Submitted by the Committees on Justice and Appropriations on March 2, 2021.

Re: House Bill No. 9085

Recommending its approval in substitution of House Bills Numbered 3409, 5403, 5528, 5654, 5686, 5691 and 5736


Mr. Speaker:

The Committees on Justice and Appropriations to which were referred House Bill No. 3409 introduced by Rep. Rozzano Rufino B. Biazon, entitled:

"AN ACT
ESTABLISHING THE OFFICE OF JUDICIARY MARSHALS AND APPROPRIATING FUNDS THEREFOR";

House Bill No. 5403 introduced by Rep. Johnny Ty Pimentel, entitled:

"AN ACT
ESTABLISHING THE OFFICE OF THE PHILIPPINE MARSHALS SERVICE UNDER THE SUPREME COURT OF THE PHILIPPINES AND APPROPRIATING FUNDS THEREOF";

House Bill No. 5528 introduced by Rep. Luis Raymund “LRay” F. Villafuerte, Jr., entitled:

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

House Bill No. 5654 introduced by Rep. Pablo John F. Garcia, entitled:

"AN ACT
ESTABLISHING THE OFFICE OF THE PHILIPPINE MARSHALS SERVICE UNDER THE SUPREME COURT OF THE PHILIPPINES AND APPROPRIATING FUNDS THEREFOR";
House Bill No. 5686 introduced by Rep. Ferdinand L. Hernandez, entitled:

"AN ACT
CREATING THE PHILIPPINE MARSHAL SERVICE, DEFINING ITS FUNCTIONS AND POWERS, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES";

House Bill No. 5691 introduced by Rep. Rufus B. Rodriguez, entitled:

"AN ACT
CREATING THE PHILIPPINE MARSHAL SERVICE, DEFINING ITS FUNCTIONS AND POWERS, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES";

and House Bill No. 5736 introduced by Rep. Henry S. Oaminal, entitled:

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

have considered the same and recommend that the attached House Bill No. 5686 entitled:

"AN ACT
ESTABLISHING THE PHILIPPINE JUDICIARY MARSHALS SERVICE, DEFINING ITS POWERS, FUNCTIONS, AND ORGANIZATIONAL STRUCTURE, AND APPROPRIATING FUNDS THEREFOR"

Jonathan Keith T. Flores, Mark O. Go, Dahlia A. Loyola, Florida "Rida" P. Robes and Irene Gay F. Saulog as authors thereof.

Respectfully submitted,

ERIC GO YAP
Chairperson
Committee on Appropriations

VICENTE "CHING" S.E. VELOSO III
Chairperson
Committee on Justice

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9086
(in substitution of House Bills Numbered 3409, 5403, 5528, 5654, 5686, 5691 and 5736)


AN ACT

ESTABLISHING THE PHILIPPINE JUDICIARY MARSHALS SERVICE, DEFINING ITS POWERS, FUNCTIONS, AND ORGANIZATIONAL STRUCTURE, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as the "Philippine Judiciary Marshals Service Act".

SEC. 2. Declaration of Policy. – It is the declared policy of the State to ensure the safety and security of the members of the Judiciary, judicial personnel, and court assets, in order for the Judiciary to function independently and impartially in upholding the rule of law and in preserving the rights and guarantees granted by the Constitution. To this end, an independent, professional, and organized
security force under the control and supervision of the Supreme Court is necessary to protect the Judiciary from violence, threats, and undue influence, thereby securing the performance of its constitutionally mandated duty to administer justice in accordance with the laws of the land.

SEC. 3. Philippine Judiciary Marshals Service. – There is hereby created the Philippine Judiciary Marshals Service under the control and supervision of the Supreme Court, through the Office of the Court Administrator, primarily responsible for the protection and security of the members of the Judiciary, judicial personnel, the courts, and court assets.

SEC. 4. Powers and Functions. – The Philippine Judiciary Marshals Service shall have the following powers and functions:

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

(b) Conduct threat assessments and undertake investigations, in coordination with other law enforcement agencies, over crimes and other offenses committed against, including potential actionable security threats to, justices, judges, court officials and personnel, halls of justice, courthouses, court buildings, and other court properties;

(c) Ensure that court proceedings, trials and hearings, including judicial conferences, seminars and meetings, are conducted in an orderly manner in accordance with existing rules, guidelines, and practice;

(d) Investigate, in coordination with other law enforcement agencies and, whenever applicable, the Office of the Ombudsman, allegations of irregularities, including graft and corrupt practices, committed by justices, judges, court officials and court personnel;

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

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

SEC. 5. Officials and Their Assignments. – The Philippine Judiciary Marshals Service shall be headed by a Chief Marshal, who shall have the same rank, privileges, and compensation of an Associate Justice of the Court of Appeals. The Chief Marshal shall be assisted by three (3) Deputy Marshals who shall be assigned respectively in Luzon, Visayas and Mindanao, and shall have the same rank, privileges, and compensation of a judge of a Regional Trial Court.

SEC. 6. Qualifications, Appointment and Tenure. – The Chief Marshal and the Deputy Marshals must be members of the Philippine Bar and must have held the rank of at least, a full Colonel in-the Armed Forces of the Philippines or the Philippine National Police, or an Assistant Director in the National Bureau of Investigation.

The Chief Marshal and Deputy Marshals shall be appointed by the Supreme
Court *en banc* and shall serve until they reach the age of sixty-five (65) years, 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.

**SEC. 7. Composition and Size of Personnel.** – The composition and size of personnel of the Philippine Judiciary Marshals Service shall be determined by the Supreme Court which may create such offices, divisions and units under it as it may deem necessary. For this purpose, the Supreme Court is authorized to adopt and implement the corresponding staffing pattern for the Philippine Judiciary Marshals Service. The positions, titles, and salaries of its officials and personnel shall be in accordance with Republic Act No. 11466, otherwise known as the “Salary Standardization Law of 2019”. All officials and personnel appointed under this 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. The organizational structure and staffing pattern shall be submitted to the Department of Budget and Management (DBM) for approval.

**SEC. 8. Duties and Responsibilities.** – The Supreme Court shall define and determine the duties and responsibilities of the officials and personnel of the Philippine Judiciary Marshals Service consistent with the provisions of this Act. Such duties and responsibilities shall include the following:

(a) Issue subpoenas for the appearance of any person for investigation, apply for search warrants before any court of law, and file complaints before the Office of the Ombudsman, city or provincial prosecutor, or the Department of Justice;

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

(d) Make arrests and conduct searches and seizures in relation to the functions of the Philippine Judiciary Marshals Service, and in accordance with the Constitution, existing laws, jurisprudence and rules;

(e) 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 cases under investigation;

(f) Possess duly licensed, suitable and adequate firearms for their personal safety and protection in connection with their duties and responsibilities, and for the proper safety and protection of the justices, judges, court officials and personnel, halls of justice, courthouses, court buildings and other court properties. For this purpose, the Chief Marshal is hereby authorized to issue permits to carry duly licensed firearms outside of residence to officials and personnel of the Philippine Judiciary Marshals Service; and
(g) Exercise such other powers and perform such other duties and responsibilities as may be vested or reposed by the Supreme Court, in the implementation of the provisions of this Act.

SEC. 9. Benefits and Privileges. – The Philippine Judiciary Marshals Service shall provide its officials and personnel the following benefits and privileges:

(a) Health care services through a health maintenance organization (HMO) for all its regular employees;

(b) Accident insurance policies for all employees;

(c) Trainings, scholarships, and seminars to deserving employees to upgrade their knowledge and skills, on official time and at the expense of the Service, and pursuant to its implementing rules and regulations; and

(d) Hazard pay, subject to pertinent laws, rules and regulations.

The Philippine Judiciary Marshals Service shall likewise bear the costs for all fees required in relation to Section 8(f) of this Act.

SEC. 10. Appropriations. – The amounts necessary to carry out the initial implementation of this Act shall be charged against the current year’s budget of the Supreme Court. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 11. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Supreme Court shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 12. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SEC. 13. Repealing Clause. – Section 5 (c) of Republic Act No. 10867, otherwise known as the “National Bureau of Investigation Reorganization and Modernization Act”, granting the National Bureau of Investigation primary jurisdiction to undertake investigations of killings of justices and judges, is hereby repealed. All other laws, decrees, orders, rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

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

Approved,
House of Representatives
Committee Affairs Department

FACT SHEET

House Bill No. 9086
(in substitution of House Bills Numbered 3409, 5403, 5528, 5654, 5686, 5691 and 5736)
(Approved by the Committee on March 3, 2020)

"AN ACT
ESTABLISHING THE PHILIPPINE JUDICIARY MARSHALS SERVICE,
DEFINING ITS POWERS, FUNCTIONS, AND ORGANIZATIONAL
STRUCTURE, AND APPROPRIATING FUNDS THEREFOR"

Introduced by: Representatives Rozzano Rufino B. Biazon, Johnny Ty Pimentel, Luis Raymund "LRay" F.
Villafranca, Jr., Pablo John F. Garcia, Ferdinand L. Hernandez, Rufus B. Rodriguez, Henry S. Oaminal, Vicente
"Ching" S.E. Veloso III, Eric Go Yap, John Marvin "Yul Servo" C. Nieto, Xavier Jesus D. Romualdo, Manuel Jose
"Manny" M. Dalipe, Angelo Marcos Barba, Amilinda J. Sangcopan, Ruvel Peter S. Gonzaga, Peter John D.
Calderon, Argel Joseph T. Cabatbat, Lawrence Lemuel H. Fortun, Jose Christopher Y. Belmonte, Rosanna "Ria"
Vergara, Michael T. Defensor, Evelina G. Escudero, Kristine Singson-Meenah, Rose Marie "Baby" J. Arenas,
Deogracias Victor "DV" B. Serrano, Strike B. Revilla, Christopher V. P. De Venecia, Stella Luz A. Quimbo, Junie
E. Cua, Jose "Pingping" I. Tejada, Micaela S. Violago, Greg G. Gasataya, Teodorico Haresco, Jr., Luisa Lloren
Cuarezma, Paul Ruiz Daza, Manuel T. Sagarbarria, Michael John R. Duavit, Luis N. Campos, Jr., Romeo S. Momo,
Bascug, Jose Francisco "Kiko" B. Benitez, Ph.D., Gabriel H. Bordado, Jr., Wilfredo "Willy" S. Caminero, Carl
Nicolas C. Carin, Sergio C. Dagooc, Cheryl P. Deloso-Montaño, Abdullah D. Dimaporo, Mohamad Khalid Q.
Dimaporo, Alan R. Dujali, Faustino "Inno" A. Dy V, Faustino Michael Carlos T. Dy III, Ian Paul L. Dy, Michael B.
Gorrioneta, Eduardo "Eddie" R. Gufias, Godofredo N. Guya, Gloria G. Labadlabad, Edward Vera Perez Maceda,
Maricel G. Natividad-Nagaño, Jose "Jun" L. Ong, Jr., Pablo C. Ortega, Allan Benedict S. Reyes, Geraldine B.
Roman, Joy Myra S. Tambunting, Alyssa Sheena P. Tan, Angelyn "Helen" D.L. Tan, M.D., John Reynald M.
Tiangco, Lucy Torres-Gomez, Kristine Alexie B. Tutor, Samantha Louise Vargas Alfonso, Presley C. De Jesus,
Lorenz R. Defensor, Wilfredo Mark M. Enverga, Jonathan Keith K. Flores, Mark O. Go, Dahlia A. Loyola, Florida
"Rida" P. Robles and Irene Gay F. Sauolog

Committee Referral: Committees on Justice and Appropriations
Committee Chairpersons: Reps. VICENTE "CHING" S.E. VELOSO III and ERIC GO YAP

OBJECTIVES:

- To protect the members of the Judiciary and judicial personnel from violence, threats,
  and undue influence;

- To secure properties and assets of the Judiciary across the country;

- To ensure that the performance of the duties and functions of members of the Judiciary
  and judicial personnel are free from external factors that may affect the proper and effective
  administration of justice.

KEY PROVISIONS:

- Establishes the Philippine Judiciary Marshals Service – an independent, professional, and
  organized security force under the control and supervision of the Supreme Court;

- Prescribes the qualifications, appointment, and tenure of the Chief Marshal and Deputy
  Marshals;
- Defines the powers and functions of the Philippine Judiciary Marshals Service, as well as the powers, duties and responsibilities of the Chief Marshal and Deputy Marshals;

- Grants the Chief Marshall authority to issue permits to carry duly licensed and registered firearms for its personnel;

- Grants benefits and privileges to officials and employees of the Philippine Judiciary Marshals Service; and

- Repeals section 5, paragraph (c) of Republic Act No. 10867 (NBI Modernization Act) which grants the NBI primary jurisdiction in investigating killings of justices and judges.

RELATED LAWS:

- R.A. No. 10867, otherwise known as the “National Bureau of Investigation Reorganization and Modernization Act”

- R.A. No. 10591, otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act”