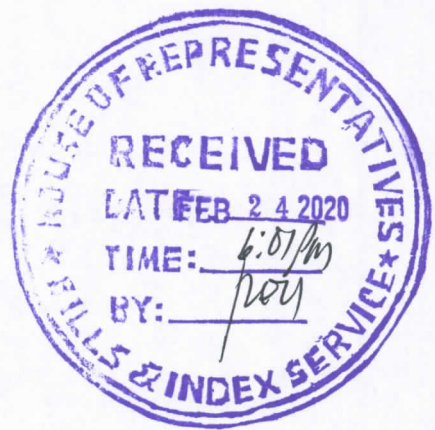


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVE

H.B. No. 6384

Introduced by **Representative TEODORICO T. HARESCO, JR.**

EXPLANATORY NOTE

Since 1999, there had already been 31 judges killed in the Philippines. The latest was last November 5, 2019 wherein Regional Trial Court Tagudin, Ilocos Sur Judge Mario Anacleto M. Bañez was shot dead by unidentified men on his way home in La Union. Of the 31 judges killed since 1999, 90% of the victims were Regional Trial Court judges, and only 10% of the cases have been solved.

These killings must be stopped. Our judges make every effort to guarantee fairness in every case that they handle. They have a vital impact on our people's lives as they protect our liberties and sacred rights, and help victims of various violence and discriminations achieve justice. And so, it is important that we also ensure their security and protect them from those who want to do them harm. Without the judges, there can be no justice. If the judges themselves are not safe in this country, if they cannot find justice in this country, what more can you expect with the common man? How will the people get justice if the very people who dispense justice in our country are killed and could not get justice, themselves?

This bill seeks to create a Judiciary Marshal Service under the Supreme Court through the Office of the Court Administrator which function is primarily for judicial protection. The purpose of the Judiciary Marshal Service is to protect judges, witnesses, capture fugitives, assist in prison transportation, enforce warrants, and protect courts which are under siege.

It is hoped that immediate passage of this bill will not only help protect the lives of the members of the judiciary but also assist in the expeditious administration of justice.

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TEODORICO T. HARESCO, JR.

HOUSE OF REPRESENTATIVES
H.B. No. 6384

Introduced by **Representative TEODORICO T. HARESCO, JR.**

AN ACT
CREATING THE JUDICIARY MARSHAL SERVICE, 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. *Short Title.* – This Act shall be known as the “Judiciary Marshal Act.”

Section 2. *Declaration of Policy.* - It is hereby declared as the policy of the State to ensure the independence of the executive, legislative, and judicial departments of the government to promote efficiency and enable them to perform their respective constitutional mandates.

Towards this end, an independent and organized security force under the control and supervision of the judiciary is necessary to secure the performance of its constitutionally-mandated duty to administer justice according to the Constitution and laws of the land

Section 3. *Creation of the Judiciary Marshal Service and its Functions.* There is hereby created the Judiciary Marshal Service under the Supreme Court, 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 assist in the protection of witnesses and in the security in the transportation of accused or witnesses necessary for the continuation of court proceedings;
- (g) 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 4. *Officials of the Judiciary 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 5. *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 6. *Composition and Size of Personnel of the Judiciary Marshal Service.* The composition and size of personnel of the Judiciary 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 7. *Powers, Duties, and Responsibilities.* The Supreme Court shall determine and define the powers, duties, and responsibilities of the officials and personnel of the Judiciary 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 8. *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 9. *Repealing Clause.* All laws, rules and regulations that may be inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 10. *Separability Clause.* 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.

Section 11. *Effectivity.* This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,