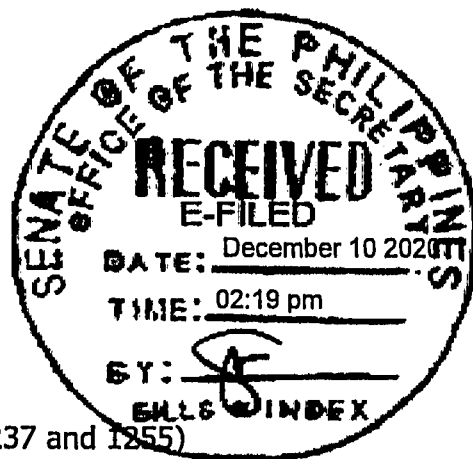


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE NO. 1947

(In Substitution of Senate Bill Nos. 1181, 1209, 1237 and 1255)

Prepared jointly by the Committees on Justice and Human Rights; and Finance with Senators Gordon, Lacson, De Lima, Dela Rosa, Sotto III, and Angara as authors

AN ACT
CREATING THE OFFICE OF THE JUDICIARY MARSHALS, 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:

1 Section 1. *Short Title.* – This Act shall be known as the “Judiciary Marshals Act.”

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

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

10 Section 3. *Creation of the Office of the Judiciary Marshals.* – There is hereby
11 established the Office of the Judiciary Marshals under the Supreme Court, through the
12 Office of the Court Administrator. The Office of the Judiciary Marshals shall be

1 primarily responsible for the security, safety, and protection of the members, officials,
2 personnel, and property of the Judiciary, including the integrity of the courts and their
3 proceedings.

4 Section 4. *Functions, Powers and Responsibilities.* – The Supreme Court shall
5 determine and define the functions, powers and responsibilities of the officials and
6 personnel of the Office of the Judiciary Marshals which shall include, but not limited
7 to, the following:

- 8 (a) To protect, defend, safeguard, watch over, provide security and ensure
9 the safety of justices, judges, court officials and personnel, including
10 their families, and halls of justice, courthouses, and other court buildings
11 and properties;
- 12 (b) To conduct threat assessments and undertake investigations and
13 forensic analysis of crimes and other offenses committed, including
14 potential security threats, against justices, judges, court officials and
15 personnel, and halls of justice, courthouses, and other court properties.
16 This shall include coordinating with other law enforcement agencies to
17 maximize collection and sharing of intelligence information for purposes
18 of identifying threats;
- 19 (c) To ensure the safe, secure, and orderly conduct of judicial proceedings
20 in accordance with existing rules, guidelines and practice, including
21 judicial conferences, seminars and meetings;
- 22 (d) To conduct investigations concerning allegations of irregularities,
23 including graft and corruption, committed by justices, judges, court

1 officials and personnel, as directed by the Supreme Court, the Chief
2 Justice, or the Court Administrator;

3 (e) To assist in the execution of all lawful writs, processes, and orders, and
4 shall command all necessary assistance to execute its duties;

5 (f) To assist in the protection of witnesses and in the security in the
6 transportation of the accused or witnesses necessary for the
7 continuation of court proceedings as may be directed by courts of
8 competent jurisdiction;

9 (g) To manage and dispose of assets seized, frozen, or forfeited by courts,
10 and deposit public money collected to the National Treasury;

11 (h) To issue subpoenas for the appearance of any person for investigation,
12 apply for search warrants before any court of law, and file complaints
13 before the Ombudsman, City Prosecutor or the Department of Justice;

14 (i) To take and require sworn statements from any person so summoned,
15 in relation to cases under investigation, in accordance with the
16 Constitution, existing laws, jurisprudence and rules;

17 (j) To administer the oath of any person in relation to cases under
18 investigation;

19 (k) To make arrests, searches and seizures, in relation to the functions of
20 the Office of the Judiciary Marshals, and in accordance with the
21 Constitution, existing laws, jurisprudence and rules;

22 (l) To have access to all public records under the custody of any
23 government branch, institution, agency or instrumentality, and upon
24 proper request made to private telecommunications companies, the

1 records of any individual under investigation which shall be treated with
2 utmost confidentiality and only for purposes of the case/s under
3 investigation, notwithstanding the Data Privacy Act and other laws to
4 the contrary;

5 (m) To possess suitable and adequate firearms for their personal safety and
6 protection in connection with their duties and responsibilities, and for
7 the proper safety and protection of the justices, judges, court officials
8 and personnel, and halls of justice, courthouses, and other court
9 properties; *Provided*, that no prior special permit from any other
10 government institution or agency for such possession shall be required;

11 (n) To make arrests without warrant for any offense committed in his or her
12 presence, or for any felony cognizable under the laws of the Philippines
13 if he or she has reasonable grounds to believe that the person to be
14 arrested has committed or is committing such felony.

15 (o) To issue Mission Orders and Memorandum Receipts for the purpose of
16 providing personnel with firearms, ammunitions, and other equipment;

17 (p) To request assistance from and coordinate with the Philippine National
18 Police (PNP), Armed Forces of the Philippines (AFP), National Bureau of
19 Investigation (NBI), and other law enforcement agencies in connection
20 with the performance of the functions and duties of the Office of the
21 Judiciary Marshal, notwithstanding the latter's primary jurisdiction to
22 investigate crimes and other offenses committed against justices,
23 judges, court officials and personnel, halls of justices, courthouses, and
24 other court properties;

1 (q) Establish Judicial Marshal Academy which shall be responsible for the
2 recruitment, training, and development of all Judicial Marshals and
3 personnel, among others;

4 (r) To perform such other related functions as the Supreme Court, the Chief
5 Justice, or the Court Administrator may order, direct and instruct from
6 time to time.

7 Section 5. *Jurisdiction.* The Judiciary Marshal shall have primary jurisdiction to
8 undertake investigations of crimes and other offenses committed against justices,
9 judges, court officials and personnel, halls of justices, courthouses, and other court
10 properties.

11 Section 6. *Officials of the Office of the Judiciary Marshals and Their*
12 *Assignments.* – The Office of the Judiciary Marshals shall be headed by the Chief
13 Marshal and assisted by three (3) Deputy Marshals who shall be respectively in charge
14 of, assigned and stationed in Luzon, Visayas and Mindanao.

15 Section 7. *Qualifications and Appointment of the Chief Marshal.* – The Chief
16 Marshal shall be appointed by the Supreme Court *en banc* and shall have a Salary
17 Grade of 30. He/She must be a natural-born citizen of the Philippines, preferably
18 member of the Philippine Bar, and must at least have been a full Colonel of the AFP
19 or the PNP, or Assistant Regional Director of the NBI, with experience in investigation
20 in all instances. Any active member of the AFP, PNP, and NBI shall be considered
21 resigned once appointed to the Office of the Judiciary Marshals.

22 Provided that a Chief Marshal may be appointed despite not being a full Colonel
23 of the AFP or the PNP, or Assistant Regional Director of the NBI provided that he or

1 she has a proven track record and adequate experience in investigation and law
2 enforcement.

3 Section 8. *Qualifications and Appointment of the Deputy Marshals.* – The
4 Deputy Marshals shall be appointed by the Supreme Court *en banc* and shall have a
5 Salary Grade of 29. They must be natural-born citizens of the Philippines and at least
6 have been full Colonels of the AFP or the PNP, or Assistant Regional Directors of the
7 NBI, with experience in investigation in all instances. Any active member of the AFP,
8 PNP, and NBI shall be considered resigned once appointed to the Office of the
9 Judiciary Marshals.

10 Provided that a Deputy Marshal may be appointed despite not being a full
11 Colonel of the AFP or the PNP, or Assistant Regional Director of the NBI provided that
12 he or she has a proven track record and adequate experience in investigation and law
13 enforcement.

14 Section 9. *General Qualifications and Examination.* – No person shall be
15 appointed as a Judiciary Marshal unless the applicant possesses the following
16 minimum qualifications:

- 17 (a) Natural-born citizen of the Philippines;
- 18 (b) Of good moral character;
- 19 (c) Must possess a formal baccalaureate degree from a recognized
20 institution of learning;
- 21 (d) Must have passed the psychiatric and/or psychological, drug, and
22 physical tests to be administered by government hospitals or clinics
23 accredited by the Supreme Court for the purpose of determining physical
24 and mental health;

- 1 (e) Must be eligible in accordance with the qualification standards set by the
2 Supreme Court;
- 3 (f) Must not have been dishonorably discharged from the AFP or PNP, or
4 dismissed for cause from any civilian position in the government;
- 5 (g) Must not have been convicted by final judgment of an offense or crime
6 involving moral turpitude;
- 7 (h) Must be at least one meter and sixty-two centimeters (1.62 m.) in height
8 for males and one meter and fifty-seven centimeters (1.57 m.) for
9 females, unless exempted by the Supreme Court for good cause;
- 10 (i) Must neither weigh more nor less than five kilograms (5 kgs.) from the
11 standard weight corresponding to their height, age, and sex;
- 12 (j) Must not be less than twenty-one (21) nor more than thirty-six (36)
13 years of age for new applicants for security agent positions; and
- 14 (k) Must be in excellent physical condition.

15 Except for item (j) above, these qualifications shall be continuing in character
16 and an absence of any one of them at any given time shall be a ground for separation
17 or retirement from the Office of the Judiciary Marshals.

18 For the purpose of determining compliance with the requirements on physical
19 and mental health, as well as the non-use of prohibited drugs, the Office of the
20 Judiciary Marshals, through an accredited government hospital or clinic, shall conduct
21 regular psychiatric and/or psychological, drug, and physical tests randomly and
22 without prior notice.

1 Likewise, no Judiciary Marshal may be appointed without passing the qualifying
2 entrance examination administered by the Office of the Judiciary Marshal based on
3 the standards set by the Supreme Court.

4 Section 10. *Organizational Structure and Qualification Standards.* – The Office
5 of the Judiciary Marshal shall be comprised of the following units:

6 (a) The Office of the Chief Marshal shall be stationed in the Supreme Court
7 (Head Office).

8 (b) The Heads of Office Divisions under the Chief Marshal, shall have the
9 following functions:

- 10 1. Judicial Protection Division, which shall provide security and
11 protection for justices, judges, court officials and personnel, and their
12 families; ensure the safe and secure conduct of judicial proceedings,
13 meeting, and training; assess and neutralize threats against the
14 judiciary on a 24/7 basis; establish a Threat Management Center for
15 consolidated information-sharing; maintain security systems for the
16 protection of courts, halls of justice and other judicial facilities; assist
17 in the service of court processes; assist in the security and protection
18 of witnesses and accused while they are in designated danger areas
19 for the purpose of testimony and court-related appearances; ensure
20 the safety of protected witnesses and their families by providing safe
21 and secure housing and transportation of witnesses while in the
22 witness protection program; and protect other members of the
23 judiciary as may be directed by the Chief Justice or the Court
24 Administrator.

- 1 2. Investigation, Forensic, and Intelligence Division, which shall
2 undertake investigation and forensic analysis of crimes committed
3 against justices, judges, court officials and personnel, and their
4 families, including cold cases; conduct investigations concerning
5 allegations of irregularities, including graft and corruption, committed
6 by justices, judges, court officials and personnel; and conduct
7 intelligence operations in furtherance of the foregoing.
- 8 3. Legal Division, which shall issue subpoenas for the appearance of
9 persons for investigation; take and require sworn statements from
10 persons summoned in relation to cases under investigation;
11 administer oaths of persons in relation to cases under investigation;
12 apply for search warrants before courts; maintain a database of
13 warrants issued by the courts; file complaints before the
14 Ombudsman, City Prosecutor or the Department of Justice; assist in
15 the execution and implementation of court orders; and manage and
16 dispose of assets seized, frozen, or forfeited by courts.
- 17 4. Information and Communications Technology Division, which shall
18 establish and maintain an integrated, comprehensive, and state-of-
19 the-art network of IT, electronics, and communications equipment
20 and facilities to enable the Office of the Judicial Marshal to perform
21 its functions; assist and coordinate with the Management
22 Information Systems Offices and Divisions of the Judiciary in
23 ensuring that the Judiciary Information and Communications
24 Technology systems and infrastructure are protected and secured,

1 including preparing the appropriate and effective measures to
2 prevent and eliminate cyber-attacks; and coordinate with other law
3 enforcement agencies on intelligence, investigations, training and
4 capacity-building related to cyber-threats against the Judiciary.

5 (c) Offices of the Deputy Marshals shall be respectively stationed in Luzon,
6 Visayas, and Mindanao.

7 The Supreme Court may amend, re-organize, create, and dissolve the divisions
8 and sections under the Office of the Judiciary Marshals, as it may deem necessary,
9 and for this purpose, shall be authorized to amend or revise the corresponding staffing
10 patterns and determine the appropriate qualification standards; *Provided*, however,
11 that the positions, titles, and salaries of its officials and personnel shall be in
12 accordance with the position classifications and salary grades in the Judiciary, the Civil
13 Service Rules and the Salary Standardization Act; *Provided further*, however, that all
14 officials and personnel appointed under this Republic Act shall be governed by the
15 Civil Service Law.

16 Section 11. *Training and Education.* – Judiciary Marshals shall undergo
17 continuous training and education to ensure that they maintain and improve their
18 skills, knowledge, and capabilities in performing their mandate.

19 Section 12. *Tenure and Retirement.* – The Chief Marshal, Deputy Marshals,
20 officials and personnel of the Office of the Judiciary Marshals shall serve until they
21 reach the age of sixty-five (65) subject to an extension by the Supreme Court *en banc*
22 for a maximum of one (1) year on the basis of good performance, unless they sooner
23 become incapacitated to discharge the duties of their office or are dismissed by a vote

1 of a majority of the Justices of the Supreme Court who actually took part in the
2 deliberations of their cases and voted thereon.

3 Section 13. *Administrative and Disciplinary Action.* – Existing rules and
4 procedure for the administrative discipline of personnel shall likewise govern
5 administrative and disciplinary actions against members of the Office of the Judiciary
6 Marshals.

7 Section 14. *Summary Dismissal Power of the Chief Justice.* – The Chief Justice,
8 after conducting a summary proceeding, may immediately remove or dismiss any
9 Judiciary Marshal should they perform or commit an act that is contrary to the purpose
10 for which they were employed.

11 Section 15. *Initial Funding.* – For purposes of this Act, there is hereby
12 appropriated the initial sum of Fifty Million Pesos (Php 50,000,000.00) for the salaries,
13 wages and other expenses of personnel, the purchase of necessary supplies, materials
14 and equipment, and for other purposes. The appropriations for the succeeding fiscal
15 years shall be included in the annual General Appropriations Act.

16 Section 16. *Implementing Rules and Regulations.* – Within ninety (90) days from
17 the approval of this Act, the Supreme Court, through the Office of the Court
18 Administrator, shall promulgate the rules and regulations implementing the provisions
19 of this Act. The implementing rules and regulations issued pursuant to this section
20 shall take effect thirty (30) days after publication in two (2) newspapers of general
21 circulation.

22 Section 17. *Separability Clause.* – If any of the sections or provisions of this
23 Act is adjudged invalid, all its other provisions not affected thereby shall remain valid
24 and in force.

1 Section 18. *Repealing Clause.* – All laws, rules and regulations that may be
2 inconsistent with the provisions of this Act are hereby repealed or amended
3 accordingly.

4 Section 19. *Effectivity.* This Act shall take effect fifteen (15) days after its
5 publication in the Official Gazette or a newspaper of general circulation in the
6 Philippines.

Approve,