued by Judge Salvador B. Mendoza, MCTC, Poro-San Francisco-Tedela-Pilar, Poro, Cebu.

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **JUDGE SALVADOR B. MENDOZA,** *respondent.*

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[61] *People vs. Artiaga,* 274 SCRA 685 (1997); *People vs. Tabag*, 268 SCRA 115 (1997).

[62] No. 3, Article 14 of the Revised Penal Code.

[63] *People vs. Feliciano*, 256 SCRA 706 (1996).

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SYNOPSIS

On August 9, 1999, respondent, Municipal Circuit Trial Court Judge of Poro-San Francisco-Tedela-Pilar, Poro, Cebu, issued a "hold-departure" order in Criminal Case No. T-1806. The then Secretary of Justice Serafin R. Cuevas urged the Court Administrator to look into the fact that the said order was issued in violation of Supreme Court Circular No. 39-97 dated June 19, 1997.

The Court Administrator reminded the respondent judge of his duty to keep himself abreast with the recent issuances of the Supreme Court. He, therefore, recommended that the respondent judge be reprimanded with warning that a repetition of the same or similar infraction in the future will be dealt with more severely.

The recommendation of the Court Administrator is well taken. Circular No. 39-97 limits the authority to issue hold-departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction.

Canon 3, Rule 3.01 of the Code of Judicial Conduct exhorts judges to be faithful to the law and maintain professional competence. The Court has not been remiss in reminding judges to exert diligent efforts in keeping abreast with developments in law and jurisprudence. Needless to state, the process of learning the law and the legal system is a never-ending endeavor, hence, judges should always be vigilant in their quest for knowledge so they could discharge their duties and responsibilities with zeal and fervor.

SYLLABUS

1. **REMEDIAL LAW; COURTS; REGIONAL TRIAL COURT; HAS SOLE AUTHORITY TO ISSUE HOLD-DEPARTURE ORDER IN A CRIMINAL CASE WITHIN ITS EXCLUSIVE JURISDICTION.** — Supreme Court Circular No. 39-97 limits the authority to issue hold-departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction. The following guidelines have been promulgated for strict compliance: In order to avoid the indiscriminate issuance of Hold-Departure Orders resulting in inconvenience to the parties

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affected, the same being tantamount to an infringement on the right and liberty of an individual to travel and to ensure that the Hold-Departure Orders which are issued contain complete and accurate information, the following guidelines are hereby promulgated: 1. Hold-Departure Orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts; x x x.

2. **JUDICIAL ETHICS; JUDGES; MUST EXERT DILIGENT EFFORTS IN KEEPING ABREAST WITH DEVELOPMENTS IN LAW AND JURISPRUDENCE; PENALTY OF REPRIMAND IMPOSED UPON RESPONDENT JUDGE IN CASE AT BAR.** — Canon 3, Rule 3.01 of the Code of Judicial Conduct exhorts judges to be "faithful to the law and maintain professional competence." The Court has not been remissed in reminding judges to exert diligent efforts in keeping abreast with developments in law and jurisprudence. Needless to state, the process of learning the law and the legal system is a never-ending endeavor, hence, judges should always be vigilant in their quest for knowledge so they could discharge their duties and responsibilities with zeal and fervor. In three recent cases involving similar violations, this Court imposed the penalty of reprimand on the erring judges. Hence, the same penalty should be imposed on Judge Mendoza.

RESOLUTION

KAPUNAN, *J.*:

This refers to the indorsement dated November 4, 1999 of then Secretary of Justice Serafin R. Cuevas to the Court Administrator concerning a "hold-departure" order issued on August 9, 1999 by Judge Salvador B. Mendoza, Municipal Circuit Trial Court, Poro-San Francisco-Tedela-Pilar, Poro, Cebu, in Criminal Case No. T-1806, entitled *"People of the Philippines v. Arnie Pena Osabel."* The Secretary urged the Court Administrator to look into the fact that the order in question was issued in violation of Supreme Court Circular No. 39-97 dated June 19, 1997.

Required to comment, Judge Mendoza alleged that:

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"subject HDO did not emanate from this court *motu propio* but in accommodation to a formal motion by Fiscal Alfredo D. dela Victoria actively handling the case who acted in response to a frantic request by a sister of the victim on the basis of unfounded rumors of the accused intending to leave the country which has not been verified the fact being as it is now that warrant has been served on accused who had posted bail, arraigned, and awaiting trial with added information that whatever lapses, inaccuracies and deficiencies in the issuance of subject HDO could solely be attributed to plain oversight, inadvertence and error of judgment sans malice of whatever color undersigned obliging to be more careful and circumspect in dealing with similar matters in the future."

The Court Administrator recommended that Judge Mendoza be reprimanded with warning that a repetition of the same or similar infraction in the future will be dealt with more severely and reminded of his duty to keep himself abreast with the recent issuances of the Court.

The recommendation of the Court Administrator is well-taken. Circular No. 39-97 limits the authority to issue hold-departure orders to the Regional Trial Courts in criminal cases within their exclusive jurisdiction. The following guidelines have been promulgated for strict compliance:

In order to avoid the indiscriminate issuance of Hold-Departure Orders resulting in inconvenience to the parties affected, the same being tantamount to an infringement on the right and liberty of an individual to travel and to ensure that the Hold-Departure Orders which are issued contain complete and accurate information, the following guidelines are hereby promulgated:

1. Hold-Departure Orders shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts;
2. 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;
3. The Hold-Departure Order shall contain the following information:

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a. The complete name (including the middle name), the date and place of birth and the place of last residence of the person against whom a Hold-Departure Order has been issued or whose departure from the country has been enjoined;

b. The complete title and the docket number of the case in which the Hold-Departure Order was issued;

c. The specific nature of the case; and

d. The date of the Hold-Departure Order.

If available, a recent photograph of the person against whom a Hold-Departure Order has been issued or whose departure from the country has been enjoined should also be included.

4. Whenever (a) the accused has been acquitted; (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 courts 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 twenty-four (24) hours from the time of promulgation/issuance and 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 are hereby directed to conduct an inventory of the Hold-Departure Orders included in the said lists and inform the government agencies concerned of the status of the Orders involved.

Canon 3, Rule 3.01 of the Code of Judicial Conduct exhorts judges to be "faithful to the law and maintain professional competence." The Court has not been remised in reminding judges to exert diligent efforts in keeping abreast with developments in law and jurisprudence. Needless to state, the process of learning the law and the legal system is a never-ending endeavor, hence, judges should always be vigilant in their quest for knowledge so they could discharge their duties and responsibilities with zeal and fervor.

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In three recent cases[1] involving similar violations, this Court imposed the penalty of reprimand on the erring judges. Hence, the same penalty should be imposed on Judge Mendoza.

WHEREFORE, Judge Salvador B. Mendoza is hereby *REPRIMANDED* with the *WARNING* that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C. J. (Chairman), Puno and *Pardo, JJ.,* concur.

Ynares-Santiago, J., on leave.

EN BANC

[G.R. Nos. 104637-38. September 14, 2000]

SAN MIGUEL CORPORATION, NEPTUNIA CORPORATION LIMITED, ANDRES SORIANO III AND ANSCOR-HAGEDORN SECURITIES, INC., *petitioners, vs.* **SANDIGANBAYAN (FIRST DIVISION), PHILIPPINE COCONUT PRODUCERS FEDERATION, INC. (COCOFED), MARIA CLARA L. LOBREGAT, BIENVENIDO MARQUEZ, JOSE R. ELEAZAR, JR., DOMINGO ESPINA, JOSE GOMEZ, CELESTINO SABATE, MANUEL DEL ROSARIO, JOSE MARTINEZ, JR., JOSE REYNALDO MORENTE AND ELADIO CHATTO,** *respondents.*

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[1] Issuance of Hold Departure Order of Judge Luisito T. Adaoag, MTC, Camiling, Tarlac, A.M. No. 98-8-126-MTC, September 22, 1999; Hold Departure Order issued by Judge Eusebio M. Barot, MCTC, Branch 2, Aparri, Calayan, Cagayan, A.M. No. 98-8-108-MCTC, August 25, 1999; Re: Hold Departure Order dated April 13, 1998 issued by Judge Juan C. Nartatez, Municipal Trial Court, Branch 3, Davao City, 298 SCRA 710 (1998).