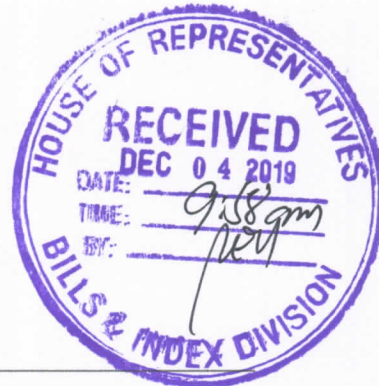


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 5691

EXPLANATORY NOTE

On 5 November 2019, Regional Trial Court (RTC) Tagudin, Ilocos Sur Judge Mario Anacleto M. Bariez, was shot to death on his way home to San Fernando, La Union. He was a few meters away from home, driving himself in his Hyundai Accent, when an assailant riding in tandem in a blue motorcycle drove beside him and instantly pumped a bullet on his neck. He was alone and had no security escorts. He was 53 years old and left behind a housewife and four (4) sons. Judge Bariez at that time was handling two (2) sensitive drugs cases. He recently convicted a supposed cousin of a Manila-based drug lord and was set to convict the father of the said drug lord.

Earlier this year, on 9 May 2019, RTC Sindangan, Zamboanga del Norte Judge Reyamar L. Lacaya was also shot to death within the court premises in Liloy, Zamboanga del Norte, where he was temporarily assigned to curb the reported irregularities therein. He was about to board his vehicle when two (2) unidentified individual suddenly appeared and shot him. He was 61 years old and left behind a housewife and three (3) children. Judge Lacaya was temporarily transferred as Acting Presiding Judge in RTC Liloy from his regular station in Sindangan after reported irregularities in RTC Liloy remained unabated. In Liloy, he immediately went to work, and in not a few instances, ordered the instant re-arrest of drug offenders who were released on bail by the previous judge after discovering that their offenses were "non-bailable" and no bail hearings were conducted. He was dead in two (2) months.

Judges Bariez and Lacaya are just two (2) of the growing number of judges killed in office, which now tallies 31. In the last few years, an average of two (2) judges is killed every year. Of the 31 cases, only four (4) or five (5) have been considered solved. The rest remains unresolved. Many judges nationwide also continue to receive death threats in various forms. Even courthouses have been penetrated by gun-wielding individuals.

Hence the need for the creation of the Philippine Marshal Service, a separate institution or body under the Supreme Court, through the Office of the Court Administrator, which will be primarily tasked to protect, defend, safeguard, watch over, provide security and ensure the safety of justices, judge, court officials and personnel, and halls of justice, courthouses, and other court buildings and properties. They shall also conduct threat assessments and undertake investigations of crimes and offenses committed against justices, judges, court officials and personnel, and halls of justices, courthouses, and other court properties; ensure that court trials and hearings, including judicial conferences, seminars and meetings, proceed in an orderly manner; conduct investigations concerning allegations of irregularities, including graft and corruption, committed by justices, judges, court officials and personnel; and assist in the execution and implementation of court orders.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **5691**

AN ACT

CREATING THE PHILIPPINE MARSHAL SERVICE, DEFINING ITS FUNCTIONS AND POWERS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Creation of the Philippine Marshal Service and its Functions. – There is hereby created the Philippine Marshal Service under the Supreme Court of the Philippines, through the Office of the Court Administrator, which shall have the following functions:

- a) To protect, defend, safeguard, watch over, provide security and ensure the safety of justices, judges, court officials and personnel, and halls of justice, courthouses, and other court buildings and properties;
- b) To conduct threat assessments and undertake investigations of crimes and other offenses committed, including potential security threats, against justices, judges, court officials and personnel, and halls of justice, courthouses, and other court properties;
- c) To ensure that court trials and hearings, including judicial conferences, seminars and meetings, proceed orderly in accordance with existing rules, guidelines and practice;
- d) To conduct investigations concerning allegations of irregularities, including graft and corruption, committed by justices, judges, court officials and personnel;
- e) To assist in the execution and implementation of court orders;
- f) To perform such other related functions as the Supreme Court, the Chief Justice, or the Court Administrator may order, direct and instruct from time to time.

Section 2. Officials of the Philippine Marshal Service and Their Assignments. – The Philippine Marshal Service shall be headed by the Chief Marshal who shall have the same rank, privileges, and compensation of a Court of Appeals Associate Justice. The Chief Marshal shall be assisted by three (3) Deputy Marshals who shall have the same rank, privileges, and compensation of a Regional Trial Court Judge, and be respectively assigned in Luzon, Visayas and Mindanao.

Section 3. Qualifications, Appointment and Tenure. – The Chief Marshal and the Deputy Marshals must be a lawyer and must have been at least a full Colonel of the Armed Forces of the Philippines or the Philippine National Police, or an Assistant Director of the National Bureau of Investigation. They shall be appointed by the Supreme Court en banc and shall serve until they reach the age of sixty-five (65), unless they become incapacitated to discharge the duties of their office or are removed for just cause by a vote of not less than eight (8) justices of the Supreme Court.

Section 4. Composition and Size of Personnel of the Philippine Marshal Service. – The composition and size of personnel of the Philippine Marshal Service shall be determined by the Supreme Court which may create such offices, divisions and units under it, as it may deem necessary, and for this purpose, the Supreme Court is authorized to adopt and implement the corresponding staffing patterns; Provided, however, that the positions, titles, and salaries of its officials and personnel shall be in accordance with the position classifications and salary grades in the Judiciary, the Civil Service Rules and the Salary Standardization Act; Provided further, however, that all officials and personnel appointed under this Republic Act shall belong to the classified service and shall be governed by the Civil Service Law, except those whose positions are highly technical or primarily confidential;

Section 5. Powers, Duties, and Responsibilities. – The Supreme Court shall determine and define the powers, duties, and responsibilities of the officials and personnel of the Philippine Marshal Service which shall include, but not limited to, the following:

- (a) To issue subpoenas for the appearance of any person for investigation, apply for search warrants before any court of law, and file complaints before the Ombudsman, City Prosecutor or the Department of Justice;
- (b) To take and require sworn statements from any person so summoned, in relation to the cases under investigation, in accordance with the Constitution, existing laws, jurisprudence and rules;
- (c) To administer the oath of any person in relation to the cases under investigation;
- (d) To make arrests, searches and seizures, in relation to the functions of the Philippine Marshal Service, and in accordance with the Constitution, existing laws, jurisprudence and rules;
- (e) To have access over all public records under the custody of any government branch, institution, agency or instrumentality, and upon proper request made to private telecommunications companies, the records of any individual under investigation which shall be treated with utmost confidentiality and only for purposes of the case/s under investigation;
- (f) To possess suitable and adequate firearms for their personal safety and protection in connection with their duties and responsibilities, and for the proper safety and protection of the justices, judges, court officials and personnel, and halls of justice, courthouses, and other court properties; Provided, that no prior special permit from any other government institution or agency for such possession shall be required;

Section 6. Initial Funding. – For purposes of this Act, there is hereby appropriated from the National Treasury the initial sum of Fifty Million Pesos (P50,000,000.00) for the salaries, wages and other expenses of personnel, the purchase of necessary supplies, materials and equipment, and for other purposes. The appropriations for the succeeding fiscal years shall be included in the annual General Appropriations Act.

Section 7. Separability and Repealing Clauses. – If any of the sections or provisions of this Act is adjudged invalid, all its other provisions not affected thereby shall remain valid and in force. All laws, rules and regulations that may be inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 8. Effectivity. – This Act shall take effect upon its approval.

Approved,