



Republic of the Philippines
Supreme Court
Manila

EN BANC

GLORIA MACAPAGAL-ARROYO,
Petitioner,

-versus-

G.R. No. 199034

Hon. LEILA M. DE LIMA, in her
capacity as Secretary of the Department
of Justice and **RICARDO A. DAVID,**
JR., in his capacity as Commissioner of
the Bureau of Immigration,
Respondents.

X-----X

JOSE MIGUEL T. ARROYO,
Petitioner,

-versus-

G.R. No. 199046

Hon. LEILA M. DE LIMA, in her
capacity as Secretary, Department of
Justice, **RICARDO V. PARAS III**, in
his capacity as Chief State Counsel,
Department of Justice and **RICARDO**
A. DAVID, JR., in his capacity as
Commissioner, Bureau of Immigration,
Respondents.

X-----X

**TEMPORARY RESTRAINING
ORDER**

TO: **Hon. LEILA M. DE LIMA**
Secretary
RICARDO V. PARAS III
Chief State Counsel
Department of Justice (DOJ)
Padre Faura St., Ermita, Manila

RICARDO A. DAVID, JR.
Commissioner
Bureau of Immigration (BOI)
2nd Floor BOI Building
Magallanes Drive, Intramuros, Manila

GREETINGS:

WHEREAS, the Supreme Court, on November 15, 2011, adopted a resolution in the above-entitled cases, to wit:

G.R. No. 199034 (Gloria Macapagal-Arroyo vs. Hon. Leila M. De Lima, in her capacity as Secretary of the Department of Justice and Ricardo A. David, Jr., in his capacity as Commissioner of the Bureau of Immigration) and **G.R. No. 199046** (Jose Miguel T. Arroyo vs. Hon. Leila M. de Lima, in her capacity as Secretary, Department of Justice, Ricardo V. Paras III, in his capacity as Chief State Counsel, Department of Justice and Ricardo A. David, Jr., in his capacity as Commissioner, Bureau of Immigration).- Acting on the Special Civil Actions for Certiorari and Prohibition with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, and mindful of the underlying issues in the cases – the right to life (which is the highest right under the Constitution) and its supporting rights, including the right to travel – the Court Resolved to

(a) **CONSOLIDATE** the above-entitled cases;

(b) **REQUIRE** the respondents to **COMMENT** on the consolidated petitions **NOT LATER THAN NOVEMBER 18, 2011**;

(c) **ISSUE** a **TEMPORARY RESTRAINING ORDER** in the consolidated petitions, enjoining the respondents from enforcing or implementing DOJ Department Circular No. 41 and Watchlist Order Nos. ASM-11-237 dated August 9, 2011, 2011-422 dated September 6, 2011 and 2011-573 dated October 27, 2011, subject to the following conditions:

(i) The petitioners shall post a cash bond of Two Million Pesos (P2,000,000.00) payable to this Court within five (5) days from notice hereof. Failure to post the bond within the aforesaid period will result in the automatic lifting of the temporary restraining order;

(ii) The petitioners shall appoint a legal representative common to both of them who will receive subpoena, orders and other legal processes on their behalf during their absence. The petitioners shall submit the name of the legal representative, also within five (5) days from notice hereof; and

(iii) If there is a Philippine embassy or consulate in the place where they will be traveling, the petitioners shall inform said embassy or consulate by personal appearance or by phone of their whereabouts at all times; and

(d) **SET** the consolidated cases for **ORAL ARGUMENTS** on November 22, 2011, Tuesday, at 2:00 p.m. at the New Session Hall, New Supreme Court Building, Padre Faura, Ermita, Manila.

The Court further Resolved to **NOTE** the

(a) Very Urgent Manifestation and Motion dated November 9, 2011 filed by the Office of the Solicitor General (OSG) for respondents Hon. Leila M. De Lima, in her official capacity as Secretary of the Department of Justice and Ricardo A. David, Jr., in his capacity as Commissioner of the Bureau of Immigration in G.R. No. 199034;

(b) Manifestation and Motion dated November 10, 2011 filed by the OSG for respondents Hon. Leila M. De Lima and Ricardo A. David, Jr. in G.R. No. 199034;

(c) Supplemental Petition dated November 13, 2011 filed by counsel for petitioner in G.R. No. 199034;

(d) Comment/Opposition (on/to the Very Urgent Manifestation and Motion dated November 9, 2011) dated November 14, 2011 filed by counsel for petitioner in G.R. No. 199034;

(e) Very Urgent Manifestation and Motion dated November 9, 2011 filed by the OSG for respondents Hon. Leila M. de Lima, in her capacity as Secretary of the Department of Justice, Ricardo V. Paras III, in his capacity as Chief State Counsel and Ricardo A. David, Jr., in his capacity as Commissioner of the Bureau of Immigration in G.R. No. 199046; and

(f) Urgent Manifestation filed by counsel for petitioner in G.R. No. 199046.

The temporary restraining order shall be immediately executory. Justices Antonio T. Carpio and Bienvenido L. Reyes have reserved the right to submit their dissenting opinions. Leonardo-De Castro, J., on official business. Del Castillo, J., on official leave. (adv156 & 157)

NOW, THEREFORE, effective immediately and continuing until further orders from this Court, You, Respondents, your agents, representatives, or persons acting in your place or stead, are hereby **ENJOINED** from enforcing or implementing DOJ Department Circular No. 41 and Watchlist Order Nos. ASM-11-237 dated August 9, 2011, 2011-422 dated September 6, 2011 and 2011-573 dated October 27, 2011.

GIVEN by the Supreme Court of the Philippines, this 15th day of November 2011.

ENRIQUETA E. VIDAL
Clerk of Court

By:

FELIPA B. ANAMA
Deputy Clerk of Court En Banc

Copy furnished:

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