

REPUBLIC OF THE PHILIPPINES
THIRD JUDICIAL REGION
REGIONAL TRIAL COURT
BRANCH 74
OLONGAPO CITY

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

CRIM. CASE NO. 2016-2459
and 2016-2460

MURTO NEL, BASTIAAN
JOHANNES ARNOLDUS
DERKSEN AND QUINTON
ELICK,

Accused.

X-----X

ORDER

For resolution is a Motion and Manifestation filed by Pros. Modesto A. Cendaña reiterating and adopting the Urgent Ex-Parte Motion For The Issuance Of Hold Departure Order¹, alleging: That the three (3) accused, all of whom are foreign nationals, having received information that the said accused are set to leave the country on December 13, 2016 and the departure of the accused from the country before the commencement and final termination of the proceedings in this case would frustrate the ends of justice.

Accused Quinton Elick thru counsel filed his opposition on February 20, 2017. The accused contends that he is currently under medical confinement at JLGMH and he has no intention of leaving the country because he has substantial business interests in Olongapo City.

Accused Murto Nel and Bastiaan Johannes Arnoldus Derksen did not file any comment.

Finding the aforementioned grounds to be meritorious, the motion is GRANTED.

As cited in the case of Silverio vs. Court of Appeals²:

Holding an accused in a criminal case within the reach of the Courts by preventing his departure from the Philippines must be considered as a valid restriction on his right to travel so that he



¹ Filed on December 12, 2016 by State Prosecutor I Nolibien N. Quiambao.

² G.R. No. 94284, April 8, 1991.

may be dealt with in accordance with law. The offended party in any criminal proceeding is the People of the Philippines. It is to their best interest that criminal prosecutions should run their course and proceed to finality without undue delay, with an accused holding himself amenable at all times to Court Orders and processes.

IN VIEW THEREOF, the Commissioner of the Bureau of Immigration and Deportation is ordered to hold the departure from the Philippines of the accused, Murto Nel, Bastiaan Johannes Arnoldus Derksen and Quinton Ellick all stands charged before this court for Qualified Theft, docketed as Criminal Case No. 2016-2459 and Criminal Case No. 2016-2460. The necessary information relative to the accused is herein indicated as follows:

1. **Name:** Murto (No Middle Name) Nel
Date of birth: 20 March 1970
Place of birth: Republic of South Africa
Place of Last Residence: Casa Del Mar, Baloy Beach, Barrio Baretto, Olongapo, Zambales.
Nationality: South African
Passport issue date: 27 December 2013
Passport expiration date: 26 December 2023
Passport No: A02991061
South African Identity Number: 7003205250084

2. **Name:** Bastiaan Johannes Arnoldus Derksen
Date of Birth: 01 January 1969
Place of Birth: Nijmegen
Place of Last Residence: Casa Del Mar, Baloy Beach, Barrio Baretto, Olongapo, Zambales and 11 22nd Place, West Bajac Bajac, Olongapo, Zambales.
Citizenship: Kingdom of the Netherlands
Passport issue date: 08 September 2014
Passport expiry date: 08 September 2024
Passport No: NUCFKP4F6

3. **Name:** Quinton Orlando Ellick
Date of Birth: 29 February 1976
Place of Birth: Germany
Place of Last Residence: No. 8, Fendler St. East Tapinac, Olongapo, Zambales.
Citizenship: United States of America
Passport issue date: 30 January 2004
Passport expiry date: 29 January 2014
Passport number: 0472022314



Furnish a copy of this Order to the Commissioner of the Bureau of Immigration and Deportation, Department of Foreign Affairs and the Olongapo City Prosecutor's Office.

SO ORDERED.

Olongapo City, February 20, 2017.


ROLINE M. GINEZ-JABALDE
Presiding Judge

RMG-J/dmf