



Office of the Secretary

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

'19 DEC 16 P2:04

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SENATE

S. No. 1237

Introduced by SENATOR RONALD "BATO" DELA ROSA

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

EXPLANATORY NOTE

In October 28, 2019, the newly appointed Supreme Court Chief Justice Diosdado Peralta discloses his 10-point program as he begins his term as the highest judicial officer in the land. Included as item six (6) in his agenda is the "strengthening of policies and guidelines on the security of justices, judges and halls of justice, all over the country." This is in connection to the spate of killings of judges and other court personnel in the country. Chief Justice Peralta floats the idea of the creation of the Philippine Judicial Marshal Service, which will be patterned from the United States Marshals Service (USMS). The USMS, created in 1789, is considered as one of the oldest American federal law enforcement agencies, which is responsible mainly for the protection of Federal jurists, court officers and other threatened persons in the interest of justice.¹

¹ Retrieved from <https://www.usmarshals.gov/history/timeline.html>

As reported by the Office of the Court Administrator, there have been thirty-one (31) judges killed since January 1999, and five (5) under the Duterte administration.²

The proposed measure which will create the Philippine Judicial Marshal Service will function primarily to protect, defend, safeguard and provide security to justices, judges, court officials and personnel, and halls of justice, courthouses and other judicial buildings and properties all over the Philippines. The said Marshal Service shall be mandated to conduct investigations against possible security threats against justices, judges court officials and personnel. Furthermore, it is authorized to conduct investigations concerning allegations of anomalies and wrongdoings committed by justices, judges court officials and personnel. The Marshal Service will also function to assist in the execution and implementation of court orders.

In view of the foregoing, the passage of this bill is earnestly sought.



RONALD "BATO" DELA ROSA

² Navallo, Mike, In the wake of judges' killing, Congress urged to pass law ensuring judges' security. Retrieved from <https://news.abs-cbn.com/news/11/06/19/in-the-wake-of-judges-killing-congress-urged-to-pass-law-ensuring-judges-security>, retrieved on 16 December 2019.



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**AN ACT
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OTHER PURPOSES**

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

1 Section 1. Creation of the Philippine Judicial Marshal Service and its Functions. There
2 is hereby created the Philippine Judicial Marshal Service under the Supreme Court,
3 through the Office of the Court Administrator, which shall have the following functions:

- 4 a. To protect, defend, safeguard, watch over, provide security and ensure the
5 safety of justices, judges, court officials and personnel, and halls of justice,
6 courthouses, and other court buildings and properties;
- 7 b. To conduct threat assessments and undertake investigations of crimes and
8 other offenses committed, including potential security threats against justices,
9 judges, court officials and personnel, and halls of justice, courthouses, and
10 other court properties;
- 11 c. To ensure that court trials and hearings, including judicial conferences,
12 seminars, and meetings, proceed orderly in accordance with existing rules,
13 guidelines and practice;
- 14 d. To conduct investigations concerning allegations of irregularities, including
15 graft and corruption, committed by justices, judges, court officials and
16 personnel;
- 17 e. To assist in the execution and implementation of court orders; and

1 f. To perform such other related functions as the Supreme Court, the Chief
2 Justice, or the Court Administrator may order, direct and instruct from time to
3 time.

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

10 Sec. 3. Qualifications, Appointment and Tenure. The Chief Marshal and the Deputy
11 Marshals must be a lawyer and must have been at least a full Colonel of the Armed
12 Forces of the Philippines (AFP) or the Philippine National Police (PNP), or an Assistant
13 Director of the National Bureau of Investigation (NBI). They shall be appointed by the
14 Supreme Court *en banc* and shall serve until they reach the age of sixty-five (65)
15 unless they become incapacitated to discharge the duties of their office or are removed
16 for just cause by a vote of not less than eight (8) justices of the Supreme Court.

17 Sec. 4. Composition and Size of Personnel of the Philippine Judicial Marshal Service.
18 The composition and size of personnel of the Philippine Judicial Marshal Service shall
19 be determined by the Supreme Court which may create such offices, divisions and
20 units under it, as it may deem necessary and for this purpose, the Supreme Court is
21 authorized to adopt and implement the corresponding staffing patterns: Provided,
22 however. That the positions, titles, and salaries of its officials and personnel shall be
23 in accordance with the position classifications and salary grades in the Judiciary, the
24 Civil Service Rules and the Salary Standardization Act: Provided, further. That all
25 officials and personnel appointed under this Republic Act shall belong to the classified
26 service and shall be governed by the Civil Service Law, except those whose positions
27 are highly technical or primarily confidential.

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

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

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

1 Sec. 7. Separability Clause. If any provision of this Act or an application thereof to any
2 person or circumstance is held to be invalid, the other provisions of this Act, and the
3 application of such provision to other persons or circumstances, shall not be affected
4 thereby.

5 Sec. 8. Repealing Clause. All laws, order, issuances, rules and regulations or parts
6 thereof inconsistent with this Act are hereby repealed or modified accordingly.

7 Sec. 9. Effectivity. This Act shall take effect fifteen (15) days following the date of its
8 publication in the Official Gazette or in at least two (2) newspapers of general
9 circulation, whichever comes first.

10 *Approved,*