



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

**SB-11-CRM-0368**  
For: Violation of Section 3(e) of  
R.A. No. 3019

- versus -

**JOHN PAUL K. ALVAREZ, ET AL.,**  
Accused.

Present:  
**FERNANDEZ, SJ, J.**  
Chairperson  
**MIRANDA, J.** and  
**FERNANDEZ, B, J.\***

Promulgated:

**NOV 23 2017**

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

For resolution is accused John Paul K. Alvarez' *Manifestation and Motion for Leave to Travel Abroad (With Additional Plea to Order and Direct the Department of Foreign Affairs to Renew Accused John Paul K. Alvarez' Passport)*.<sup>1</sup>

In the instant *Motion*, accused Alvarez prays that this Court: (i) allow accused Alvarez to travel abroad for seven days to Japan; (ii) temporarily suspend the Hold Departure Order against accused Alvarez; and, (iii) order and direct the Department of Foreign Affairs Main Office, specifically the Undersecretary for Civilian Security and Civilian Affairs, Office of Consular Affairs, and, the Office of the Passporting Director, to immediately and without delay renew and process accused Alvarez' passport.

\* Per Administrative Order No. 338-2017 dated October 2, 2017, Special Member in view of the vacancy in the Sixth Division.

<sup>1</sup> Dated October 23, 2017; Record, Vol. V, pp. 19-42.

**RESOLUTION**

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During the hearing on October 27, 2017, the prosecution orally argued against the instant motion on the grounds that there is no urgent necessity for accused Alvarez to travel abroad, and, that this Court has previously denied a similar motion to order the DFA to renew the passport of the accused in another case.

**RULING**

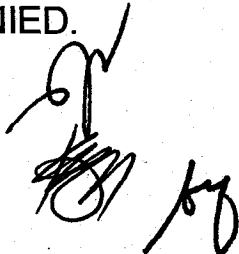
*Accused Alvarez' Motion to Order and Direct the Department of Foreign Affairs to Renew Accused John Paul K. Alvarez' Passport is denied.*

The Sandiganbayan has jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and government employees. In so far as accused Alvarez is concerned, this Court issued a Hold Departure Order against him as a necessary means for the Court to carry its orders into effect in the present criminal case.

Under Republic Act No. 8239,<sup>2</sup> it is the Secretary of the Department of Foreign Affairs, or his duly authorized representative, who has the authority to act on all applications for passport.<sup>3</sup> This Court is without jurisdiction to reverse, supersede, or supplant the decision of the DFA Secretary denying an application for the renewal of a passport. Perforce, this Court has no option but to deny said Motion.

On the other hand, action on accused Alvarez' *Motion for Leave to Travel Abroad* is deferred pending his submission of the required travel documents, including his passport, visa, plane tickets, itinerary of travel, addresses while abroad or hotel booking confirmation, his contact numbers while abroad, and authority to travel issued by the appropriate government entity.

**WHEREFORE**, the *Motion to Order and Direct the Department of Foreign Affairs to Renew Accused John Paul K. Alvarez' Passport* is DENIED.



<sup>2</sup> Philippine Passport Act of 1996  
<sup>3</sup> Section 4, R.A. No. 8249

**RESOLUTION**

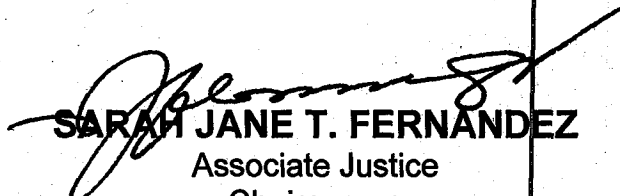
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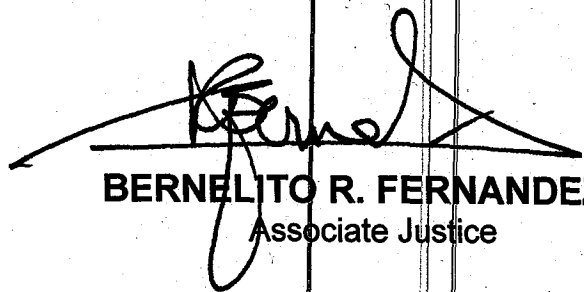
Action on the *Motion for Leave to Travel Abroad* is DEFERRED pending submission by accused Alvarez of all the required documents relative to his Motion for Leave to Travel Abroad.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**BERNELITO R. FERNANDEZ**  
Associate Justice