



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **February 27, 2023** which reads as follows:*

“**G.R. No. 255250 (People of the Philippines, Plaintiff-Appellee v. Antonio R. Floirendo, Jr., Accused-Appellant)**. — This Court resolves the Urgent Motion for Authority to Travel<sup>1</sup> (*Motion*) filed by accused-appellant Antonio R. Floirendo, Jr. (*Floirendo, Jr.*) seeking permission to travel to Singapore from March 1 to 8, 2023. In said Motion, Floirendo, Jr. attached a copy of his electronic ticket,<sup>2</sup> his passport,<sup>3</sup> reservation in the hotel<sup>4</sup> where he will stay while in Singapore, and the schedule of his medical appointment.<sup>5</sup>

Floirendo, Jr. was convicted by the Sandiganbayan for violation of Section 3(h) of Republic Act (*R.A.*) No. 3019 and was sentenced to suffer the indeterminate penalty of imprisonment of six years and one month, as minimum, to eight years, as maximum, with perpetual disqualification from holding public office.<sup>6</sup>

In *Sy v. Sandiganbayan*<sup>7</sup> (*Sy*), this Court explained the parameters concerning the departure of an accused during the pendency of a case without unduly restricting an accused’s constitutional right to travel, thus:

The constitutional right to travel is part of liberty, which a citizen cannot be deprived of without due process of law. However, this right is not absolute, as it is subject to constitutional, statutory, and inherent limitations. One of the inherent limitations is the power of courts to prohibit persons charged with a crime from leaving the country. In one case, the Court held that the court’s power to prohibit a person admitted to bail from leaving the Philippines is a necessary consequence of the nature and function of a bail bond. As a result, a person with a pending criminal case and provisionally released on bail does not have an unrestricted right to travel.

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<sup>1</sup> *Rollo*, pp. 381–392.

<sup>2</sup> *Id.* at 388.

<sup>3</sup> *Id.* at 389.

<sup>4</sup> *Id.* at 390.

<sup>5</sup> *Id.* at 392.

<sup>6</sup> *Id.* at 4–21; 128–154. The Decision was penned by Associate Justice Sarah Jane T. Fernandez, with Associate Justices Karl B. Miranda and Ma. Theresa Dolores C. Gomez-Estoesta, concurring. The Resolution was penned by Associate Justice Sarah Jane T. Fernandez, with Associate Justices Karl B. Miranda and Efren N. Dela Cruz, concurring.

<sup>7</sup> 841 Phil 75 (2018) [Per J. Perlas-Bernabe, Second Division].

....

Verily, the purpose of the restriction on an accused's right to travel is to ensure that courts can effectively exercise their jurisdiction over such person. As such, courts are authorized to issue hold departure orders against the accused in criminal cases, and accordingly, the court's permission is required before an accused can travel abroad.

....

Indeed, whether the accused should be permitted to leave the jurisdiction is a matter addressed to the court's sound discretion. Nevertheless, such discretion must not be arbitrarily exercised. **In deciding the matter, the court must delicately balance, on the one hand, the right of the accused to the presumption of his innocence and the exercise of his fundamental rights, and on the other hand, the interest of the State to ensure that the accused will be ready to serve or suffer the penalty should he be eventually found liable for the crime charged.**

....

*While an accused requesting for permission to travel abroad has the burden to show the need for his travel, such permission must not be unduly withheld if it is sufficiently shown that allowing his travel would not deprive the court of its exercise of jurisdiction over his person, as in this case. In making such assessment, courts should act judiciously, and thus, base their findings on **concrete variables**, such as the purpose of the travel, the need for similar travels before the criminal case was instituted, the ties of the accused in the Philippines, as well as in the destination country, the availability of extradition, the accused's reputation, his travel itinerary including confirmed tickets to return to the Philippines, the possibility of reporting to the Philippine embassy in the foreign country, and other similar factors. While said requests should be resolved on a case-to case basis, it may not be amiss to state that courts should always be mindful that an accused is afforded the constitutional presumption of innocence, and hence, entitled to the entire gamut of his rights, subject only to reasonable restrictions that are based on concrete facts, and not mere speculation.<sup>8</sup> (Emphasis in the original)*

In this case, Floirendo, Jr. had been a member of the House of Representatives for several terms of office, the latest of which was during his term in 2004-2007. Before this Court, he has submitted documents pertaining to his travel to Singapore and back to the Philippines in order to have a medical check-up and undergo the necessary procedures and treatment. Further, he does not appear to be a flight risk, considering that he continues to actively participate in the defense of his case, and that there is no reason for him not to return to the country where his family and properties are located.

In view of the foregoing, this Court resolves to grant the *Urgent Motion for Authority to Travel* filed by Floirendo, Jr. subject to the following conditions:

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<sup>8</sup> *Id.* at 484-488.

- (1) The travel period shall be from March 1 to 8, 2023, inclusive, subject only to extension as may be granted by this Court upon meritorious grounds;
- (2) Accused-appellant Floirendo Jr. must post a travel bond in the amount of PHP 500,000.00, conditioned upon his compliance with all the conditions herein prescribed, and shall be in addition to the existing bail justifying his provisional liberty;
- (3) Accused-appellant Floirendo Jr. shall submit a detailed flight and travel itinerary; and
- (4) Accused-appellant Floirendo Jr. shall advise this Court in writing of his return to the country within twenty-four (24) hours from arrival.

**FOR THESE REASONS**, accused-appellant Antonio R. Floirendo, Jr.'s Urgent Motion for Authority to Travel is **GRANTED**. He is hereby **AUTHORIZED** to travel to Singapore from March 1 to 8, 2023 subject to the conditions stated hereinabove.

**SO ORDERED.”**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court

01 MAR 2023 2/28

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*Please notify the Court of any change in your address.*  
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