

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5654



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

The Philippines is a dangerous place for a judge.

From 1999 to September 2015, 24 judges were killed according to research data from the International Association of People's Lawyers.¹ Over the past three years, five active judges have also been slain.² Thus, since 1999, around one judge has been killed every eight months.

Court personnel and paralegals are likewise not spared from attacks.³

The rule of law, our constitutional institutions, and this nation have been terribly undermined by these despicable acts worthy of nothing but the sternest condemnation. These acts of violence against our judges should be stopped lest our halls of justice crumble at the hands of the very elements they seek to banish. Lawlessness has no place in our judicial system and should not be tolerated in any manner whatsoever. Our magistrates and court personnel deserve nothing but the best protection available — free to dispense justice without favor, and more importantly, without fear.

¹ Rosette Adel, *Australian law prof: Philippines a very dangerous place for lawyers*, available at <https://www.philstar.com/headlines/2015/09/07/1497377/australian-law-prof-philippines-very-dangerous-place-lawyers#mlujU1J6DO0Rz8xh.99> (last accessed 21 November 2019).

² Kristine Joy Patag, *Tagudin, Ilocos judge killed in La Union*, available at <https://www.philstar.com/headlines/2019/11/06/1966475/tagudin-ilocos-judge-killed-la-union> (last accessed 11 November 2019).

³ See the joint written statement submitted by Lawyers' Rights Watch Canada et al. to the United Nations Human Rights Council, *Philippines: Extrajudicial killing of jurists as part of a pattern of widespread and systematic violations of human rights*, available at <http://alrc.asia/philippines-extrajudicial-killing-of-jurists-as-part-of-a-pattern-of-widespread-and-systematic-violations-of-human-rights/> (last accessed 21 November 2019).

This bill aims to establish the Philippine Marshals Service to protect and defend our magistrates, judicial personnel, and court assets. It is hoped that this measure will prevent further violence against the Judicial Department of our beloved Republic.

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

A handwritten signature in black ink, appearing to read 'P. Garcia', is positioned above the printed name.

Rep. PABLO JOHN F. GARCIA
3rd District, Province of Cebu

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5654

Introduced by Representative PABLO JOHN F. GARCIA

**ACT ESTABLISHING
THE OFFICE OF THE PHILIPPINE MARSHALS SERVICE
UNDER THE SUPREME COURT OF THE PHILIPPINES
AND APPROPRIATING FUNDS THEREFOR**

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

Section 1. *Short Title.* - This Act shall be known as the "Philippine Marshals Service Act of 2019."

Section 2. *Declaration of Policy.* - The State values the safety, security, and independence of the Judicial Department, whose unimpeded functioning is paramount to the rule of law and the pursuit of justice. The State likewise recognizes that there is a need to protect the judiciary from threats and violence. It is thus the policy of the State to exert utmost efforts in ensuring the protection of its magistrates, judicial personnel, and court assets in order to preserve the rights and guarantees granted by the Constitution.

Section 3. *Establishment.* - The Philippine Marshals Service (hereinafter referred to as the "Service"), is hereby established as an armed and uniformed service under the control and supervision of the Supreme Court, through the Office of the Court Administrator, primarily responsible for the protection of court officials, personnel, and properties.

Section 4. *Powers and Functions of the Philippine Marshal Service.* - The Service 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 and other judicial proceedings, 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 provide operational aid to all prosecuting and law-enforcement officers and entities of the Government;
 - g. To coordinate with law enforcement agencies to maximize collection and sharing of intelligence information; and
 - h. 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 5. Officials of the Philippine Marshals Service and Their Assignments. - The Service shall be headed by the Director who shall have the same rank, privileges, and compensation of a Court of Appeals Associate Justice. The Director shall be assisted by three (3) Deputy Directors 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 6. Qualifications, Appointment, Tenure. - The Director and Deputy Directors must have been at least either a Colonel of the Armed Forces of the Philippines, a Senior Superintendent the Philippine National Police, a Supervising Agent of the National Bureau of Investigation, or a Marshal IV of the Service. They shall be appointed by the Supreme Court *en banc* and shall serve until they reach the age of sixty-five (65), unless they resign, 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.

Appointments for lower officers in the Service shall likewise be made by the Supreme Court *en banc* and shall be made only according to merit and fitness, which shall be determined as far as practicable by competitive mental and physical examination and after adequate instruction and training: *Provided, that* no person shall be appointed as a Marshal of the Service unless he or she possesses the following minimum qualifications:

- a. He or she must be a citizen of the Philippines;
- b. A Bachelor's Degree holder;
- c. A person of good moral conduct;
- d. Must not have been dishonorably discharged from the Armed Forces of the Philippines or other uniformed service or dismissed for cause from any civilian position in the Government;
- e. Must not have been convicted by final judgment of an offense or crime involving moral turpitude; and

- f. A new applicant must be not less than 21 years old but not more than 35 years old.

The compensation of Marshals of the Service shall be as follows:

Position	Salary Grade
Marshal IV	24
Marshal III	22
Marshal II	20
Marshal I	18

Section 7. Composition and Size of Personnel of the Service, - The composition and size of personnel of the 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 8. Powers, Duties, and Responsibilities of the Philippine Marshals. - The Supreme Court shall determine and define the powers, duties, and responsibilities of the Service which shall include but are 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, any Prosecutor, or the Department of Justice;
- b. To take and require sworn statements from any person so summoned, in relation to cases under investigation, in accordance with the Constitution, existing laws, jurisprudence and rules;
- c. To administer the oath of any person in relation to cases under investigation;
- d. To make arrests and searches and seizures, in relation to the functions of the 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 the purposes of cases under investigation; and
- f. To possess suitable and adequate firearms and other implements or instruments necessary for their personal safety and protection in connection

with their duties and responsibilities and for the proper safety and protection of Justices, judges, court officials and personnel, and halls of justice, courthouses, and other court buildings and properties: *Provided, that* no previous special permit for such possession shall be required.

Section 9. *Continuous Education and Training.* - Marshals of the Service shall undergo continuous training and education to ensure that they maintain and improve their skills as well as inform themselves of up-to-date knowledge and information on security. They may undergo training and education in the Philippine Military Academy, Philippine National Police Academy, Philippine Public Safety College, or in other equivalent institutions.

Section 10. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be sourced from the current appropriation of the Judiciary. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 11. *Separability Clause.* - Should any provision of this Act be declared invalid, the remaining provisions shall continue to be valid and subsisting.

Section 12. *Repealing Clause.* - All laws, executive orders, proclamations, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 13. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,