

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5686



Introduced by Representative Ferdinand L. Hernandez

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

EXPLANATORY NOTE

Since 1999, 31 judges have been killed on occasion or by reason of the performance of their duties as members of the judiciary. The most recent death was that of Judge Anacleto Bañez of the Regional Trial Court in Tagudin, Ilocos Sur, last November 5, 2019. He was shot while on the way home in San Fernando, La Union. Meanwhile, there are more judges who receive death threats in relation to their judicial functions. These killings and threats seriously undermine judicial independence.

The State is constitutionally mandated to maintain an independent judiciary, so as not to impair the delivery of justice. This includes the protection of the lives of judges and justices, in order that their decisions may not be clouded by threats to their lives, or the lives of their loved ones.

This bill seeks to create the Philippine Marshal Service, a separate body under the Supreme Court, through the office of the Court Administrator, which will be primarily tasked to protect court officials, employees, and property of the judiciary, conduct threat assessments, investigate irregularities, and assist in the implementation of court orders.

Considering the rationale stated above, the approval of this Bill is earnestly sought.


FERDINAND L. HERNANDEZ

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

Section 1. Creation of the Philippine Marshall Service and its Functions. – There is hereby created the Philippine Marshall 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 Marshall Service shall be headed by the Chief Marshall 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 Marshall 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, division 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 Marshall 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 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 purpose 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. Validity 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,