

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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SENATE

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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#### EXPLANATORY NOTE

The right to travel is a Constitutionally protected right. It is a fundamental right which occupies a preferred position in the hierarchy of values. The right to travel is part of the liberty of which a citizen cannot be deprived without due process of law and only on clear and compelling grounds of national security, public health and public safety as mandated by the Constitution.

In the Philippines today, however, the right to travel has become illusory. Despite the constitutional safeguard, the right to travel has been repeatedly abridged, impaired and violated by courts despite absence of proof that the proposed travel is inimical to national security, public health and public safety. The impairment of the exercise of the right is made easy through the simple expedient of issuing a "hold departure" order which the courts currently issue even without notice and hearing, amounting to a blatant violation of due process of law.

The courts rest their "authority" to regulate the right to travel on certain decisions of the Supreme Court, most notably *Manotoc v. Court of Appeals* (142 SCRA 149). Such reliance on jurisprudence is, however, misplaced. Worse, it is a mockery of a clearly-worded yet frequently ignored constitutional mandate that the right to travel may only be impaired pursuant to a law and that means a law passed by Congress, not a law promulgated by the Judicial or Executive Branch of the government.. Absent such law, any act purporting to curtail or restrict the right to travel is unconstitutional.

This bill seeks to provide the law under which the right to travel may be validly regulated. Its basic premise is that if a citizen's liberty to travel should be regulated, it must be pursuant to a law or the law-making functions of Congress.

In view of the foregoing, the early passage of this bill is earnestly sought.

  
MANUEL B. VILLAR, JR.



Approved.