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**SENATE**  
S.B. No. 1181

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Introduced by **Senator Richard J. Gordon**

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**AN ACT  
CREATING THE PHILIPPINE MARSHAL SERVICE UNDER THE  
CONTROL AND SUPERVISION OF THE SUPREME COURT OF  
THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND  
FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

November 5, 2019, is another day of infamy for the Philippine Judiciary, when criminals managed to violently trounce justice, with the killing of Tagudin, Ilocos Sur Judge Mario Anacleto Bañez. Since 1999, there had been 31 of such infamous days when judges' lives were sacrificed to the altars of justice. Judge Bañez was already the fifth judge to have died in active service during the Duterte administration alone. Of the 31 judges killed since 1999, ninety percent of the victims were regional trial court judges. Of these, only around 10 percent have been solved.

Killings of judges must be stopped. This bill is the undersigned's response to the call of Supreme Court Justice Diosdado M. Peralta for a legislative act that will create a battalion-size independent armed unit patterned after the United States Marshal Service to secure the judiciary and assist in the administration of justice, such as the enforcement of the Orders of the Court, the protection of witnesses, the security in the transportation of accused and or witnesses whose presence are needed for the completion of trial, and such other related functions the Supreme Court, the Chief Justice, or the Court Administrator may order, direct and instruct from time to time for the orderly administration of justice.

It is hoped that immediate passage of this bill will help protect the lives of the members of the judiciary, strengthen the resolve to render impartial judgment and assist in the expeditious resolution of cases before various courts in the country from the lowest to the highest.



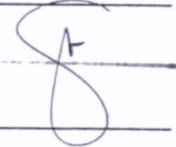
**RICHARD J. GORDON**  
Senator

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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 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 assist in the protection of witnesses and in the security in the transportation of accused or witnesses necessary for the continuation of court proceedings;
- (g) To seize, freeze, manage and dispose of assets seized, frozen or forfeited by the Courts nationwide;
- (h) To make arrests, searches and seizures in accordance with the Constitution, existing laws, jurisprudence and rules;
- (i) 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.



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

7           **Sec. 3.** *Qualifications, Appointment and Tenure.* The Chief Marshal and the  
8 Deputy Marshals must be a lawyer, must have a law enforcement experience of ten  
9 (10) years, or an Assistant Director of the National Bureau of Investigation, not in  
10 active service at the time of his appointment. They shall be appointed by the Supreme  
11 Court *en banc* and shall serve until they reach the age of sixty-five (65), unless they  
12 become incapacitated to discharge the duties of their office or are removed for just  
13 cause by a vote of not less than eight (8) justices of the Supreme Court.

14           **Sec. 4.** *Composition and Size of Personnel of the Philippine Marshal Service.*  
15 The Philippine Marshal Service shall be divided into divisions as follows:

16           **a.) Communications Division-** Communications Division shall liaise,  
17 communicate, coordinate and interact with Congress, local government, national  
18 government agencies, the media and the general public on the Philippine Marshals  
19 missions and successes.

20           **b.) Inspection Division-** Inspection Division shall perform the following  
21 tasks:

- 22           1. Ensure all complaints or allegations of misconduct are processed in  
23           compliance with the Department of Justice.
- 24           2. Conduct periodic compliance reviews to ensure conformance with  
25           applicable laws, regulations, policies and procedures, while identifying  
26           weaknesses and making applicable recommendations.
- 27           3. Provide advice and guidance on addressing matters of employee  
28           misconduct.
- 29           4. Provide subject matter expertise to management related to misconduct  
30           offenses and proper resolution.

31           **c.) Judicial Security Division-** Judicial Security Division shall perform the  
32 following tasks:

- 33           1. Ensure the safe and secure conduct of judicial proceedings and protection  
34           of justices, judges, court officials and personnel of the judiciary.
- 35           2. Anticipate and deter threats to the judiciary.
- 36           3. Manage, collect, analyze and disseminate intelligence in the form of  
37           information bulletins, alert notices, protective intelligence briefs, threat  
38           assessments and foreign travel briefings.

39           **d.) Investigative Operations Division-** Investigative Operations Division  
40 shall perform the following tasks:

- 41           1. Provide support to law enforcement agencies to assist in the capture of  
42           fugitives.
- 43           2. Participate in task forces in connection with anti-drug, anti-kidnapping  
44           and such other task forces as the Supreme Court may warrant.
- 45           3. Process, review, and coordinate the pursuit and apprehension of  
46           international and foreign fugitives.
- 47           4. Manage the Philippine Marshal's 15 Most Wanted program.

- 1 4. Manage the Philippine Marshal's 15 Most Wanted program.
- 2 5. Provide investigative and intelligence support in financial surveillance,
- 3 criminal intelligence Branch, and other related investigative undertaking

4 **e.) Witness Security Division-** Witness Security Division shall perform the  
5 following tasks:

- 6 1. Ensure the safety of protected witnesses and their families by providing
- 7 safe and secure housing and transportation of witnesses while in the
- 8 program.
- 9 2. Provide 24-hour protection to all witnesses while they are in designated
- 10 danger areas for the purposes of testimony and court related
- 11 appearances.

12 **f.) Justice Prisoner & Alien Transportation Division-** Justice Prisoner &  
13 Alien Transportation System shall perform the following tasks:

- 14 1. Provide scheduling and safe transportation of prisoners and aliens in the
- 15 care and custody of the PNP, Bureau of Immigration and other law
- 16 enforcement agencies.

17 **g.)Tactical Operations Division-** Tactical Operations Division shall perform  
18 the following tasks:

- 19 1. Manage and respond to national emergencies and crises involving
- 20 internal security.
- 21 2. Provide support to individuals affected by crisis or traumatic situations.
- 22 3. Provide technical protective support and wireless communications
- 23 support to law enforcement agencies.
- 24 4. Direct, coordinate and manage their own Special Operations Group,
- 25 Explosive Detection Canine Program and the 24-hour Communications
- 26 Center.

27 **h.) Prisoner Operations Division-** Prisoner Operations Division shall  
28 perform the following tasks:

- 29 1. Manage and oversee all detention matters pertaining to individuals
- 30 remanded to the custody of the Department of Justice.
- 31 2. Ensure the secure care and custody of these individuals through
- 32 sustenance, secure lodging and transportation, evaluating conditions of
- 33 confinement, providing medical care, and protecting their civil rights
- 34 through the judicial process.

35 **i.) Training Division-** Training Division shall perform the following tasks:

- 36 1. Provide high quality, state-of-the-art law enforcement training.
- 37 2. Provide guidelines concerning the development, review and
- 38 implementation of Philippine Marshal training to include, basic,
- 39 advanced, in-service and specialty disciplines.
- 40

41 **j.) Human Resources Division-** Human Resources Division shall perform the  
42 following tasks:



- 1 1. Determine the human resource needs of the agency.
- 2 2. Manage the background investigation program.
- 3 3. Recruit and employ a culturally diverse workforce.
- 4 4. Provide for the health, safety, and well-being of the workforce.
- 5 5. Provide for the career advancement, continuing education and skills
- 6 development of the workforce.
- 7 6. Promote union and employee participation in setting the goals,
- 8 objectives, and business practices of the agency.

9 **k.) Information Technology Division-** Information Technology Division  
10 shall perform the following tasks:

- 11 1. Provide for the development of information systems, networks,
- 12 automated data processing technology applications and set standards
- 13 therefor.
- 14 2. Provide network, computer, telephone and radio support services to the
- 15 Philippine Marshal Service.

16 **l.) Management Support Division-** Management Support Division shall  
17 perform the following tasks:

- 18 1. Manage policy and records management.
- 19 2. Provide property management services, purchase and maintain vehicles
- 20 and other equipment.
- 21 3. Provide printing, mail and multimedia services.
- 22

23 **m.) Financial Services Division-** Financial Services Division shall perform  
24 the following tasks:

- 25 1. Monitor program plans and performance in coordination with
- 26 Department of Justice.
- 27 2. Prepare annual agency budget requests and monitor the expenditure of
- 28 funds.
- 29 3. Maintain the agency financial system and official financial records.
- 30 4. Prepare the agency's annual financial statements and oversee the annual
- 31 audit.
- 32 5. Provide quality business solutions while supporting acquisition reform
- 33 and best practices.
- 34

35 **n.) Asset Forfeiture Division-** Asset Forfeiture Division shall perform the  
36 following tasks:

- 37
- 38 1. Seize, manage, and dispose of assets seized and forfeited by courts
- 39 nationwide.

40 The composition and size of personnel of the Philippine Marshal Service shall be  
41 determined by the Supreme Court, and for this purpose, the Supreme Court is  
42 authorized to adopt and implement the corresponding staffing patterns; Provided,  
43 however, that the positions, titles, and salaries of its officials and personnel shall be  
44 in accordance with the position classifications and salary grades in the Judiciary, the

1 Civil Service Rules and the Salary Standardization Act; Provided further, however, that  
2 all officials and personnel appointed under this Republic Act shall belong to the  
3 classified service and shall be governed by the Civil Service Law, except those whose  
4 positions are highly technical or primarily confidential.

5 **Sec. 5. Powers, Duties, and Responsibilities.** The Supreme Court shall  
6 determine and define the powers, duties, and responsibilities of the officials and  
7 personnel of the Philippine Marshal Service which shall include, but not limited to, the  
8 following:

- 9 (a) To issue subpoenas for the appearance of any person for investigation,  
10 apply for search warrants before any court of law, and file complaints  
11 before the Ombudsman, City Prosecutor or the Department of Justice;
- 12 (b) To take and require sworn statements from any person so summoned,  
13 in relation to the cases under investigation, in accordance with the  
14 Constitution, existing laws, jurisprudence and rules;
- 15 (c) To administer the oath of any person in relation to the cases under  
16 investigation;
- 17 (d) To make arrests, searches and seizures, in relation to the functions of  
18 the Philippine Marshal Service, and in accordance with the Constitution,  
19 existing laws, jurisprudence and rules;
- 20 (e) To have access over all public records under the custody of any  
21 government branch, institution, agency or instrumentality, and upon  
22 proper request made to private telecommunications companies, the  
23 records of any individual under investigation which shall be treated with  
24 utmost confidentiality and only for purposes of the case/s under  
25 investigation;
- 26 (f) To possess suitable and adequate firearms for their personal safety and  
27 protection in connection with their duties and responsibilities, and for  
28 the proper safety and protection of the justices, judges, court officials  
29 and personnel, and halls of justice, courthouses, and other court  
30 properties; Provided, that no prior special permit from any other  
31 government institution or agency for such possession shall be required.
- 32 (g) To seize, freeze, manage and dispose of assets seized, frozen or  
33 forfeited by the Courts nationwide;

34 **Sec. 6. Initial Funding.** For purposes of this Act, there is hereby appropriated  
35 from the National Treasury the initial sum of Fifty Million Pesos (P50,000,000.00) for  
36 the salaries, wages and other expenses of personnel, the purchase of necessary  
37 supplies, materials and equipment, and for other purposes. The appropriations for  
38 the succeeding fiscal years shall be included in the annual General Appropriations Act.

39 **Sec. 7. Repealing Clause.** All laws, rules and regulations that may be  
40 inconsistent with the provisions of this Act are hereby repealed or amended  
41 accordingly.

42 **Sec. 8. Separability Clause.** If any of the sections or provisions of this Act is  
43 adjudged invalid, all its other provisions not affected thereby shall remain valid and in  
44 force.

45 **Sec. 9. Effectivity.** This Act shall take effect after fifteen (15) days following  
46 the completion of its publication either in the Official Gazette or in a newspaper of  
47 general circulation in the Philippines.

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*Approved,*