

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5528



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

In the recent years, the number of attacks against judges in the Philippines has been increasing. According to the Philippine Judges Association, five judges have been killed since 2017—totaling to 31 active judges killed since 1999. Of the 31 judges, 90 percent were regional trials court judges, and only 10 percent of the killings were solved.

To adequately protect the safety and independence of judges, this bill seeks to create the Philippine Marshal Service under the Supreme Court that would defend and secure justices, judges, court officials and personnel. Patterned after the United States Marshals Service, this bill provides that the officials and personnel of the Philippine Marshal Service shall possess suitable and adequate firearms for the proper safety and protection of the justices, judges, court officials and personnel.

Moreover, they will also be given the power to make arrests, searches and seizures, and to issue subpoenas for the appearance of any person for investigation. Under the proposed measure, it will also be the function of the Philippine Marshal Service to ensure that court trials and hearings proceed orderly, and to assist in the execution and implementation of court orders.

They shall also be responsible in conducting investigation concerning allegations of irregularities, including graft and corruption, committed by justices, judges, court officials and personnel.

To put an end to the act of violence and senseless killing of judges, the passage of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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HOUSE BILL NO. _____

Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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, 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. *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 Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 8. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,