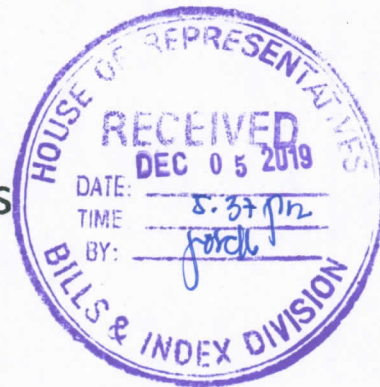




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session



HOUSE BILL NO. 5736

Introduced by Representative Henry S. Oaminal

EXPLANATORY NOTE

This bill seeks to establish the Philippine Marshal Service, defining its powers, functions and its organizational structure in order to protect, secure, defend and ensure the safety of justices, judges, and court officials and personnel against any form of threats and violence.

Earlier this year, on 9 May 2019, RTC Sindangan, Zamboanga del Norte Judge Reymer 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.

Later this year, on 5 November 2019, Regional Trial Court (RTC) Tagundin, Ilocos Sur Judge Mario Anacleto M. Bañez, was also shot to death on his way home to San Fernando, La Union. He was a few meters away from home, driving

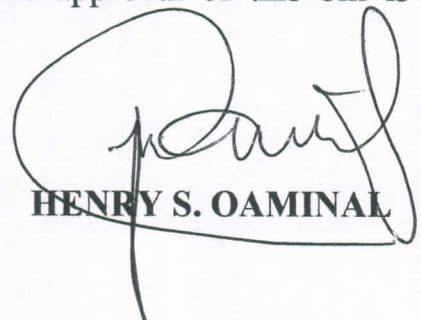
himself in his Hyundai Accent, when an assailant riding in tandem in a blue motorcycle drove beside him and instantly pumped a bullet on his neck. He was alone and had no security escorts. He was 53 years old and left behind a housewife and four (4) sons.

Judge Bañez at that time was handling two (2) sensitive drug 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.

Judges Lacaya and Bañez are just two (2) of the growing numbers of judges killed in office, which now tallies 31. In the last few years, an average of two (2) judges are killed every year. Of the 31 cases, only four (4) of 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, judges, 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, court houses 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 reasons, the immediate approval of this bill is earnestly sought.



HENRY S. OAMINAL



Republic of the Philippines
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HOUSE BILL NO. 5736

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AN ACT

**ESTABLISHING THE PHILIPPINE MARSHAL SERVICE, DEFINING ITS
FUNCTIONS, POWERS AND ORGANIZATIONAL STRUCTURE AND
APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Philippine
Marshals Service Act.*”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to strengthen the
safety, security, and independence of the Judiciary whose unimpeded service is
paramount to the rule of law and the pursuit of justice. Thus, the State recognizes that
there is a need to protect the judiciary from threats and violence by creating the
Philippine Marshal Service to ensure the protection and security of the Justices,

1 Judges, court officials and personnel and courts properties and assets from any form of
2 violence perpetrated against them.

3 **SEC. 3. *Establishment of the Philippine Marshal Service and its Functions.* —**

4 There is hereby established a Philippine Marshal Service hereinafter referred to as the
5 PMS, which shall be under the control and supervision of the Supreme Court, through
6 the Office of the Court Administrator.

7 The PMS shall have the following functions:

8 (a) Protect, defend, safeguard, watch over, provide security and ensure the safety
9 of justices, judges, court officials and personnel, and halls of justice, courthouses, and
10 other court buildings and properties;

11 (b) Conduct threat assessments and undertake investigations of crimes and other
12 offenses committed, including potential security threats, against justices, judges, court
13 officials and personnel, and halls of justice, courthouses, and other court properties;

14 (c) Ensure that court trials and hearings, including judicial conferences, seminars
15 and meetings, proceed orderly in accordance with existing rules, guidelines and
16 practice;

17 (d) Conduct investigations concerning allegations of irregularities, including
18 graft and corruptions, committed by justices, judges, court officials and personnel;

19 (e) Assist in the execution and implementation of court orders; and

20 (f) Perform other related functions as the Supreme Court, the Chief Justice, or
21 the Court Administrator may order, direct and instruct from time to time.

1 **SEC. 4. *Officials of the Philippine Marshal Service and Their Assignments.* –**

2 The PMS shall be headed by the Chief Marshal who shall have the same rank,
3 privileges, and compensation of a Court of Appeals Associate Justice. The Chief
4 Marshal shall be assisted by three (3) Deputy Marshals who shall have the same rank,
5 privileges, and compensation of a Regional Trial Court Judge, and be respectively
6 assigned in Luzon, Visayas and Mindanao.

7 **SEC. 5. *Qualifications, Appointment and Tenure.* –** The Chief Marshal and the

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

14 **SEC. 6. *Composition and Size of Personnel of the Philippine Marshal Service.***

15 – The composition and size of personnel of the PMS shall be determined by the
16 Supreme Court which may create such offices, divisions and units under it, as it may
17 deem necessary, and for this purpose, the Supreme Court is authorized to adopt and
18 implement the corresponding staffing patterns. The positions, titles, and salaries of its
19 officials and personnel shall be in accordance with the positions classifications and
20 salary grades in the Judiciary and the Civil Service Law and the Salary Standardization
21 Act. All officials and personnel appointed under this Act shall belong to the classified

1 service and shall be governed by the Civil Service Law, except those whose positions
2 are highly technical or primarily confidential.

3 SEC. 7. *Powers, Duties, and Responsibilities.* – The Supreme Court shall
4 determine and define the powers, duties, and responsibilities of the officials and
5 personnel of the PMS which shall include the following:

6 (a) Issue subpoenas for the appearance of any person for investigation, apply for
7 search warrants before any court of law, and file complaints before the Ombudsman,
8 City Prosecutor or the Department of Justice;

9 (b) Take and require sworn statements from any person so summoned, in
10 relation to the cases under investigation, in accordance with the Constitution, existing
11 laws, jurisprudence and rules;

12 (c) Administer the oath of any person in relation to the cases under investigation;

13 (d) Make arrests, searches and seizures, in relation to the functions of the
14 Philippine Marshal Service, and in accordance with the Constitution, existing laws,
15 jurisprudence and rules;

16 (e) Access over all public records under the custody of any government branch,
17 institution, agency or instrumentality, and upon proper request made to private
18 telecommunications companies, the records of any individual under investigation
19 which shall be treated with utmost confidentiality and only for purposes of the case/s
20 under investigation;

21 (f) Possess suitable and adequate firearms for their personal safety and
22 protection in connection with their duties and responsibilities, and for the proper safety

1 and protection of the justices, judges, court officials and personnel, and halls of justice,
2 courthouses, and other court properties; *Provided*, That no prior special permit from
3 any government institution or agency for such possession shall be required; and

4 (g) Exercise such other powers and perform such duties and responsibilities as
5 may be vested or reposed by the Supreme Court.

6 SEC. 8. ***Appropriations.*** – The amount of Fifty Million Pesos (P50,000,000.00)
7 for the establishment, initial operation and maintenance of the PMS is hereby
8 appropriated out of the national treasury not otherwise appropriated. Thereafter, such
9 sum as may be necessary for the continued operation and maintenance of the PMS
10 shall be included in the annual General Appropriations Act.

11 SEC. 9. ***Repealing Clause.*** – All laws, decrees, orders, proclamations, rules
12 and regulations, or parts thereof, which are inconsistent with this Act are hereby
13 repealed, amended, or modified accordingly.

14 SEC. 10. ***Effectivity.*** This Act shall take effect fifteen (15) days after its
15 publication in the Official Gazette or in a newspaper of general circulation.

16 Approved,