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PHILIPPINE ARMY

(ESTABLISHMENT, ORGANIZATION, AND LEGAL BASIS)

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R E S T R I C T E D

THE PHILIPPINE ARMY: ITS ESTABLISHMENT, ORGANIZATION,
AND LEGAL BASIS

Prepared
by

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APO 501

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FOREWORD

The present study collects and compiles the Commonwealth statutes affecting the Philippine Army. Some of the important executive orders, and other legal sources are also contained in it. Amendments to the National Defense Act are found in such widely scattered sources that the compilation of the law in its present form, incorporating all amendments, will serve as a reference to the legal basis of the Army. A list of executive messages and important speeches of the President of the Commonwealth relating to national defense and the Army is also included. A short account of the establishment of the Army, its development and organization has been written.

PART I

The Pre-Commonwealth Period and the Constabulary..... 1

 A. The Pre-Commonwealth Period..... 1

 B. The Constabulary..... 1

PART II

The National Defense Act..... 4

PART III

Organization of the Philippine Army..... 6

 A. The Department of National Defense
 and the General Staff Corps..... 6

 B. The Regular Force..... 7

 C. The Reserve Force..... 9

 D. Off Shore Patrol Reserve..... 11

 E. The Philippine Army Nurse Corps Reserve..... 11

 F. Military Districts..... 12

 G. Retirement, Veterans' Pensions, Government
 Insurance and Disability Pensions..... 13

PART IV

The National Emergency and the Merging of the Philippine
and United States Armies..... 16

PART V

The Philippine Army after the Return of the Commonwealth
Government to the Philippines..... 19

 A. Executive Orders..... 19

 B. The Secretary of National Defense and
 General Staff, Philippine Army..... 20

 C. Reestablishment of the Constabulary..... 21

APPENDICES

I. Commonwealth Acts

 A. No.1, National Defense Act, as amended,
 December 21, 1935..... 1

 B. No. 150, Longevity Pay for Officers of Army of
 the United States, November 8, 1936..... 33

C.	No. 186, Government Service Insurance Act, November 14, 1936.....	35
D.	No. 188, Liquidating the Philippine Constabulary Pension and Retirement Fund, November 14, 1936.....	38
E.	No. 190, Philippine Army Retirement Act, November 14, 1936.....	41
F.	No. 237, Restoration of Constabulary Retirement Fund, September 23, 1937.....	43
G.	No. 321, National Defense Zone Act, June 9, 1938.....	45
H.	No. 400, Indemnity and Pension for Trainees or Reservists, September 12, 1938.....	46
I.	No. 408, Articles of War, September 14, 1938.....	47
J.	No. 430, Creation of the Department of National Defense, May 31, 1939.....	48
K.	No. 605, Pension for Veterans of Philippine Revolutions or Wars, August 22, 1940.....	49
L.	No. 660, Abolition of Interior Department, June 21, 1941.....	53
II.	<u>Executive Orders.....</u>	54
A.	No. 153, Reorganizing the Philippine Constabulary into a National Police Force, June 23, 1938.....	57
B.	No. 225, Quarters Allowance for American Officers in Philippine Army, September 30, 1939.....	61
C.	No. 230, Organizing the Department of National Defense, October 31, 1939.....	62
D.	No. 267, Organization of the Philippine Army Nurse Corps Reserve, April 15, 1940.....	63
E.	No. 368, Procurement of Off Shore Patrol Reserve Officers, September 9, 1941.....	66
F.	Fixing the Salaries of the Officers and Enlisted Men of the Philippine Army, March 10, 1942.....	69
III.	<u>Proclamations, Administrative Orders and General Orders</u>	71
A.	Proclamation No. 740, Incorporation of Philippine Army into the United States Army, August 10, 1941..	73
B.	General Orders No. 6, Composition of the General Staff of the Philippine Army, June 21, 1939.....	75
IV.	<u>Messages of the President to the National Assembly Relating to National Defense.....</u>	76
V.	<u>Letters, Press Statements, Etc., of the President.....</u>	77

VI.	<u>Documents Since the Return of the Commonwealth Government to the Philippines.....</u>	79
	Executive Order No. 21, Incorporation of Active Military Forces into the Philippine Army, October 28, 1944.....	80
VII.	<u>Map of Military Districts of the Philippine Army.....</u>	82

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PART I

THE PRE-COMMONWEALTH PERIOD

AND THE CONSTABULARY

A. THE PRE-COMMONWEALTH PERIOD

Until the Commonwealth was established, no Philippine Army existed, and no effort had been made to prepare the Philippines for self-defense as a part of its preparation for independence. The United States Army provided the defense of the Philippines and furnished the troops. Somewhat more than half of the 10,000 American troops regularly maintained in the Philippines, however, were Filipinos serving in the Philippine Scouts, a unit of the United States Army in which the enlisted men were Filipinos, and most of the officers American. 1/ The Philippine Constabulary, although its task was of a police nature, formed a semi-military organization. It thus provided some experience and traditions which were of value for the creation of an Army. Furthermore, after the adoption of the National Defense Act, the Constabulary retained a close relationship to the Army.

B. THE CONSTABULARY

The Constabulary goes back to 1901 when the Philippine Commission, after American acquisition of the Philippines, provided for its organization as a national police force, at first officered by Americans, and composed of Filipino personnel, but later rapidly Filipinized in the years before the establishment of the Commonwealth. The strength of the Constabulary developed to around 6,000. 2/

1/ See Joseph Ralston Hayden, The Philippines, A Study in National Development. (New York, 1942), Chapter XXIX, "National Defense", pp. 730-759.

2/ See Law Enforcement in the Philippine Islands, Office of Strategic Services, Research and Analysis Branch, R. & A. No. 2330, September 25, 1944, for a study of the Constabulary.

After the establishment of the Commonwealth in 1935, the National Defense Act creating a Philippine Army placed the Constabulary under the Army. 1/ The inappropriateness of the exercise of police functions by an organization under the Army became felt, however, and a State Police Force was created by Commonwealth Act No. 88, October 26, 1936, setting up a separate organization and nationalizing all police forces of the country. The Constabulary continued during this period as an integral part of the Army. The new state Police Force also proved unsatisfactory, and President Manuel L. Quezon recommended to the National Assembly that it be abolished and the Constabulary reconstituted as a separate organization outside the Army. The continuing close relationship to be retained even with separation was indicated in President Quezon's message:

"My proposal is that we separate the Constabulary completely from the military sections of the Army, and employ it to carry out, under the supervision of the President, those police functions that devolve upon the central government. Thus while every officer and man in the Constabulary will be identified with the Army, will receive his basic disciplinary training therein, and will be the possessor of those military traditions and customs that place a premium upon personal integrity and hold performance of duty in higher regard than personal gain, the organization as a whole will be definitely separated, theoretically and

1/ Commonwealth Act No.1, December 21, 1935, Sec. 18; Executive Order No. 11, January 11, 1936.

practically, from the defense forces of the Nation." 1/ The separation was accomplished by Commonwealth Act No. 343, June 23, 1938, and Executive Order No. 153, issued by President Quezon on June 23, 1938. In 1941, a statute was enacted authorizing the President to abolish the Department of Interior and to transfer the Constabulary to the Department of National Defense by Executive Order. 2/ This was not carried out, however, and when the national emergency developed the Constabulary personnel were transferred to the Army, becoming Constabulary units of the Philippine Army. The transfer of the Constabulary to the Army was accomplished simply by the assignment or induction of all personnel into the Army as Constabulary officers were assigned from Army rosters, and all enlisted personnel were reservists in the Army.

1/ Message to the First National Assembly, "Separation of the Constabulary from the Philippine Army," April 30, 1938, Messages of the President (hereafter cited as Messages), Vol. 4, Part I, p.341.

2/ Commonwealth Act No.660, June 21, 1941.

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PART II

THE NATIONAL DEFENSE ACT

THE NATIONAL DEFENSE ACT

The Commonwealth Constitution, adopted in 1935, stated among its declaration of principles: "The defense of the state is a prime duty of government and in the fulfillment of this duty all citizens may be required by law to render military or civil service." 1/ The right of the government to conscription of its citizens in the training of an army was thus clearly enunciated, and the National Defense Act, Commonwealth Act No.1, December 21, 1935, at once provided for a conscriptive system which would gradually build up trained reserves. The army which the Act established was to be composed of two elements; (1) a regular force and (2) a reserve force. The regular force at first was made up of approximately 10,000 men, about two-thirds of which included the Philippine Constabulary. When the Constabulary was later separated from the Army, as already described, the regular force then contained about 4,000 personnel. The reserve would be augmented each year by approximately 40,000 men as the system of training got under way. The regular force was primarily a training cadre for the reserve. The reserve groups were to be trained for five and one-half months, to be supplemented by very short refresher training periods for as many years as the reservist was obligated.

Under the National Defense Act, the training of reserves began in January, 1937. A force of approximately 300,000 trained reservists would have been reached ultimately in 1946 had not the war intervened, and in the following twenty years the intended maximum of almost one million

1/ Art. II, Sec. 2.

men would be reached. The system was devised for the Philippine government by General Douglas MacArthur, who was assigned as military adviser to the Philippine government by the United States Army at the request of President Quezon, and later commissioned as Field Marshal of the Philippine Army. On his retirement from the active list of the American Army in 1937, General MacArthur continued his position of Military Adviser to the Philippine Army. 1/

1/ See Speech of President Quezon, "The MacArthurs in Philippine History," August 24, 1936 Messages, Vol. 2, Part I, pp. 118-124, and the press release of December 31, 1937, "Retention of Marshal Douglas MacArthur as Military Adviser of the Commonwealth," pp. 351-352. In his speech on "National Defense," Messages, Vol. 3, Part I, President Quezon stated, "the idea of making Field Marshal MacArthur as Military Adviser to the government of the Commonwealth in the preparation of our National Defense came originally from me. . . . Messages, Vol. 3, Part I, p. 18. Sec. 16 of the National Defense Act authorizes the President to appoint and maintain such technical advisers from the U. S. Army as he deems necessary."

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PART III

ORGANIZATION OF THE

PHILIPPINE ARMY

A. THE DEPARTMENT OF NATIONAL DEFENSE AND THE GENERAL STAFF CORPS

The President of the Philippines by Constitutional Authority is the Commander-in-Chief of all military forces. 1/ Until 1939, the Army came directly under the President. In that year, however, a separate Department of National Defense, headed by a Secretary, was established. 2/ Teofilo Sison became the first Secretary of National Defense.

The National Defense Act also provides for a Council of National Defense to consist of the President, the Vice-President, the head of each executive department, the Chief of Staff, and six other members to be designated by the President with the consent of the Commission on Appointments of the Congress of the Philippines, and a permanent secretary, an officer of the Army. 3/ The President is designated as Chairman of the Council. The Council is "to advise with the President on all matters of national defense policy". 4/

The General Staff Corps of the Army consists of the Chief of Staff, the Central General Staff, and the General Staff with troops. The Chief of staff heads the Army, directly subordinate to the President. The Central General Staff consists of the Chief of Staff, the Deputy Chief of Staff, and such other officers as may be directed by the President. The General Staff with troops consists of those officers performing the

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- 1/ Article VII, Section 11, (2).
2/ Commonwealth Act No. 430, May 31, 1939; Executive Order No. 230, October 31, 1939. See speech of President Quezon, on "Creation of Department of National Defense," November 1, 1939, Messages, Vol. 5, Part 1, pp. 205-207.
3/ By Constitutional Amendment ratified July 12, 1940 and approved December 2, 1940, the Congress of the Philippines replaced the National Assembly, as the National Legislature.
4/ Commonwealth Act No.1, December 21, 1935, Article III.

General Staff duties of the headquarters of divisions and higher units.

By General Orders No. 6, June 21, 1939, the President directed that the Central General Staff, in addition to the Chief of Staff and the Deputy Chief of Staff should consist of five Assistant Chiefs of Staff and a secretary. Five divisions, each under an assistant Chief of Staff were to consist of:

- (1) Strategic War Plans and Reserve Unit Employment.
- (2) Operations, Training, and Intelligence.
- (3) Supply and Industrial War Plans.
- (4) Personnel.
- (5) Budget.

The following officers occupied the posts of Chief of Staff and Deputy Chief of Staff:

Chief of Staff

- Brig. Gen. Jose de los Reyes (Acting), Jan. 11, 1936 - May 4, 1936
- Maj. Gen. Paulino Santos, May 4, 1936 - Dec. 31, 1938.
- Maj. Gen. Basilio J. Valdes, Jan. 1, 1939 -

Deputy Chief of Staff

- Maj. Gen. Basilio J. Valdes, May 4, 1936 - Dec. 31, 1938.
- Brig. Gen. Vicente Lim, May 3, 1939 - Nov 15, 1941 when he was placed in command of the 41st Division.

B. THE REGULAR FORCE

The Regular Force of the Army consists of the General Staff Corps and the following branches of service:

- (1) Infantry.

1/ Commonwealth Act No. 1, Sec. 23.

- (2) Cavalry.
- (3) Field Artillery.
- (4) Coast Artillery.
- (5) Air Corps
- (6) Corps of Engineers.
- (7) Chemical Corps.
- (8) Signal Corps.
- (9) Off Shore Patrol.

The services are as follows:

- (1) Adjutant General Service
- (2) Judge Advocate General's Service.
- (3) Inspector General's Service.
- (4) Quartermaster Service
- (5) Finance Service.
- (6) Medical Service.
- (7) Ordnance Service.
- (8) Chaplain Service.
- (9) Professors and cadets of the Military Academy. 1/

Officers and enlisted men are assigned to the various branches, corps, and services as the President may direct. 2/

All commissioned officers in the Army must be citizens of the Philippines. Commissions authorized extend from third lieutenant to the grade of general officer. Officers are commissioned under regulations prescribed by the President, and all appointments and promotions are made by him. Appointments from the grade of colonel, however, must be made

1/ C. A. No. 1, Sec. 19.
2/ Sec. 20

with the consent of the Commission on Appointments of the Congress.

All appointments of regular officers are to be in the grade of third lieutenant, from among applicants who at the time of appointment are not less than 21 nor more than 26 years of age. Priority in filling vacancies is given: (1) to graduates of the Military Academy of the Philippines or of the United States Military or Naval Academy; (2) to graduates of senior military training units in schools and colleges; (3) to enlisted men who have served more than one year in the Army; and (4) to others. For the first six years under the Act, appointments are authorized from officers of the Philippine Constabulary who are citizens, and officers of the Philippine Scouts and of the Officers Reserve Corps, U. S. Army, and graduates of the U. S. Naval Academy, citizens of the Philippines, who have severed their connection with the active elements of the U. S. Army, and others who may qualify through professional and military examination prescribed for the purpose. 1/

A Philippine Military Academy for the training of candidates for permanent commission in the Regular Force was established under the Act. 2/

Enlistment in the Army is open to male citizens for three year terms. 3/

C. THE RESERVE FORCE

Any person who has completed his reserve trainee instruction and who is selected for training as a commissioned officer, may after a further theoretical course of at least six months, and a probationary

1/ Sec. 22.
2/ Sec. 30.
3/ Sec. 27.

period of another six months, be commissioned a third lieutenant in the Reserve Force. 1/ College and university Reserve Officers' Training Units may also qualify a student for commissioning.

All Filipinos are liable to military service. A "Preparatory Military Training" is outlined by the National Defense Act, the obligation to undergo military training beginning with youth in the schools at the age of ten and extending through the schooling until the age of twenty-one. 2/ Some phases of this youth training program were begun, but it was never developed extensively before the war broke out.

Trainees for the Reserve Force are selected from all able-bodied men who have become twenty years of age. Following trainee instruction, trainees become part of the reserves for the following years:

- (1) First Reserve - from 22-31 years of age and those under 22 who have received trainee instruction.
- (2) Second Reserve - from 32-41 years of age.
- (3) Third Reserve - from 42-51 years of age.

Trainees receive instruction for a period not exceeding five and one-half months. Refresher courses of active duty must be taken by the Reserves for periods not less than: First Reserves, ten days annually; Second Reserves, five days annually; and Third Reserves, every third year, seven days.

1/ Sec. 34.
2/ Sec. 52 and Sections 80-88.

D. OFF SHORE PATROL RESERVE

By Executive Order of September 9, 1941, 1/ officers of the Off Shore Patrol were to be obtained by voluntary application, or by compulsory draft whenever necessary. Applicants for assignment to the Q-boat flotilla must possess certain qualifications: a certificate from the Board of Marine Examiners, a college degree, or a R.O.T.C. graduate, and must be not more than thirty years of age. Applicants for assignment to the Auxiliary Forces of the Patrol are commissioned according to the license held for navigation.

E. THE PHILIPPINE ARMY NURSE CORPS RESERVE

Under an Act of 1938, the Nurse Corps was created as a component part of the Medical Service. 2/ Rules for the organization of a Nurse Corps Reserve were prescribed by executive order in 1940. 3/ The executive order provided that the Board of Examiners for Nurses maintain an up-to-date list of qualified nurses and obtain from the Red Cross and nursing associations a list of nurses available for enrollment and assignment to the Nurse Corps Reserve in case of mobilization. Voluntary applications for appointment are to be encouraged. If more applicants apply than are necessary, competitive examinations are to be held. If voluntary applications fall short of mobilization requirements, compulsory draft may be resorted to.

1/ Executive Order No. 368, September 9, 1941.
2/ Commonwealth Act No. 385, September 5, 1938, amending Commonwealth Act No. 1, Sec. 25 (e), which became Sec. 25 (g) under amendment of Commonwealth Act No. 569, June 7, 1940.
3/ Executive Order No. 267, April 15, 1940.

Membership in the Nurse Corps Reserve is limited to citizens between twenty-one and forty-five years of age, with three years training in a hospital, who have passed the examination for certification.

F. MILITARY DISTRICTS

The Philippines are divided into military districts, as the President may direct, for the purpose of recruiting the national man-power, providing preparatory military training, executing national mobilization plans, and supplying the needs of the armed forces in peace and war. The functions are comparable to the pre-war corps area of the continental United States. In each military district, a commissioned officer is assigned, with assistants, as District Commander. In time of peace, he is responsible for the training of all units within his district, and for the preparation of defense plans; in time of war, for the defense of the district, under the control of the Chief of Staff.

In every province, the provincial governor executes all recruitment laws and mobilization laws and regulations. The Provincial Inspector of the Philippine Constabulary carries out this duty as a member of the Governor's staff. 1/

An outline map of the military districts as existing at the outbreak of the war is found in the appendix. (Appendix VII.) The general area included within the districts was as follows:

1st MD - Northern Luzon.

2nd MD - Northern Central Luzon.

3rd MD - Central Luzon north of Manila.

1/ C.A. No. 1, Sec. 11.

- 4th MD - South central Luzon including Manila, Mindoro and Palawan.
- 5th MD - Bicol peninsula of Luzon, and Masbate.
- 6th MD - Panay and Romblon Islands.
- 7th MD - Negros and Siquijor Islands.
- 8th MD - Cebu and Bohol.
- 9th MD - Leyte and Samar.
- 10th MD - Mindanao and Sulu archipelago.

G. RETIREMENT, VETERANS' PENSIONS, GOVERNMENT INSURANCE
AND DISABILITY PENSIONS.

The retirement system of the Regular Force of the Philippine Army rests upon specific statutes enacted for the Army. In addition, the National Defense Act provided that until superseded by laws specifically applying to the Philippine Army, all regulations and provisions of law relating to retirement applying to the Philippine Constabulary should also apply to the Army. 1/

Two general laws specifically apply to the Army: the Philippine Army Retirement Act (Commonwealth Act No. 190, November 14, 1936) and a pension law for veterans of past Philippine revolutions or wars (Commonwealth Act No. 605, August 22, 1940). 2/ A special Act also provides for the payment of longevity pay to commissioned officers of the United States who were appointed to the Army of the Philippines before 1936. 3/

1/ Sec. 22 (g)
2/ Repealing Commonwealth Act No. 288, June 3, 1938, and Commonwealth Act No. 359, August 22, 1938.
3/ Commonwealth Act No. 150, November 8, 1936; amended by Commonwealth Act No. 558, June 7, 1940.

The Philippine Army Retirement Act made retirement optional to officers and enlisted men after thirty years of continuous satisfactory service, and at the age of fifty-five, and compulsory after forty years of service, or at the age of sixty-four with a minimum of fifteen years of service. Retirement can be requested after twenty years of service, but in that case a lump sum of two per centum of the average annual salary for each year of service is paid. The Government retains the right to grant or withhold the latter retirement privileges. Under the optional or compulsory retirement provisions first stated, an annual retirement pay is received until death of two per centum of the basic pay received on the date of retirement for each year's active service rendered, but not exceeding fifty per centum in the case of commissioned officers, and sixty per centum in the case of enlisted men and non-commissioned officers, of the total base pay received on the date of retirement. The benefits of this Act may be waived and in lieu the refund of contributions provided under the law liquidating the Constabulary Pension and Retirement Fund may be made, subject to certain provisions. 1/

The present law providing a pension for veterans of past Philippine revolutions was enacted in 1940. 2/ A monthly pension of fifteen to two hundred pesos is provided for physically or mentally incapacitated veterans over sixty years of age, the pension to be determined by a Board on Pensions for Veterans, as approved by the President.

1/ See Sec. 4.

2/ Commonwealth Act No. 605, August 22, 1940, which repealed Commonwealth Act No. 288, June 3, 1938, and Commonwealth Act No. 359, August 22, 1938.

In 1936, a Government Insurance System was established for all government officials of the Commonwealth including officers and enlisted men of the Regular Force of the Army. 1/ Under this Act, applied to the Army, life insurance policies, for an amount the annual basic premium of which is five per centum of the annual salary or compensation, are compulsory. Five per centum of the monthly salary or compensation is deducted to be applied to the payment of premiums. The Government contributes such extra premium, beyond the basic, as may be due to extra hazards of the occupation, such amounts being included in the annual appropriation for the Philippine Army.

No provision of disability pensions for injury or disease contracted in the line of duty is found in the Commonwealth laws for the Regular Force. For trainees or reservists who die by accident while in training, an indemnity of five hundred pesos is provided to the heirs. In the event of disability, a monthly pension of fifteen or twenty pesos, depending upon the extent of disability, is provided. 2/

1/ Commonwealth Act No. 186, November 14, 1936
2/ Commonwealth Act No. 400, September 12, 1938.

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P A R T I V

THE NATIONAL EMERGENCY AND THE MERGING OF THE

PHILIPPINE AND UNITED STATES ARMIES

THE NATIONAL EMERGENCY AND THE MERGING OF THE
PHILIPPINE AND UNITED STATES ARMIES

On May 27, 1941, the President of the United States proclaimed "that an unlimited national emergency confronts this country, which requires that its military, naval, air and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the western hemisphere." 1/ Two months later, July 26, 1941, President Roosevelt called into service, "all the organized military forces of the Government of the Philippines" and ordered that they be merged with the United States Army. General Douglas MacArthur was recalled to active duty by the Secretary of War and designated commanding general of the new Far East Command. 2/

Shortly after General MacArthur received command of USAFFE, his headquarters issued the following statement:

"The general plan for the integration of all the armed forces in the Philippines has been formulated by General MacArthur. It envisions a progressive incorporation of the reserve divisions of the Philippine Army into the service of the United States. It comprehends eventually all elements of the Philippine Army, but until an actual outbreak of hostilities will not include these echelons which are engaged in the normal yearly training activities. This will enable the Philippine Army to continue its uniform development in accordance with the national defense program of the Commonwealth and at the same time muster for prompt American Army training and service the other components of the

1/ Published by the President of the Philippines, Proclamation No. 735, July 7, 1941, Official Gazette, Vol. 40, July 12, 1941, pp. 211-213.
2/ See the President's Military Order in "Philippine Army Ordered Merged with U.S. Army, Official Gazette, Vol. 40, August 2, 1941, pp. 879-880.

Commonwealth forces. The Constabulary will not be taken over with the exception of certain selected elements.

" The plan envisions an immediate construction program at strategic localities to house the thousands of reservists involved as well as the intensive development of new air fields for the rapidly expanding air forces. All Philippine elements which come under American control will maintain their national integrity. They will retain their own uniforms, their own scale of pay, their own promotion list, their own rations, and their own code of military law. Their training, however, will be under the immediate direction of the officers of the American Army. On muster into the American service they will be paid and supplied from American sources." 1/

The Philippine Army Air Corps was called on August 15, 1941. Orders were issued by USAFFE from time to time calling other units of the Philippine Army into the service. Mobilization orders directed reservists to report to their assigned mobilization stations. The Philippine Department (U. S. Army) provided officers and enlisted men including Philippine Scouts, to induct these units and to act as instructors. On September 1, one complete infantry regiment of each of the ten organized reserve divisions was inducted. On the outbreak of the war, the mobilization was not yet complete, the last units having been called for December 15, 1941. All remaining units were at once mobilized. The Philippine Army Infantry Divisions, Reserve, had a triangular organization somewhat similar to

1/ The Sixth Annual Report of the United States High Commissioner to The Philippine Islands, June 30, 1942, p. 15.

that of the United States Army, but with smaller units. The division strength was about 8,000, the strength of company about 100 enlisted men.

In addition to the Air Corps and ten Reserve Divisions, certain Coast Artillery Corps units were mobilized and some non-divisional service units were called. The 1st and 2nd Regiments of the Philippine Constabulary were inducted prior to the war. The entire Constabulary was inducted on December 17, 1944. Outside Luzon, where there were no enemy landings except at Davao and later at Jolo and Zamboanga, numerous provisional units were organized by local commanders. In many cases, these provisional units were given the numerical designations of reserve units only partially manned by reservists in 1941, such as, the "62nd Division", "64th Infantry", etc. In other cases, they were known by such names as the "Leyte Provisional Infantry Regiment", the "Surigao Provisional Battalion", etc. Such units consisted of reservists not called to regularly mobilized units or who did not report when initially called, of R.O.T.C. cadets, and of volunteers. Guerrilla units, organized after the formal surrender in May, 1942, in many cases continued using the designations of regularly mobilized Philippine Army units; in others, various designations or titles bearing no relation to Philippine Army nomenclature were used. ^{1/}

*This is clearly
in error*

^{1/} From "Notes on the Philippine Army, 1941-1942," AG, Philippine Army.

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P A R T V

THE PHILIPPINE ARMY AFTER THE RETURN OF THE
COMMONWEALTH GOVERNMENT TO THE PHILIPPINES

THE PHILIPPINE ARMY AFTER THE RETURN OF THE
COMMONWEALTH GOVERNMENT TO THE PHILIPPINES

A. EXECUTIVE ORDERS

With the landing of military forces under General MacArthur on the Philippines, on October 20, 1944, to liberate the entire Philippines from Japanese occupation, the Commonwealth Government was restored on Philippine soil. President Osmena, who had succeeded to the Presidency following the death of President Quezon in the United States, soon issued two executive orders affecting the Philippine Army under the Emergency Powers Law, which had been enacted by the National Assembly immediately before the occupation. 1/

President Osmena's executive order of October 28, 1944, incorporated the guerrilla troops into the Philippine Army. The executive order provided that: (1) "All persons, of any nationality or citizenship, who are actively serving in recognized military forces in the Philippines, are hereby considered to be on active service in the Philippine Army"; (2) the temporary grades of enlisted men enlisted or promoted by Commanders of recognized military forces are confirmed; (3) the temporary ranks of all officers, appointed or promoted in the field, prior to the date of the executive order, by Commanders of recognized military forces are confirmed; (4) the date of entry into active service in the Philippine Army will be that of joining a recognized force; (5) the date of rank is that on which the appointment or promotion was made by the Commander; (6) a recognized military force is defined as "a force under a commander

1/ Copies of the Commonwealth Act are not available.

who has been appointed, designated or recognized by the Commander-in-Chief Southwest Pacific Area". 1/

A second executive order of President Osmena fixed the salaries of officers and enlisted men of the Philippine Army to make them correspond to those of the U. S. Army. 2/

B. THE SECRETARY OF NATIONAL DEFENSE
AND GENERAL STAFF, PHILIPPINE ARMY

Secretary of National Defense and Chief of Staff:

Major General Basilio J. Valdes.

Aide: 2d Lieutenant Marciano O. Garces, Inf.

(Acting) Adjutant General: Major A. J. Rouch, A.G.D., U. S. Army

(Acting) Ass't Adjutant General: Lt. Colonel A. Oppus, A.G.S.

(Acting) Surgeon General: Lt Colonel Jose P. Rosales, M.C.

(Acting) Chief Signal Officer: Lt. Colonel Vivencio D. Dayot, S.C.

(Acting) Chief of Chaplain Service: Major Pacifico Ortiz, Ch. S.

Judge Advocate: Colonel M. A. Eraña, J.A.S.

Finance Service: 2d Lieutenant Amastacio Acebedo, F.S.

Provincial Inspector of Constabulary of Leyte: Lt. Colonel R. D. Gavioli,
Inf.

1/ Executive Order No. 21, October 28, 1944.

2/ Executive Order No. 22, October 28, 1944. The salary scale remains unsettled, however, pending final determination of policy by the War Department. At present, partial payment only is being given.

C. REESTABLISHMENT OF THE CONSTABULARY

Following the return of USAFFE to the Philippines, the Philippine Constabulary has been reestablished. The new units which have been activated must not be confused with the so-called "Philippine Constabulary" or "Bureau of Constabulary" units organized by the Japanese or by puppet government agencies under Japanese control. Although the re-established Constabulary remains a component part of the Philippine Army, as it had been brought in at the outbreak of the war, the Constabulary has been charged by USAFFE primarily with the enforcement of the laws of the Philippine Commonwealth and with the maintenance of order - the functions of the pre war Constabulary. They may be assigned such other military police duties, however, as may be practicable.

The units are reactivated by the Philippine Army after approval of Headquarters USAFFE. The personnel are entirely new, none having been in the old Constabulary. Two companies in Leyte have been organized so far (January 15, 1945), and are being brought to authorized strength as personnel and equipment become available. As the liberation of the Philippines proceeds, and the reestablishment of civil government takes place, the provision of an adequate Constabulary becomes a necessity. This requires two developments: (1) considerable expansion in personnel (the two companies now existing are not half-sufficient for Leyte alone, on pre-war standards), (2) the inexperienced personnel must be trained properly for police work. The Constabulary as now constituted along with the Philippine Army receives its operational assignment of function from USAFFE. The administrative organization and planning, however, are exercised by the Chief of Staff, Philippine Army.

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A P P E N D I C E S

APPENDIX I. COMMONWEALTH ACTS

A. THE NATIONAL DEFENSE ACT, AS AMENDED *

FIRST NATIONAL ASSEMBLY)
Inaugural Session)

B. No. 102

(Commonwealth Act No. 1)

AN ACT TO PROVIDE FOR THE NATIONAL DEFENSE OF THE PHILIPPINES,
PENALIZING CERTAIN VIOLATIONS THEREOF, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES.

Be it enacted by the National Assembly of the Philippines:

Title I. - NATIONAL DEFENSE

PRELIMINARY ARTICLE. - Title of Act

SECTION 1. This Act shall be known as "The National Defense Act".

ARTICLE I. - National Defense Policy

SEC. 2. The national defense policy of the Philippines shall be as follows:

(a) The preservation of the State is the obligation of every citizen. The security of the Philippines and the freedom, independence, and perpetual neutrality of the Philippine Republic shall be guaranteed by the employment of all citizens, without distinction of age or sex, and all resources.

(b) The employment of the nation's citizens and resources for national defense shall be effected by a national mobilization.

(c) The national mobilization shall include the execution of all measures necessary to pass from a peace to a war footing.

(d) The civil authority shall always be supreme. The President of the Philippines as the Commander-in-Chief of all military forces, shall be responsible that mobilization measures are prepared at all times.

* As of January 1, 1942.

(e) A national mobilization shall be ordered in any case of threatened or actual aggression.

(f) The national defense organization shall be adapted as closely as possible to the territorial and administrative organization of the Philippines.

(g) The mobilization plans of financial, industrial, economic, social, intellectual, and moral forces and resources of the Philippines shall conform to the provisions of the Constitution of the Philippines and shall be prepared by the executive departments concerned in accordance with the following general policies: (1) The respective responsibilities of the several executive departments in mobilization planning will be prescribed by the President; (2) Forces and resources shall be employed so as to secure unity and continuity of effort until the threatened or actual aggression to the Philippines has been overcome.

(h) No profit incident to war shall accrue to any individual, corporation, association, or partnership.

ARTICLE II. - Employment of Persons and Resources

SEC. 3. Military service shall be obligatory for all citizens of the Philippines, and the methods and procedure for the classification, selection, examination, induction, training, and release of all citizens from their military obligations shall be as prescribed in Title III of this Act.

SEC. 4. ^{1/} The registration of citizens for military service shall be a civil function carried out by the civil authorities under the supervision of the Chief of Staff.

SEC. 5. During a national mobilization the Government of the Philippines, acting through the appropriate governmental department, or by delegated authority, shall have the right to secure by mutual agreement or by requisition all such resources, tangible and intangible, and all such services and all other assets or possessions, public or private, as may be necessary for national defense.

ARTICLE III. - The Council of National Defense

SEC. 6. There shall be a Council of National Defense which shall consist of the President, the Vice President, the head of each executive department, the Chief of Staff, and six other members to be designated by the President with the consent of the Commission on Appointments of the National Assembly, and a permanent secretary of the Council who shall be an officer of the Army. The Council shall advise with the President on all matters of national defense policy.

^{1/} As amended, Commonwealth Act No. 569, June 7, 1940.

It shall have a permanent staff which shall preserve a documentary record of the Council's deliberations.

SEC. 7. The President of the Philippines shall be Chairman of the Council of National Defense.

SEC. 8. The method of operation of the Council of National Defense, its detailed duties, and its rights to summon witnesses or consultants shall be fixed in executive orders to be issued by the President. Funds for its operation shall be provided in the appropriations for the Executive Department.

ARTICLE IV. - Territorial Organization

SEC. 9. 2/ For the purpose of recruiting the national manpower, providing preparatory military training, executing the national mobilization plans, and supplying the needs of the armed forces in peace and war, the Philippines shall be divided into military districts as the President may direct.

SEC. 10. In every military district a commissioned officer of the regular army shall be assigned as District Commander. He shall be provided with such assistants as the Chief of Staff may direct.

In time of peace, he shall be responsible, under the Chief of Staff, for the training, discipline, and tactical training of all units within his district, and for the preparation of defense plans; and in time of war, he shall be responsible, under the control of the Chief of Staff, for the defense of his district.

SEC. 11. 3/ In every province, the provincial governor shall execute all recruitment laws and the laws and regulations governing the mobilization of persons and resources for national defense, which the Central General Staff of the Philippine Army may prescribe from time to time. The Provincial Inspector of the Philippine Constabulary shall be a member of his staff to carry out this duty.

SEC. 12. Recruiting areas will as far as possible conform with political subdivisions of the Philippines.

ARTICLE V. - Mobilization Centers

SEC. 13. 4/ Mobilization centers shall be located in municipalities, townships and municipal districts according to their military population and the percentage of such population assigned to units of the reserve.

2/ As Amended, Commonwealth Act No. 569, June 7, 1940.
3/ As Amended, Commonwealth Act No. 569, June 7, 1940.
4/ As Amended, Commonwealth Act No. 569, June 7, 1940.

The Chief of Staff shall determine the location and type of mobilization centers to be provided, and the District Commander shall be responsible for the operation of these mobilization centers at all times.

ARTICLE VI. - National and Partial Mobilization

SEC. 14. A National Mobilization shall be decreed by the President of the Philippines on approval of the National Assembly.

SEC. 15. Whenever the safety of the Philippines is endangered, the President may decree a Partial Mobilization. He shall promptly summon and report to the National Assembly the cause for, and extent of, the Partial Mobilization. The National Assembly shall determine whether or not the Partial Mobilization so decreed shall be annulled.

ARTICLE VII. - Technical Advisers

SEC. 16. The President of the Philippines shall have authority to appoint and maintain such technical advisers from the Army of the United States and for such period of time as he may deem necessary, which shall in no case extend beyond his term of office.

Title II. - MILITARY ORGANIZATION

ARTICLE I. - Composition and Organization of the Army

SEC. 17. 5/ The Army of the Philippines shall consist of the Regular Force and the Reserve Force: Provided, That, members of the Reserve Force on inactive status shall not, by reason solely of their appointments, oaths, commissions, or status as such, be held or deemed to be officers or employees in the Philippine Civil Service.

SEC. 18, 6/ The organized peace establishment, including the Regular Force and the Reserves, shall comprise all organizations necessary to form the basis for a complete and prompt mobilization for the national defense. The army shall at all times be organized in so far as practicable into battalions, regiments, divisions and, if necessary, higher units.

ARTICLE II. - The Regular Force

SEC. 19. 7/ The Regular Force shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Corps, the Corps of Engineers, the Chemical Corps, the Signal Corps and the active elements of the Off-Shore Patrol; the General Staff

5/ As amended, Commonwealth Act No. 385, September 5, 1938.

6/ As amended, Commonwealth Act No. 569, June 7, 1940.

7/ As amended, Commonwealth Act No. 385, September 5, 1938, and Commonwealth Act No. 569, June 7, 1940.

Corps; the services consisting of the Adjutant General's Service, the Judge Advocate General's Service; the Inspector General's Service, the Quartermaster Service, the Finance Service, the Medical Service, the Ordnance Service and the Chaplain Service, the professors and cadets of the Military Academy; of detached officers, of detached enlisted men, of unassigned recruits, of such other officers and enlisted men as may be provided for. Officers and enlisted men permanently assigned to the services shall be known as officers and enlisted men of the Staff; officers and enlisted men not permanently assigned to a service shall be known as officers and enlisted men of the line.

In time of peace the number of active commissioned officers and of active enlisted men required for the Regular Force shall be recommended annually by the Chief of Staff.

In so far as may be practicable, the commissioned and the enlisted personnel of the Regular Force shall be drawn from all provinces of the Philippines.

SEC. 20. Officers and enlisted men of the Regular Force shall be assigned to the various branches, corps and services as the President may direct.

All officers and enlisted men of the Regular Force who are not assigned to duty with any branch, corps or service herein provided for shall be carried on the detached officers' list and detached enlisted men's list, respectively.

SEC. 21. 8/ The organization of the Regular Force shall be as follows:

(a) All other regular units shall be organized as the President may direct.

(b) The President may attach to regular units or may assign to duty with any component of the Regular Force such number of reserve officers as he may deem necessary. All periods of such duty as do not exceed twenty-one days annually shall be considered as regular annual training; all periods in excess of twenty-one days annually shall be classed as extended tours of active duty.

(c) The President may likewise attach for their prescribed period of military training such number of trainees to regular units as he deems necessary.

SEC. 22. 9/ The appointment, promotion, and discharge of officers in the Army shall be as follows:

8/ As amended, Commonwealth Act No. 569, June 7, 1940.

9/ As amended, Commonwealth Act No. 312, June 9, 1938; Commonwealth Act No. 385, September 5, 1938; Commonwealth Act No. 569, June 7, 1940, and Commonwealth Act No. 645, June 11, 1941.

(a) All commissioned officers in the Army shall be citizens of the Philippines; Provided, That the President may in his discretion retain in the Army any officer now holding a commission in the Philippine Constabulary. Commissioned grades authorized in the Army of the Philippines shall include third lieutenant, second lieutenant, first lieutenant, captain, major, lieutenant colonel, colonel, and general officer: Provided, That the general officer grade may be further subdivided into grades as prescribed by the President: And Provided, also, That individuals permanently commissioned in a grade above that of colonel shall be known as General Officers of the Line; those not so commissioned but holding an office in the Army to which the grade of general officer is attached shall be known as General Officers of the Staff.

(b) Officers shall be commissioned in the Army of the Philippines subject to such examinations for the determination of fitness and proficiency as the President may prescribe. All appointments and promotions shall be made by the President, but the appointments and promotions in the Army from the rank of colonel shall be made with the consent of the Commission on Appointments of the National Assembly.

(c) Except as hereinafter authorized, all appointments of regular officers shall be in the grade of third lieutenant, from among applicants who at the time of appointment shall be not less than twenty-one nor more than twenty-six years of age. Priority in filling vacancies in the grade of third lieutenant will be given: first, to graduates of the Military Academy of the Philippines or of the United States Military or Naval Academy; second, to graduates of senior military training units in schools and colleges; third, to enlisted men who at the time of appointment shall have served more than one year in the Army of the Philippines, and, fourth, to others: Provided, That original appointments in the Judge Advocate General's Service, the Medical Service and the Chaplain Service, shall be in the grade of first lieutenant from among applicants who, at the time of appointment, shall not be less than twenty-five nor more than thirty-five years of age, and, in addition, shall have engaged in the practice of law for at least five years, if appointment is to be made in the Judge Advocate General's Service; said grade being also given, upon the passage of this Act, to such officers of the said services whose present grade is lower than first lieutenant: Provided, also, That during the six years following the approval of this Act, the President is authorized to fill vacancies in any commissioned grade in the Army of the Philippines by appointment of officers of the Philippine Constabulary who are citizens of the Philippines and of such officers of the Philippine Scouts and of the Officers' Reserve Corps, U. S. Army, and of graduates of the United States Naval Academy, citizens of the Philippines, as have, prior to their appointment in the Army of the Philippines, legally and honorably severed their connection with the active elements of the Army of the United States, and of such others as may qualify through professional and military examination prescribed for the purpose: Provided, further, That the President may appoint professors and assistant professors in the Department of Mathematics and Natural Philosophy, the Department of

Engineering and the Department of Languages and Social Arts of the Military Academy without military rank with such compensation as he may prescribe, or in such commissioned grades of the regular force as he may determine; and in the latter case, he may thereafter promote them under such regulations as he may prescribe, such professors and assistant professors to be carried on in a separate roster apart from the general roster of the Army and in addition to the number of commissioned officers prescribed in subparagraph (d) of this section. No transfer of these professors with military rank to other branches of the Army will be permitted: And provided, finally, That an officer below field rank designated as chief of an arm or service, or Superintendent or Commandant of cadets in the Philippine Military Academy, may be promoted temporarily to the rank of major without vacating his permanent commission, such temporary rank being in addition to the authorized strength of the Officer Corps prescribed in subparagraph (d) of this section.

(d) 10/ Officers will be distributed among grades as determined by the President of the Philippines: Provided, That the number of officers commissioned above the grade of colonel shall at no time exceed 1.2 per cent of the authorized strength of the officer corps; above the grade of lieutenant colonel shall not exceed 2.6 per cent; above the grade of major shall not exceed 5.2 per cent; above the grade of captain shall not exceed 14.9 per cent; above the grade of first lieutenant shall not exceed 45.2 per cent: And provided, further, That the grade of major general shall be conferred only upon the officer detailed by the President of the Philippines to act as the chief of staff and shall be retained by him only while holding office as such, each detail to be for a term of three years, unless sooner terminated by the President.

(e) In determining relative standing, officers of the Regular Force shall take precedence over officers of like grade in the Reserve Force. Officers in each grade in the Regular Force and in the Reserve Force shall be separately listed in order of rank in a manner to be prescribed by the President, which list shall establish the seniority of each officer in the Regular and Reserve Forces, respectively, and which seniority shall not be thereafter changed except through operation of this or other laws: Provided, That nothing in this Act shall be construed as giving officers with purely military functions authority over officers with purely civil functions and vice versa, except as specifically prescribed in this or in other Acts.

(f) Promotion of regular and reserve officers shall be accomplished under such policies and procedure as the President may direct, provided that in time of peace no reserve officer may be

10/ As amended, Commonwealth Act No. 312, June 9, 1938.
Section 2 of the amending act provided for carrying into effect the new provision concerning the chief of staff.

promoted to any grade until he has served at least two years in the next lower grade.

Any reserve officer may, in the discretion of the President, be discharged at any time.

(g) Until superseded by laws formulated by the National Assembly for specific application to the Army of the Philippines, all regulations, courts-martial procedure, and provisions of law now pertaining to the punishment, discharge, dismissal, resignation, administration, and retirement of officers and enlisted men of the Philippine Constabulary shall, as modified by provisions of this and other laws, apply to all officers and enlisted men on active duty in the Army: Provided, That an officer of the Regular Force separated by the President from the service on recommendation of classification or efficiency boards for reasons other than his own misconduct, willful failure, the intemperate use of drugs or alcoholic liquor, or vicious or immoral habits, shall be entitled to a gratuity equivalent to one month of his current pay, as received by him at the time of his separation multiplied by the complete years of service: Provided further, That in computing the length of service of an officer for purposes of gratuity payment, service rendered by him in the Philippine Constabulary shall be given full credit: Provided, finally, That the gratuity provided herein shall be paid from the annual appropriations of the Philippine Army.

(h) In time of war any officer of the Regular Force may be appointed to higher temporary rank without vacating his permanent commission, such appointments in grades below that of colonel being made by the President alone, but all other appointments in time of war shall be in the Reserve Force.

(i) Upon his own application and with the approval of the Chief of Staff, any officer may be transferred at any time to a branch or service other than his own without loss of rank: Provided, That no transfers to or from the Judge Advocate General's Service, the Chaplain Service or the Medical Service shall be permitted. Transfers in time of war shall be made as prescribed by the Chief of Staff.

(j) With the approval of the American Government, not to exceed one-half of one per cent of the commissioned officers of the Regular Force below the grade of lieutenant colonel may be detailed to duty at foreign military schools.

While on such duty, officers so detailed shall receive the pay and allowances of commissioned officers of their own grade in the army of the country in which the military school is located: Provided, That such pay is equal to or higher than that received by the officer so detailed.

(k) Not to exceed one-half of one per cent of the commissioned officers of the Regular Army in any fiscal year may be detailed as students at such technical, professional, and other educational

institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places, as shall be best suited to enable such officers to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers shall perfect themselves: Provided, That no expense shall be incurred by the Philippine Government in addition to the pay and allowance of the officers so detailed, except for the cost of tuition at such technical, professional, and other educational institutions.

(1) The President is authorized to detail or assign to duty with units of the Reserve force such officers of the Regular Force as he deems necessary. Commanders of divisions and larger units of the Reserve Force shall be selected from officers of the Regular Force.

(m) Transfers of reserve officers within their category shall be made under such rules as the President may prescribe.

To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period, but, except in time of a national emergency expressly declared by the National Assembly, no reserve officer shall be employed on active duty for more than six months in each five years without his own consent: Provided, however, That reserve officers who undergo extended tours of active duty voluntarily for any length of time and receive full pay and allowances therefor, shall not, by reason solely of such service, be exempt from duty with annual maneuvers or annual active duty training. Any reserve officer who fails or refuses to report for such duty, when so ordered, shall be punished as a court-martial may direct.

SEC. 23. 11/ The General Staff Corps shall consist of the Chief of Staff, the Central General Staff, and the General Staff with troops.

(a) The Chief of Staff shall be directly subordinate to the President of the Philippines.

Under the direction of the President of the Philippines, he shall cause to be made, by the Central General Staff, the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training and demobilizing the Army in peace and in war and for the use of the military forces for national defense. He shall render annually to the President, for transmission to the National Assembly, a full report upon the condition of the Army of the Philippines, including statements as to strength, cost, unexpended balances, requirements, and so on.

11/ As amended, Commonwealth Act No. 569, June 7, 1940.

(b) The Central General Staff shall consist of the Chief of Staff, the Deputy Chief of Staff, and such other officers of grades not below that of first lieutenant as the President may direct.

It shall be the duty of the Central General Staff to prepare plans for the national defense and for the mobilization of the man-power and material resources of the nation in an emergency, to investigate and report upon all matters affecting the efficiency of the Army and its state of preparation for military operations; to perform such inspections of the Army as may be necessary to insure thoroughness and uniformity in training and compliance with regulations; to perform for the infantry, cavalry, artillery and air units and the Off-Shore Patrol such functions as the Chief of Staff may prescribe; and to render professional aid and assistance to the Chief of Staff.

(c) The General Staff with troops shall consist of such number of officers not below the grade of first lieutenant as may be necessary to perform the General Staff duties of the headquarters of divisions and higher units.

It shall be the duty of the General Staff with troops to render professional aid and assistance to the general officers over them; to act as their agents in harmonizing the plans, duties and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals and in supervising the execution of such instructions.

SEC. 24. (Repealed) 11a/

SEC. 25. 12/ The Services shall consist of the following:

(a) The Adjutant General's Service, the Judge Advocate General's Service, the Inspector General's Service, the Quartermaster Service, The Finance Service, the Medical Service, the Ordnance Service, and the Chaplain Service. Each service shall consist of a Chief of Service and such assistants as the President may direct. The head of each service shall be responsible, under the supervision of the Chief of Staff, for the efficient performance of duties herein assigned to his service, and for the execution of all instructions and orders issued him by the Chief of Staff.

(b) The Adjutant General's Service shall be charged, under such regulations as the Chief of Staff may prescribe, with the operating functions of procurement, assignments, promotion, transfer, retirement, and discharge of all officers and enlisted men of the Regular and Reserve Forces.

11a/ Commonwealth Act No. 569, June 7, 1940
12/ As amended, Commonwealth Act No. 385, September 5, 1938 and Commonwealth Act No. 569, June 7, 1940.

(c) The Judge Advocate General's Service shall render such legal assistance as may be required by the military forces.

(d) The Inspector General's Service shall be charged under such regulations as the Chief of staff (Sic) may prescribe, with the making of such inspections, investigations and reports as may be prescribed in regulations or directed by the Chief of Staff.

(e) The Quartermaster Service shall be charged with the purchase, procurement, storage, and issue for the Army, of all supplies, except those whose procurement is assigned to other services; with the acquisition of real estate and the issue of license in connection with government military reservations; with the transportation of the Army by land and water, and with such other duties as may be required by law or directed by the Chief of Staff: Provided, That such commissioned technical assistants from other branches or services as may be required shall be detailed to the Quartermaster Service for a period of not to exceed three years.

(f) The Finance Service shall be charged with the disbursement of all funds for the national defense, the accounting of the same, and with such other fiscal duties as may be required by law or directed by the Chief of Staff: Provided, That under such regulations as the Chief of Staff may prescribe, officers of the Finance Service, accountable for government moneys, may entrust such moneys to other officers for the purpose of having them make disbursements as their agents, and the agent officer as well as the officer who entrusts the money to him shall be bonded and shall be held pecuniarily responsible to the Government of the Philippines.

(g) The Medical Service shall consist of the Medical Corps, the Dental Corps, the Veterinary Corps, the Female Nurses, the Medical Administrative Corps and such other corps as may be created by the President. It shall be charged with all matters pertaining to the physical examination, health and sanitation of personnel and animals of the Army.

(h) The Ordnance Service, the Medical Service, the Air Corps, the Corps of Engineers, the Signal Corps, the Off-Shore Patrol, and the Chemical Corps shall be charged with the purchase, procurement, storage and issue of such special equipment, materials and supplies as apply to their respective services.

These several arms and services are charged with the study, experiment and development of all special materials and equipment pertaining to them.

(i) The Chaplain Service shall have charge of the religious welfare of the Army.

SEC. 25-A. 13/ The Corps of Engineers is charged with all construction required for the National Defense, including land and sea-coast defenses, with the maintenance and repair of all such construction and with the maintenance and operation of all utilities except such construction and such utilities as may be specifically assigned to other services by the Chief of Staff.

SEC. 25-B. 14/ The Signal Corps shall be charged with the installation, maintenance and operation of all military signal communication systems and equipment, except the installation, maintenance and operation of such systems as may be organic to the tactical units.

SEC. 26. The offshore patrol shall comprise all marine equipment and personnel acquired by the Philippine Government and assigned either in peace or in war to the control of the Chief of Staff. It shall have such duties and powers as may be prescribed by the Chief of Staff.

ARTICLE III. - Enlistment and Reenlistment

SEC. 27. 15/ Any male citizen of the Philippines between eighteen and thirty years of age, ablebodied, free from disease, of good moral character and habits, of average intelligence, and possessed of such educational attainments as may be prescribed, may be enlisted in the Regular Force under the following restrictions:

(a) Enlistments shall be for a term of three years, and may be made by the recruiting officers at stations of the Regular Force: Provided, That all enlistments in force at the outbreak of the war, or other grave national emergency, or entered into during its continuation, shall continue in force until six months after its termination unless sooner terminated by the President.

(b) Unmarried minors between eighteen and twenty-one years of age may be enlisted only on the written and duly attested consent of the father, the mother when she is the only surviving parent, or the publicly known guardian.

(c) Enlistments for service in any province, except for the Regular Division, the Artillery Corps, and Air Corps, shall be from among residents thereof. In so far as practicable, enlistments in these forces shall be apportioned among the various provinces of the Philippines. Any former soldier in the Philippine Army, the Philippine Constabulary, or the United States Army or Navy, of good character and faithful service, may be enlisted in the regular forces: Provided, That he is physically qualified and that the difference between his age and his years of actual service shall not exceed thirty years.

13/ Added by Commonwealth Act No. 385, September 5, 1938.

14/ Added by Commonwealth Act No. 385, September 5, 1938.

15/ As amended, Commonwealth Act No. 569, June 7, 1940.

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Authority 883078

SEC 27(B)

SEC. 28. Regulations applying to the reenlistment and to the retirement privileges of noncommissioned officers of the Regular Force shall be prescribed by the President.

SEC. 29. 16/ An enlisted man who shall have served honorably at least three years and does not reenlist shall be exempt from further military service except in a national emergency. He shall be required, however, to register his address at the military headquarters nearest to his place of residence: Provided, That former soldiers of the Philippine Army, the Philippine Constabulary and the United States Army or Navy, of good character and faithful service, may be allowed to enlist voluntarily in the reserve force and assigned to an organization thereof.

ARTICLE IV. - Military Academy.

SEC. 30. There shall be established a military training school to be named the Philippine Military Academy, for the training of selected candidates for permanent commission in the Regular Force. The student body in the Military Academy shall be known as the Cadet Corps of the Army of the Philippines.

SEC. 31. 17/ The President is authorized to appoint to the Military Academy annually, subject to such physical and mental examinations as he may prescribe, the number of cadets necessary to maintain the Cadet Corps at a strength of not to exceed three hundred and fifty. Cadets shall be selected from among qualified candidates as hereinafter provided. Candidates for admission shall be single, in good physical condition, not less than seventeen nor more than twenty-two years of age, and shall be nominated by the Members of the National Assembly, each of whom may nominate any number of candidates. The President shall appoint from among those who pass the physical and mental examinations with the highest ratings the number or numbers necessary to fill the existing vacancies: Provided, That a quota of three members of the Cadet Corps shall be allotted to each Assembly district; Provided, further, That in case no candidates from a given Assembly district attain the required minimum ratings, a second examination shall be given during the same year to nominees from that district. If on the second examination no candidate shall attain the required minimum rating, the vacancies in the district quota shall be filled by the President from successful candidates at large.

The pay and allowances of students at the Military Academy, shall be fixed by the President.

16/ As amended, Commonwealth Act No. 569, June 7, 1940.

17/ As amended, Commonwealth Act No. 385, September 5, 1938, and Commonwealth Act No. 569, June 7, 1940.

Any student who shall, after entrance to the Academy and before completion of the prescribed course of training, be found to be physically unfit for military duty by reason of injury or disease incident to the service, shall be retired with the rank of cadet and shall be entitled to the retired pay and allowances of a third lieutenant of the Regular Force.

Upon satisfactory completion of the course of instruction at the Military Academy candidates shall be commissioned third lieutenants in the Regular or Reserve Forces with relative rank in the order of final general standing as determined by the Faculty Board and Commandant of the Academy, and approved by the Chief of Staff.

The Academic Board of the Philippine Military Academy shall be composed of the Superintendent, the Commandant of Cadets, and the heads of the departments and shall have the power to confer the degree of bachelor of science under such rules and regulations as the Chief of Staff may prescribe, upon all cadets who may hereafter satisfactorily complete the approved course of studies.

The Chief of Staff shall have authority to grant graduation leaves of absence with full pay to all graduates of the Military Academy, who receive commissions in the Regular Force, for a period not exceeding one month effective upon the date of graduation.

Cadets may be granted leaves of absences from the Military Academy, under such rules and regulations as the Chief of Staff may prescribe.

Academic leaves of absences without deduction from pay or allowances may be authorized for the Superintendent, professors, assistant professors, instructors and other officers of the Military Academy for the entire period of the suspension of the ordinary academic studies, under such rules and regulations as the Chief of Staff may prescribe: Provided, That officers of the Reserve Force assigned for duty at the Military Academy shall be entitled to the same leave privileges as are authorized the officers of the Regular Force.

ARTICLE V. - The Reserve Force.

SEC. 32. The Reserve Force shall consist of such number of Infantry Divisions located as the President may direct; of such additional separate regiments, battalions, companies and similar separate units as the President may authorize; of all reserve classes not assigned to the above units, and of the Reserve elements of the Offshore Patrol.

The organization of reserve land and air units shall, in so far as practicable, be that of corresponding tactical units of the Regular Force.

SEC. 33. The Chief of Staff may detail or assign to duty with Reserve units such enlisted men of the Regular Force as he deems necessary.

ARTICLE VI. - Reserve Officers and Noncommissioned Officers.

SEC. 34. Any person who shall have completed his trainee instruction and who is selected for training as a commissioned officer shall pursue a theoretical course of training of not less than six months to be prescribed by the Chief of Staff, upon completion of which he shall be assigned to duty with a Regular unit as probationary third lieutenant for another period of six months. At the end of this service those who have displayed qualities of leadership and who have demonstrated their fitness to command may be appointed and commissioned third lieutenants of the Reserve Force and assigned to an organization thereof. Those who fail to complete the course of training shall be transferred to the Reserve Force as enlisted men and shall be assigned to an organization thereof.

SEC. 35. At such colleges and universities as the President may designate there shall be established and maintained Reserve Officers' Training Units of such arms and services as he shall specify, where every physically fit student shall be required to pursue a course of military instruction designed to qualify him for a commission as a third lieutenant of Reserve. In so far as may be practicable, the student shall be permitted to choose the arm or service in which he wishes to train. This course of military instruction, if pursued to completion, shall exempt students from trainee instruction. It shall not exempt them from registration.

SEC. 36. The Chief of Staff shall, by mutual agreement with the head of the institution, designate the senior military instructor and such commissioned and enlisted personnel as may be necessary for each institution. He is authorized to issue to such institutions the arms, equipment, and other property which he deems essential to the conduct of this instruction.

SEC. 37. Each year the senior military instructor shall submit to the Chief of Staff the names of those members of the graduating class whom he recommends for further training. These graduates may be ordered to organizations of the Regular Force for a six months' probationary period. At the end of this service those who have displayed their fitness for Commission may be appointed and commissioned third lieutenants of the Reserves and assigned to an organization thereof.

SEC. 38. Graduates who are not recommended for training as third lieutenants and those who fail to qualify for appointment as such shall be assigned to the nearest age group in the Reserve and assigned to an organization thereof as private or noncommissioned officers as recommended. Students of military age who do not complete their courses of study at an institution of learning provided

with a Reserve Officers' Training Unit shall be liable for trainee instruction immediately upon severing their connection with the institution. If more than 20 years of age, they shall be assigned to the trainee class next to be called.

SEC. 39. 18/ The President shall appoint and commission, upon the recommendation of the Chief of Staff, such reserve officers as shall in his opinion be needed. If deemed necessary, candidates may be required to undergo training as probationary third lieutenants, before being appointed and commissioned in the reserves.

SEC. 40. 19/ In so far as may be practicable, original appointments by the President in grades above third lieutenant shall be made from among those formerly holding Reserve commissions in the United States Army, from among former officers of the National Guard and from such others who possess exceptional ability or special training and skill.

SEC. 41. Noncommissioned officers of the Regular Force between the ages of twenty-one and thirty years who are commended for appointment as third lieutenants shall pursue the course of instruction of six months prescribed for those who have completed their trainee instruction, and who are recommended for training to qualify as reserve officers. Upon satisfactory completion of this course they may be appointed and commissioned third lieutenants of the Reserves and assigned to an organization of the Reserve Force. Except upon mobilization, no service as a reserve officer may be performed by an enlisted man of the Regular Force.

SEC. 42. Medical reserve officers shall be procured from graduates of medical colleges and universities under such regulations as may be prescribed by the President.

SEC. 43. Reserve officers shall be physically examined upon each assignment to active duty. Any reserve officer found physically unfit for active field service shall be discharged.

SEC. 44. Young men who complete their trainee instruction and are selected for additional training to qualify them as noncommissioned officers of the Reserve Force shall pursue a prescribed course of three months. Upon satisfactory completion thereof they shall be warranted in the noncommissioned officer grade for which they shall have qualified, and then transferred to the Reserve Force and assigned to an organization thereof.

SEC. 45. The Chief of Staff shall be empowered to organize and establish such special and advanced school units as he may deem

18/ As amended, Commonwealth Act No. 69, October 23, 1936.

19/ As amended, Commonwealth Act No. 69, October 23, 1936, and Commonwealth Act No. 385, September 5, 1938.

proper for the special training of officers of the technical and supply sections and services, and for the advanced training of selected officers for field, staff and command duties.

SEC. 46. All candidates for appointment as reserve officers, except medical officers, shall be required to qualify for appointment as third lieutenants of the line before being permitted to pursue any special course pertaining to the technical and supply services.

ARTICLE VII. - Active Duty Training of Reservists

SEC. 47. Periods of active duty training in the Reserve Force shall be as prescribed by the Chief of Staff. In so far as may be practicable, the active duty periods for the three echelons shall be as follows: First Reserves, annually, not less than ten days; Second Reserves, annually, not less than five days; and Third Reserves, every third year, not less than seven days.

During such periods of active duty training the reservist shall be amenable to the laws and regulations prescribed for the regular force. Except with his own consent, no enlisted reservist may be required in time of peace to serve more than thirty days on active duty in any calendar year.

SEC. 48. Any reservist who fails to report for active duty training as directed by the Chief of Staff shall be punished as a court-martial may direct.

SEC. 49. 20/ Any employee of the Government called for trainee instruction, or for regular annual active duty training, or for extended tour of active duty, shall not lose his position or suffer a loss of pay due to his absence in the fulfillment of his military obligations. A reserve officer on extended tour of active duty, regardless of the amount of his compensation in the civil position, shall be entitled to quarters or rental allowance as may be prescribed for his grade by Army regulations.

SEC. 50. 20/ Mobilization centers shall be constituted as follows:

(a) Mobilization centers shall be established for the purpose of providing storage for the arms, equipment, clothing, and records of units, other than those of the Regular Force, to be mobilized in a national emergency, of making provision in advance of mobilization for the necessary shelter for men and animals of such units during mobilization, and of reducing to a minimum the period necessary for mobilization.

20/ As amended, Commonwealth Act No. 569, June 7, 1940

(b) One mobilization center shall be established for each battalion or similar unit or, when for the best interests of the Philippines, for regiments or larger units.

Title III - MILITARY SERVICE

ARTICLE I. - Obligation to Serve and Length of Service

SEC. 51. All Filipinos are liable to military service.

SEC. 52. 20a/ The obligation to undergo military training shall begin with youth in school, commencing at the age of ten years, and shall extend through his schooling until he shall reach the age of twenty-one years when he shall become subject to service with the colors. If at eighteen to twenty-one years of age the youth is not attending any school or college he shall enter the Junior Reserve subject to the exemptions prescribed in section eighty-seven of this Act. The training which he may undergo prior to the calendar year in which he attains twenty-one years of age shall be termed "Preparatory Military Training."

All school girls shall receive such instruction and training as the Chief of Staff may deem necessary for auxiliary service.

All able-bodied male citizens between the ages of twenty years and fifty years, both inclusive, except those specifically exempted, shall be classified as follows:

Trainees - Those between the ages of twenty and twenty-one years who have been selected to receive military training.

First Reserve - Those between the ages of twenty-two and thirty-one years, both inclusive, and including also all those who have completed trainee instruction or its equivalent even though they may not have attained the age of twenty-two.

Second Reserve - Those between the ages of thirty-two years and forty-one years, both inclusive.

Third Reserve - Those between the ages of forty-two years and fifty-one years, both inclusive.

SEC. 53. Young men shall be required to register for military training in the Army in the calendar year in which they will become twenty years of age. This class of training shall be known as trainee instruction and shall be given for such periods, at such times, and under such regulations as the President may from time to time prescribe. Except for those trainees selected for duty with elements of the Regular Force, the period of trainee instruction shall not exceed five and one-half months. In no case shall the period of trainee instruction be extended beyond twelve months except with the specific consent of the trainee.

20a/ As amended, Commonwealth Act No. 569, June 7, 1940.

ARTICLE II - Procurement of Trainees

SEC. 54. On January first, 1936, or as soon thereafter as may be practicable, the President shall issue a proclamation calling upon all young men, citizens of the Philippines, who shall attain the age of twenty years in that calendar year, to register for military instruction. Registration shall take place in suitable registration places to be prescribed by the city, municipality, or municipal district government in which they reside, between the dates of April first and seventh. Annual registration shall be held during the same period in succeeding years.

SEC. 55. The President shall provide by proclamation all necessary rules and regulations for the method and procedure of registration and the selection of trainees for military service.

SEC. 56. 20b/ On May fifteenth of each year, the Chief of Staff shall conduct a drawing which shall determine those registrants who are to be called for trainee instruction in the next calendar year. He shall cause immediate and thorough publication to be given of the names of those who shall have been drawn. Provincial Governors shall be responsible that each young man in their province who shall have been drawn is notified at once of this fact.

SEC. 57. No person convicted of a crime against the Government or of an offense involving moral turpitude shall be permitted to register for military service unless he shall have been previously pardoned by the President.

SEC. 58. The following persons are exempt from registration:

- (a) Members of the Philippine Scouts and the Philippine Army.
- (b) Young men, citizens of the Philippines who are residing abroad. These persons shall register within five days after their return to the Philippines in order to determine their obligation for military training.

If under thirty years of age on their return, they shall be liable for military service, and shall enter thereon if drawn at the next national drawing for military service following their return.

(c) Persons who, because of incarceration awaiting trial or undergoing sentence of a court of law, are prevented from registering. They shall upon their release from custody register for military trainee instruction with the president of the municipality or township in which they reside. If under thirty years of age at the time of release, they shall be liable for trainee instruction;

20b/ As amended, Commonwealth Act No. 569, June 7, 1940.

if over that age, they shall not be required to serve with the colors.

SEC. 59. 20c/ The following registrants are exempted from trainee instruction:

- (a) Ecclesiastics regularly ordained and serving as members of the clergy and seminary students of a recognized church or sect.
- (b) Physicians properly certified and practicing as such.
- (c) Superintendents of penitentiaries, corrective prisons, and insane asylums.
- (d) The personnel of the coastguard revenue cutter and light-house inspection services.
- (e) Pilots, navigators and marine superintendents.
- (f) Filipino citizens who are civil service eligibles and who are employed regularly by the United States Government: Provided, That those of trainee age who have been drafted for military instruction, upon cessation of their employment in the United States Government, shall enter upon such instruction should they be below thirty years of age.

SEC. 60. (Repealed) 21/

ARTICLE III - Examination, Classification, Deferments

SEC. 61. 22/ Acceptance Boards shall be appointed by the Secretary of National Defense for a term of three years. Boards shall be appointed for such municipalities and municipal districts as the population may require. The Secretary of National Defense shall determine the number and location of Boards required for the administration of this law. They shall consist of five regular members and two or more alternates. Two regular members shall be physicians and where practicable two shall be officers of the Philippine Army stationed in the province. The Secretary of National Defense shall designate the Chairman of the Board, in the event of the absence, sickness or other inability of the regular members, upon call of the Chairman of the Board.

SEC. 62. The medical members shall advise the board in cases where the young man's physical condition for military service is in question. Decision by the board as to action on such cases and upon all other matters shall be by majority vote.

20c/ As amended, Commonwealth Act No. 569, June 7, 1940.

21/ Commonwealth Act No. 70, October 23, 1936.

22/ As amended, Commonwealth Act No. 267, June 2, 1938 and Commonwealth Act No. 569, June 7, 1940.

SEC 63. Young men who have been called for trainee instruction, upon reporting to the Acceptance Boards, shall be required to complete a questionnaire of a prescribed form, and to undergo a physical examination. The board shall then classify the young men into the following classes:

- (a) Class I--Fit for unlimited service.
- (b) Class II--Fit for limited service only.
- (c) Class III--Deferred until a later date.
- (d) Class IV--Exempted for physical reasons.

SEC. 64. The following, during the period of their employment or functions, may have their trainee instruction deferred for not to exceed three years:

- (a) Such officers and employees of the insular, provincial, municipal, and municipal district governments, as the President may designate in executive orders.
- (b) Officials and agents of organized police forces.
- (c) Officials of land, air, and marine transport.

The persons above mentioned shall be exempted from all military service except trainee instruction and except for active service in a national emergency, expressly declared by the National Assembly when they shall be liable for military service or special assignment as directed by the President.

SEC. 65. Deferments may likewise be granted by the Acceptance Boards for those who are indispensable to the support of their dependent families, for agricultural reasons, and for certain key men in industry, commerce or agriculture; provided that such deferments shall not exceed one year, after which they shall be liable to such training in the same manner as that prescribed for any other citizen.

SEC. 66. Deferments for any cause whatsoever shall be made only upon presentation to the Acceptance Boards of supporting evidence either by testimony of witnesses or by documentary evidence or both.

SEC. 67. The Acceptance Board shall be responsible for the prompt forwarding of the trainee's name, together with all documents and records pertaining to him, to his future station.

SEC. 68. Where the Acceptance Board denies the claim for deferment of any individual, he may, within ten days, appeal his case to the Central Review Board in Manila.

SEC. 69. 23/ Where dependency was the cause for deferment and that condition continues after the termination of the period of deferment, the young man shall be liable to trainee instruction, and shall enter upon such instruction. During the period of his absence undergoing instruction, an allowance for the partial support of his dependent or dependents, who have no other means of support, shall be made by the Philippine Government. The corresponding acceptance board shall determine the dependent or dependents entitled to this allowance, which shall be fixed by Executive Order.

SEC. 70. The expenses incident to the administration of the Acceptance Boards shall be borne by the Government. Except for governmental officials, the salaries of members of the Board shall not exceed P500 per annum, provided that no governmental official, whose salary is paid from the Philippine Government Treasury, shall receive any additional compensation by reason of service on such Boards.

SEC. 71. 24/ The District Commanders or their duly appointed assistants shall supervise the recruitment of the man-power in their districts. This responsibility shall extend to a supervision of registration and the administration and operation of all Acceptance Boards within the territorial limits of their commands. They shall have access at all times to the records pertaining to registration, examination, and classification. They shall report all irregularities coming to their attention to the Chief of Staff.

ARTICLE IV - Central Review Board

SEC. 72. 24/ The Central Review Board shall consist of five citizens appointed by the Secretary of National Defense who shall designate the Chairman of the Board. One member shall be an officer of the Philippine Army, representing the Chief of Staff. Initially, one member shall be appointed for five years, one member for four years, one member for three years, one member for two years, and the remaining member for one year. Thereafter, all appointments shall be for five years. In case any vacancy occurs before the expiration of the term of office of any member, his successor shall serve only the unexpired portion of said term. No member shall be eligible for re-appointment. Upon the expiration of the term of office of the Chairman, that office shall devolve upon the member having the longest service on the Board. The Board shall hold its session in the City of Manila.

SEC. 73. 24/ Decision in all matters before the Board shall be by majority vote. The Board shall have authority to employ such staff of assistants and the services of necessary medical examiners as may be authorized by the Secretary of National Defense.

23/ As amended, Commonwealth Act No. 70, October 23, 1936.

24/ As amended, Commonwealth Act No. 569, June 7, 1940.

SEC. 74. All cases of appeal from the decision of the Acceptance Boards which shall be forwarded by the Provincial Governors shall be reviewed by the Central Review Board. The appellant shall be authorized to be represented by legal counsel, and to present such facts and evidence in support of his case as he shall deem advisable. The decision of the Board shall be rendered without unnecessary delay and shall be final.

SEC. 75. The salaries of the members of the Board shall not exceed three thousand pesos per annum, except that the military member shall receive the pay and allowance of his rank and service. These salaries and those of the assistants and medical examiners, as well as all expenses incident to the operation of the Board, shall be borne by the Philippine Government. Officers and employees of the Government serving as members of the Board or as assistants or examiners thereof, if any, shall not receive any additional compensation.

ARTICLE V - Incorporation into the Service

SEC. 76. 24/ Upon reporting at the designated training station the young man shall be examined physically, and, if fit for the service of his classification, he shall be assigned to duty with an organization and sworn in. If the examination discloses any cause for a change in his classification, the change shall be effected by the local Commander immediately and his assignment to training instruction varied accordingly. Where a change of station is necessary to provide the requisite training, the Commanding Officer shall be empowered to issue the necessary orders covering his transportation. Upon joining his organization, he shall be sworn in. In case of physical disability disqualifying him for military service, he shall be returned to his home and prompt report made of such action to the Chief of Staff and to the Mayor of the municipality or municipal district of his residence.

SEC. 76-A. 25/ Any person failing to register for military service herein provided, or who shall fail to report to the corresponding Acceptance Board or to a designated training camp after having been duly notified to do so shall, upon conviction, be sentenced to serve not more than six months in prison or to pay a fine of not to exceed two hundred pesos, or both, at the discretion of the court. Conviction for this offense shall not exempt the person convicted from the military service herein required.

The municipalities and chartered cities shall be exempt from the payment of all court and sheriff's fees in the prosecution of cases falling under this section.

24/ As amended, Commonwealth Act No. 569, June 7, 1940.

25/ As amended, Commonwealth Act No. 70, October 23, 1936, and Commonwealth Act No. 385, September 5, 1938.

ARTICLE VI - Transfer to Reserve Force

SEC. 77. Upon completion of the prescribed course of trainee instruction, and, unless the soldier shall enlist in the Regular Force or shall be selected for further training to qualify him as a commissioned or noncommissioned officer, he shall be transferred to the Reserve Force and assigned to an organization thereof by the Adjutant General. From this time his name shall be carried on the rosters of the Reserve Force.

Upon transfer to the Reserve Force, such arms, accoutrements and clothing as shall be prescribed, shall be transferred to the mobilization center of his organization.

SEC. 78. 26/ On completion of his training instruction the trainee shall pass into the First Reserve where he shall be assigned to an organization. He shall continue to serve in the First Reserve to include the calendar year in which he shall reach thirty-one years of age. On December thirty-first of the year in which he shall become thirty-one years of age, he shall be transferred to the Second Reserve where he shall be assigned to an organization in that echelon. He shall serve in the Second Reserve to include the calendar year in which he shall become forty-one years of age. On December thirty-first of the calendar year in which he shall become forty-one years of age, he shall be transferred to the Third Reserve in which he may be assigned to an organization. He shall serve in this class until he shall be fifty-one years of age.

SEC. 78-A. 27/ It shall be the duty of all reservists, between the ages of twenty-one and fifty-one years, inclusive, whether they belong to the commissioned, enlisted or other relative grades, to register their names with the municipal secretary of the municipality or city of their temporary or permanent residence. For the purpose of this registration, each municipal secretary shall be furnished a registry book by the Chief of Staff. The registry book will contain such data as the Chief of Staff may prescribe: Provided, however, that the duties herein prescribed for municipal secretaries shall be performed by the Chiefs of Police in chartered cities.

SEC. 79. 28/ Enlisted men of the Reserve Force shall report for physical examination as may be required by the Secretary of National Defense.

ARTICLE VII - Preparatory Military Training

SEC. 80. The purpose of preparatory military training shall be as follows: To develop the national spirit; to make the youth

26/ As amended, Commonwealth Act No. 385, September 5, 1938, and Commonwealth Act No. 569, June 7, 1940:

27/ Added by Commonwealth Act No. 569, June 7, 1940.

28/ As amended, Commonwealth Act No. 569, June 7, 1940.

physically strong; to make the youth morally confident, and to prepare the youth for military service.

SEC. 81. Preparatory military training shall begin with the youth in elementary grade school at the age of ten years and shall extend through the remainder of his schooling into college or the university as set forth hereinbefore. In case the youth ceases to attend school, or for any reason shall have no schooling, he shall become liable for service in the Junior Reserve on reaching the age of eighteen years.

SEC. 82. Preparatory military training is compulsory upon the youth attending school and upon others when they shall become eighteen years of age.

SEC. 83. 28/ The physically unfit shall not be required to undergo military training. Physical fitness shall be determined by a board of medical officers which shall be appointed by the District Commander.

SEC. 84. 28/ The District Commander is charged with the supervision of preparatory military training which shall be divided by age and school classes, as follows:

(a) Junior cadets: above ten years of age, attending primary and intermediate schools.

(b) High school cadets: attending high or vocational schools.

(c) Junior Reserves: Eighteen to twenty years of age, both inclusive; young men not attending school or college.

SEC. 85. 29/ Instructors for cadets shall be assigned by the District Commander from the qualified male teachers in the provincial schools who are members of the Reserve Force.

Instructors for the Junior Reserve shall be assigned by the District Commander from the officers and men of the Regular Force or of the Reserve Force stationed in the District.

SEC. 86. Courses of instruction shall be prescribed by the Chief of Staff.

SEC. 87. 29/ The following persons are exempted from training in the Junior Reserve: Those who are found physically unfit by a medical board; those who are living abroad; and those undergoing any other form of authorized military instruction.

SEC. 88. 29/ Parents and employers shall be required to compel attendance at preparatory military training. Upon conviction of

28/ As amended, Commonwealth Act No. 569, June 7, 1940.

29/ As amended, Commonwealth Act No. 569, June 7, 1940.

deliberate failure to discharge this obligation, the responsible parent or employer or both shall be subject to a fine of not to exceed one hundred pesos.

Enrollment in each category of preparatory military training shall be accomplished at such times and under such regulations as the Secretary of National Defense may prescribe.

Title IV - GRADES, PAY, AND ALLOWANCES

SEC. 89. 30/ The grades and pay of enlisted men shall be as follows:

(a) Monthly base pay for enlisted men of the Regular Force shall be as follows:

Master sergeants.....	P 45.00
First sergeants.....	42.50
Technical sergeants.....	40.50
Staff sergeants.....	36.00
Sergeants.....	30.00
Corporals.....	22.00
First-class privates.....	17.00
Privates.....	14.00

Air corps:

Master sergeants.....	85.00
Technical sergeants.....	80.00
Staff sergeants.....	75.00
First sergeants.....	42.00
Sergeants.....	36.00
Corporals.....	27.00
First-class privates.....	22.00
Privates.....	17.00

Medical service:

Master sergeants.....	45.00
First sergeants.....	42.50
Technical sergeants.....	40.50
Sergeants.....	36.00
Corporals.....	28.00
Privates.....	22.00

30/ As amended, Commonwealth Act No. 71, October 23, 1936, Commonwealth Act No. 385, September 5, 1938, and Commonwealth Act No. 569, June 7, 1940.

Constabulary band:

Assistant conductor of the band.....	P120.00
Soloist professors.....	80.00
First-class musicians.....	64.00
Second-class musicians.....	56.00

An enlisted man of the Regular Force who shall reenlist within two months after his discharge by reason of the expiration of his enlistment shall receive a reenlistment bonus of one month's pay of the grade held at the time of his discharge: Provided, That due to the necessity for technically trained enlisted personnel to properly maintain flying equipment, those enlisted men not to exceed fourteen per centum of the entire enlisted personnel of the unit who qualify as air mechanic, first, second, and third classes, shall receive a monthly pay of seventy-five pesos, fifty pesos, and twenty-five pesos respectively: Provided, further, That all enlisted men or air mechanics of the Air Corps who have been rendering service to the Philippine Army Air Corps prior to the date this law takes effect, shall receive the benefits of this Act: Provided, still further, That under such regulations as the Secretary of National Defense shall prescribe, enlisted men of any grade except members of the constabulary band and enlisted men of the air corps, may be rated as specialists and receive extra pay therefor per month as follows:

First class.....	P 60.00
Second class.....	50.00
Third class.....	40.00
Fourth class.....	30.00
Fifth class.....	20.00
Sixth class.....	10.00
Seventh class.....	8.00
Eighth class.....	6.00
Ninth class.....	3.00

And provided, finally, That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade as a result of this classification.

Enlisted men shall, in addition, be entitled to rations, barracks accommodations, medical attendance, and clothing as may be prescribed in regulations. To each enlisted man not furnished quarters or rations in kind, there shall be granted, under such regulations as the Secretary of National Defense may prescribe, an allowance for quarters and subsistence, the value of which shall not exceed one peso per day.

The total number of authorized enlisted men in each grade shall be as the President may direct.

(b) Grades and pay of enlisted men of the Reserve shall be the same as those of the Regular Force, except that enlisted men shall receive no pay while on an inactive status, or while undergoing active duty training: Provided, That in time of emergency, where a partial or full mobilization has been declared by the President, reservists shall draw pay and allowances as may be prescribed by the President.

SEC. 90. 31/ The annual rates of pay and allowances, to be paid monthly, for officers of the Regular Force, Female Nurses and for reserve officers ordered to extended tours of active duty, except probationary third lieutenants, shall be as may be prescribed by the President in Executive Orders. Pending issue of appropriate Executive Orders, the rates of pay and allowances now prescribed for officers of the Constabulary shall apply to the officers designated in this section: Provided, That due to the high mortality rate among flying personnel, officers whose duty requires regular and frequent aerial flights, shall receive an additional compensation equivalent to twenty-five per centum of the monthly pay received by non-flying personnel of the same rank and grade.

SEC. 90-A. 32/ When an officer of the Regular Force or a Reserve Officer ordered to extended tour of active duty suffers some injury or disease in line of duty, days lost in the treatment of such injury or disease shall not be counted against the annual leave allowance provided in sections five and seven of Commonwealth Act numbered Two hundred twenty. An injury or disease shall be considered as acquired in line of duty when it is contracted in the service for reasons other than the officer's own misconduct, willfull failure, the intemperate use of drugs or alcoholic liquor, or through vicious or immoral habits.

SEC. 90-B. 33/ In the case of an enlisted man of the Regular Force, an injury or disease shall be considered as contracted in line of duty when it is acquired in the service for reasons other than his own misconduct, willful failure, the intemperate use of drugs or alcoholic liquor, or through vicious or immoral habits.

SEC. 91. 34/ Young men undergoing trainee instruction shall receive five centavos per day, in addition to meals and barracks accommodations, medical attention, clothing and transportation: Provided: That any trainee who may serve with the colors longer than five and one-half months except for those who may be required by regulations to serve additional periods as a result of their own misconduct or unauthorized absences during the course of their normal trainee instruction, shall receive, over and above normal pay and allowances

31/ As amended, Commonwealth Act No. 90, October 23, 1936, and Commonwealth Act No. 569, June 7, 1940.

32/ Added by Commonwealth Act No. 385, September 5, 1938.

33/ Added by Commonwealth Act No. 569, June 7, 1940.

34/ As amended, Commonwealth Act No. 272, June 2, 1938 and Commonwealth Act No. 569, June 7, 1940.

provided for trainees, the sum of five pesos for each additional month so served.

SEC. 91-A. 35/ When a trainee or an enlisted reserve while on active duty dies as a result of injury or disease contracted in the service for reasons other than his own misconduct, willful failure, the intemperate use of drugs or alcoholic liquor, or through vicious or immoral habits, the President may authorize the payment of burial expenses not exceeding thirty-five pesos and a sum not exceeding one hundred pesos to the widow or dependent child or children, or in the absence of widow or dependent child, to the parents of the deceased trainee or enlisted reserve: Provided, That injury or disease acquired while enroute to or from the training station or mobilization center shall be considered as contracted in the service for the purpose of this section.

SEC. 92. 36/ Individuals undergoing training in the grade of probationary third lieutenant shall receive pay as provided in the preceding section for trainees of more than five and one-half months service, except that they shall receive such allowances in cash or in kind as the Chief of Staff may prescribe.

SEC. 93. The members of the Reserve Officers' Training Units shall receive no pay. They shall receive such clothing allowance for uniforms as the Chief of Staff shall direct.

While undergoing instruction as probationary third lieutenants to qualify as Reserve officers, they shall receive the pay of trainees and the subsistence allowance prescribed for their grade.

SEC. 94. 37/ Reserve Officers and enlisted members of the Reserve Force on annual active duty training shall receive no pay. They shall be furnished subsistence and suitable quarters while engaged on such duty. They shall be furnished transportation or reimbursement therefor, for the travel from their home to the place of active duty and return thereto.

SEC. 95. 38/ Reserve officers on extended active duty with the Regular Force shall receive pay and allowance leave with pay, free medical treatment, and other privileges as prescribed by law or regulation for Regular Officers of their respective grades.

Officers of the Army of the United States serving as members of

35/ Added by Commonwealth Act No. 385, September 5, 1938.

36/ As amended, Commonwealth Act No. 272, June 2, 1938, and Commonwealth Act No. 569, June 7, 1940.

37/ As amended, Commonwealth Act No. 569, June 7, 1940.

38/ As amended, Commonwealth Act No. 385, September 5, 1938.

the National Defense Mission may be given during their period of such service, such military offices, rank, command and emoluments as the President of the Philippines may elect. The Commissions conferred upon the officers originally serving as technical advisers shall include one Field Marshal, who shall be known as the Military Adviser.

SEC. 96. The Junior Cadets, High School Cadets and Junior Reservists shall receive no pay.

Title V - APPROPRIATION OF FUNDS

ARTICLE I - Method of Appropriating, Expending, and Accounting for National Defense Funds

SEC. 97. 39/ Public funds for the defense of the Philippines shall be appropriated, expended, and accounted for according to six purposes, as follows:

- I. Pay and Allowances of Personnel.
- II. Maintenance of Personnel.
- III. Transportation.
- IV. Armament, Equipment, and Supplies
- V. Construction.
- VI. Miscellaneous.

Provided, That each purpose shall be divided into items as herein-after described: Provided, further, That for a period of ten years following the passage of this Act, all funds appropriated for any of the above purposes and remaining unexpended at the end of each fiscal year shall be available in succeeding fiscal years for expenditure under the same purposes only, unless otherwise authorized by the President: Provided, finally, That the President may authorize and direct that purchases of any or all items needed by the Army under any of the above purposes shall be made under the direction of the Chief of Staff without the intervention of the Division of Purchase and Supply of the Department of Finance, any provision of existing law to the contrary notwithstanding.

PURPOSE I - Personnel

This purpose shall include the following items: Base pay, longevity pay, commutation of quarters, and clothing allowance of officers and enlisted men of the Regular and Reserve Forces, the pay and allowance of cadets at the Military Academy, the wages and salaries of civilian employees, agents, and unskilled laborers, the allowances provided by law for persons undergoing trainee instruction, Reserve Officers Training Corps instruction, and Preparatory Military Training and the amount or amounts annually appropriated for the

39/ As amended, Commonwealth Act No. 385, September 5, 1938, and Commonwealth Act No. 569, June 7, 1940.

Pension and Retirement Fund of the Army.

PURPOSE II - Maintenance of Personnel

This purpose shall include the following items: Subsistence, sanitation and hospitalization, and quartering of the Regular Force and of the Reserve Force when on active duty, including the lighting, heating, and upkeep of all buildings necessary to the National Defense; the training and education of the Regular and Reserve Forces and of persons undergoing trainee instruction, Reserve Officers Training Corps instruction, and Preparatory Military education, for the welfare of the Army, and for burial of members of the Army who die in active service.

PURPOSE III - Transportation

This purpose shall include the following items: The authorized travel expenses as fixed by regulations of the civil and military personnel of the Army, the authorized transportation of trainees to and from their homes, the authorized travel expenditure of members of the Reserve Force on active duty or when called for regular annual training, the purchase and maintenance of animal and water transportation, the maintenance and upkeep of motor transportation, and the packing and transportation of all armament, equipment, and supplies.

PURPOSE IV - Armament, Equipment and Supplies

This purpose shall include the following items: Weapons and their component parts, signal, and engineer equipment and supplies, ammunition, quartermaster, medical and air corps supplies and equipment, the supplies for the maintenance and upkeep of mobilization centers, and all items necessary in the development of the National Defense Forces.

PURPOSE V - Construction

This purpose shall include the construction of land and seacoast defenses, the construction of barracks, quarters, hospitals, depots, arsenals and all other buildings required for the National Defense, and the acquisition of real estate.

PURPOSE VI - Miscellaneous Expenditures

This purpose shall include the miscellaneous expenditures of the various arms and services of the Military Establishment and of the Central General Staff as determined by the President, and the contingencies of the Army: Provided, That the Philippine Army is granted the franking privilege for its official mail and authorized to use penalty envelopes under such rules and regulations as may be prescribed by the President: And provided, further, That all moneys derived from the sale of products and other activities shall be expended as the

Chief of Staff may direct, subject to the approval of the Secretary of National Defense.

SEC. 98. Appropriation of Funds. (Omitted) 40/

Title VI - FINAL PROVISIONS

SEC. 99. All laws and parts of laws which are inconsistent with this Act, are hereby repealed.

SEC. 100. No provision of this Act shall operate to reduce the total annual pay and allowances of any officer or enlisted man of the Philippine Constabulary below the total annual pay and allowances received by him from the Insular Government at the time of the inauguration of the Commonwealth of the Philippines.

SEC. 101. (Omitted) 41/

SEC. 102. This Act shall take effect upon its approval.

Approved, December 21, 1935.

40/ This section appropriated funds for the year 1936.

41/ This section related to appropriations for the year 1936.

B. LONGEVITY PAY FOR OFFICERS OF ARMY OF THE UNITED STATES

First National Assembly)
First Session)

B. No. 2029

(Commonwealth Act No. 150*)

AN ACT TO PROVIDE FOR THE PAYMENT OF LONGEVITY PAY TO COMMISSIONED OFFICERS OF THE ARMY OF THE UNITED STATES JOINING THE ARMY OF THE PHILIPPINES AND TO INCLUDE SERVICE IN THE ARMY OF THE UNITED STATES AND/OR IN THE UNITED STATES MILITARY OR NAVAL ACADEMY IN DETERMINING THE PAY AND RIGHTS OF RETIREMENT OF COMMISSIONED OFFICERS IN THE ARMY OF THE PHILIPPINES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Commissioned officers of the Army of the United States who are appointed to any commissioned grade in the Regular Force of the Army of the Philippines shall be entitled to receive longevity pay based on the length of service rendered up to January first, nineteen hundred and thirty-three: Provided, That, all former officers of the Army of the United States and graduates of the United States Military Academy and of the United States Naval Academy, who have been appointed to any commissioned grade in the Army of the Philippines prior to the date this Act takes effect, shall, from the date of such appointment in the Army of the Philippines, receive the benefits of the same.

SEC. 2. In determining the pay and rights of retirement of a commissioned officer of the Regular Force of the Army of the Philippines, active duty performed as a commissioned officer or as an enlisted man in the Army of the United States, and/or as a cadet in the United States Military Academy or United States Naval Academy, shall be credited to the same extent as service under a regular commission or other active duty with the Army of the Philippines: Provided, That said period of service in the Army, Military Academy or Naval Academy of the United States for which he may be receiving retirement pay from the Army of the United States shall not be counted in computing the amount of retirement pay that he shall be entitled to in the Army of the Philippines: And provided, further, That any officer of the Army of the United States who retires or who has retired from that Army in order to accept a commission in the Army of the Philippines shall receive a retirement pay from the Philippine Government, which shall be the difference of the retirement pay he would have received from the Army of the United States had he remained in it and the actual pay paid to him by the Army of the United States on the date of his retirement, it being understood that the actual date of complete independence of the Philippines shall be the date on which the maximum attainable rate of retirement pay from the Army of the United States shall be computed for

* Amended by, Commonwealth Act No. 558, June 7, 1940.

the purpose hereinabove described.

SEC. 3. In computing the pay of commissioned officers of the Army of the United States and graduates of the United States Military Academy or United States Naval Academy, mentioned in sections one and two hereof, the longevity pay shall be based on an increase of ten per centum for every five years of service compounded every five years: Provided, That, the increase in longevity pay shall not exceed fifty per centum.

SEC. 4. The funds appropriated for the Army of the Philippines in the yearly General Appropriation Acts and in the National Defense Act are hereby made available for the purpose of carrying out the provisions of this Act.

SEC. 6. This Act shall take effect upon its approval.

Approved, November 8, 1936.

C. GOVERNMENT SERVICE INSURANCE ACT

First National Assembly)
Special Session)

B. No. 2373

(Commonwealth Act No. 186)

AN ACT TO CREATE AND ESTABLISH A "GOVERNMENT SERVICE INSURANCE SYSTEM", TO PROVIDE FOR ITS ADMINISTRATION, AND TO APPROPRIATE THE NECESSARY FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Title.--The short title of this Act shall be the "Government Service Insurance Act."

SEC. 2. Definitions.--When used in this Act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

(a) "Employee" shall mean any person in the service of the Government of the Commonwealth of the Philippines, its subdivisions, agencies and instrumentalities, including an enlisted man or officer of the Regular Force, Philippine Army, possessing either temporary or permanent civil service status.

(b) "Board" and "System" shall mean respectively, the "Government Service Insurance Board" and the "Government Service Insurance System" created and established in this Act.

(c) "Salary, pay, or compensation" shall be so construed as to exclude all bonuses, "fogy", allowances, and overtime pay, or salary, pay or compensation given in addition to the base pay of the position or rank as fixed by law or regulations.

(d) "Member" shall mean any employee who is admitted into the Government Service Insurance System in accordance with the provisions of section four hereof.

(e) "Life Insurance" shall mean any form of insurance on life authorized herein, such as limited payment life, endowment, etc.

(f) "Membership policy" shall mean a life insurance policy for an amount, the annual premium of which is equivalent to six per centum of an employee's basic annual salary or compensation, except that in the case of members of the Regular Force, Philippine Army, the basic premium shall be five per centum of their annual salary or compensation.

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SEC. 4. Scope of application of System.--Regular membership in the system shall be compulsory upon--

* * *

(d) All officers and enlisted men of the Regular Force, Philippine Army;

* * *

SEC. 5. Membership contributions.--Beginning on the last day of the sixth month following the date on which this Act shall take effect or following the date of the member's appointment, commission, or enlistment, if this be a later date, and monthly thereafter, there shall be deducted and withheld from the monthly salary or compensation of each member of the System, . . . five per centum in case of officers and enlisted men of the Regular Force, Philippine Army, to be applied to the payment of the unpaid premiums of the membership policy issued to such member under the provisions of this Act

SEC. 6. Government contribution.--(Beginning with the year nineteen hundred and thirty-seven, and annually thereafter) such portion of the annual appropriation for the Philippine Army as may be necessary for the payment of extra premiums (due to the extra hazard of the occupation) on the membership policies of officers and enlisted men thereof shall be transferred monthly to the System for the purposes provided herein.

* * *

SEC. 8. Membership insurance.--Effective on the last day of the sixth month following the date on which this Act shall take effect or following the date of the member's appointment, commission, or enlistment, if this be a later date; each officer or enlisted man of the Regular Force, Philippine Army, shall be automatically insured and granted the corresponding membership policy for an amount the annual premium of which is equivalent to five per centum of his current basic annual salary, and any other regular member of the System, for an amount the annual premium of which is equivalent to six per centum of his basic current annual salary: Provided, however, That in the case of an increase in the amount of the six per cent contribution made by and for a member, the face value of his policy shall be increased by an amount corresponding to said increase, computed by the Board on the basis of the remaining period of the policy and of other conditions and contingencies affecting the risk and value thereof.

SEC. 9. Effect of dismissal or separation from service.--Upon dismissal for cause of a member of the System, the benefits under his membership policy shall be automatically forfeited to the System, except one-half of the cash or surrender value, which amount shall be paid to such member, or in case of death, to his beneficiary. In other cases of separation before maturity of a policy, the Government contributions shall cease, and the insured member shall have the following options: (a) to collect the cash surrender value of the policy; or (b) to continue the policy by paying the full premiums thereof; or

(c) to obtain a paid up or extended term insurance in such amount or period, respectively, as the paid premiums may warrant, in accordance with the conditions contained in said policy; or (d) to avail himself of such other options as may be provided in the policy.

SEC. 10. Optional insurance.--Upon application to the Board and on satisfactory evidence of insurability, each member may obtain, at any time, additional life insurance as he may desire, subject to the provisions of section fourteen hereof: Provided, That the amount of said additional life insurance shall be in multiple of one hundred pesos and that its aggregate amount shall not exceed an amount (to the nearest hundred pesos) equal to one-half of his current annual salary: And provided, further, That the full amount of the premiums on such additional insurance shall be paid by said members, and the amount thereof may be deducted from his pay or compensation, when expressly authorized by him.

✱ ✱ ✱

SEC. 24. Appropriations.--✱ ✱ ✱ Provided, however, That the extra premiums on the membership policies of officers and enlisted men of the Regular Force, Philippine Army, shall be paid from the sum appropriated for the aid to the Philippine Army Pension Fund for nineteen hundred thirty-seven, and annually thereafter, from the annual appropriations for the Philippine Army: And provided, further, That in the case of regular members of the System, whose salaries or compensations are paid from special funds, the required Government contributions and extra premiums, if any, shall be paid from said funds. There is, likewise, hereby appropriated out of any fund in the Philippine Treasury not otherwise appropriated, the sum of two hundred thousand pesos for expenses incidental to the establishment and operation of the Government Service Insurance System created and established herein.

SEC. 25. Applicability of other laws to System.--Except as herein otherwise provided, the Government Service Insurance System shall not be subject to the provisions of Act Numbered Twenty-four hundred and twenty-seven as amended, and Act Numbered Twenty-eight hundred and thirty-three, as amended, and no law hereafter enacted shall apply to said System unless it is otherwise expressly provided therein.

SEC. 26. Effective date.--This Act shall take effect upon its approval

Approved, November 14, 1936.

D. LIQUIDATION OF PENSION AND RETIREMENT FUND OF PHILIPPINE CONSTABULARY

First National Assembly)
Special Session)

B. No. 2371

(Commonwealth Act No. 188)

AN ACT TO PROVIDE FOR THE LIQUIDATION OF THE PENSION AND RETIREMENT FUND OF THE PHILIPPINE CONSTABULARY CREATED BY ACT NUMBERED ONE THOUSAND SIX HUNDRED AND THIRTY-EIGHT, AS AMENDED, AND THE PAYMENT OF REDUCED PENSIONS TO CERTAIN BENEFICIARIES THEREOF, AND TO APPROPRIATE THE NECESSARY FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The provisions of Act Numbered One thousand six hundred and thirty-eight, as amended, are hereby declared inoperative as of November first, nineteen hundred and thirty-six. The Government Service Insurance Board is hereby authorized and directed to liquidate the Pension and Retirement Fund of the Philippine Constabulary created by said Act Numbered One thousand six hundred and thirty-eight, as amended, immediately upon the approval of this Act, or as soon thereafter as may be deemed to have been effected as of November first, nineteen hundred and thirty-six.

SEC. 2. The Government Service Insurance Board is hereby authorized to apply the proceeds from the liquidation of said Fund to the payment, in the manner herein prescribed, to officers and enlisted men of the Philippine Constabulary who are still in the service, or who have left the service by resignation or abolition of the position, and who have been contributing to the Pension and Retirement Fund of the Philippine Constabulary and not previously retired, of the full amount contributed by them plus interest up to November first, nineteen hundred and thirty-six, at the rate of four per centum per annum compounded annually: Provided, however, That the amount which such officers and enlisted men of the Philippine Constabulary are entitled to receive shall, if they remain in the service, be applied by the Board to the payment of one year premium on the compulsory membership insurance corresponding to them under the provisions of the Government Service Insurance Act: Provided, further, That any excess of said contributions over and above the premium above stated, shall be paid to the contributor in cash, either in full or in installments to be determined by the Board, and in the latter case, all deferred payments shall earn interest at the rate of four per centum per annum compounded annually, but the same may be commuted and cashed in any financial institution owned or controlled by the Government by discounting the principal thereof at a rate not to exceed one per centum per annum.

SEC. 3. There shall be paid to those officers and enlisted men of the Philippine Constabulary who have been retired from the service, or their dependents, in lieu of the pensions they are now receiving from the Pension and Retirement Fund of the Constabulary, the following reduced

amounts:

During the first year after the date of the approval of this Act, a pension equivalent to one and five tenths per centum of the average basic salary, received during the last three years preceding retirement, but not exceeding six thousand pesos per annum, multiplied by the number of years of service rendered; during the second year, one and three tenths per centum; and thereafter, one per centum; while to their dependent as defined in the laws creating the aforementioned pension and retirement fund, the pension shall be in accordance with said laws, for a period not exceeding ten years: Provided, however, That the Board, with the approval of the Secretary of Finance, may at any time suspend or cancel the payment of any pension whenever, after due investigation, it shall have found that the amount of pensions already received by the retired officer or enlisted man, or his beneficiaries is more than twice the amount of his contributions to the fund plus 4% interest per year, compounded annually: Provided, further, That the said retired officer or enlisted man or his beneficiaries are not dependent upon their pensions for their maintenance: Provided, further, That the pensions to retired officers who are now at least sixty-five years of age, or suffering permanent physical disability, to retired enlisted men, and to those retired for disability incurred in the performance of duty, as well as to their dependents, and to the dependents entitled by law to receive pensions of those killed in the performance of duty, shall continue at the rates prescribed by the pension laws which have heretofore embraced them: Provided, further, That in no case shall the total amount of the reduced pension payable hereunder, exceed the benefit that is being received at present under the provisions of the Constabulary Pension and Retirement Fund Act: Provided, further, That any decision of the Secretary of Finance regarding suspension or cancellation of the payment of pension shall be appealable to the President of the Philippines: And provided, finally, That the pensions mentioned in this Act shall not be subject to any tax, levy or attachment and shall be paid from the sum appropriated for the aid to the Philippine Army Pension Fund for nineteen hundred thirty-seven, and, annually thereafter, from the annual appropriation for the Philippine Army.

SEC. 4. At the option of the pensioner to be exercised by him not later than January 1, 1937, he may be given in lieu of the reduced pension provided for in section 3 hereof a gratuity equivalent to two years average current pay he was receiving during the last three years previous to his retirement: Provided, however, That the Government Service Insurance Board, after considering the financial situation of the party concerned, shall determine whether such amount shall be paid in full or in installments to be fixed by the said Board, and in the latter event, all deferred payments shall earn interest at the rate of four per centum per annum compounded annually, but the same may be commuted and cashed in any financial institution owned or controlled by the Government by discounting the principal thereof at a rate not exceeding one per centum per annum.

SEC. 5. All the funds, properties, and assets, and all personnel, facilities, equipment, leases, contracts, and other obligations and instruments as well as all records, files, correspondence, and other papers belonging or appurtenant to the Pension and Retirement Fund of the Philippine Constabulary as created and established by Act Numbered One thousand six hundred thirty-eight, as amended are hereby transferred, for the purposes of liquidation as provided in this Act, to the Government Service Insurance Board, which shall hereafter exercise full control and authority over the same. The said Board, with the approval of the Secretary of Finance, is hereby authorized to promulgate the necessary rules and regulations for the accomplishment of the purposes of this Act. Nothing herein contained shall be construed as taking away the power of the National Loan and Investment Board to invest the funds belonging to the Pension and Retirement Fund of the Philippine Constabulary should the Government Service Insurance Board elect to place in its hands the investment of said funds under such terms and conditions as may be agreed upon by the two Boards.

SEC. 6. For the purposes of section two of this Act, and to cover the expenditures, including salaries of personnel, which the board may incur incidental to its functions under the provisions hereof, the Insular Treasurer is hereby authorized and directed to transfer from time to time such amounts as may be necessary not to exceed in the aggregate the sum of one-million five hundred thousand pesos to the Government Service Insurance System, and said sums are hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated.

SEC. 7. This Act shall take effect upon its approval, but as to the reduced pension, it shall take effect on December first, nineteen hundred and thirty-six.

Approved, November 14, 1936.

E. PHILIPPINE ARMY RETIREMENT ACT

First National Assembly)
Special Session)

B. No. 2374

(Commonwealth Act No. 190)

AN ACT TO ESTABLISH A RETIREMENT SYSTEM FOR THE PHILIPPINE ARMY
AND TO APPROPRIATE FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. This Act shall be known as the "Philippine Army Retirement Act".

SEC. 2. In computing the length of service of an officer or enlisted man for purposes of this Act, service rendered by him as commissioned officer or as enlisted man in the Philippine Constabulary shall be given full credit.

SEC. 3. The ages and periods of service establishing eligibility for retirement under this Act are fixed as follows:

(a) Minimum: thirty years of continuous satisfactory service and fifty-five years of age. Upon attaining this eligibility, an officer or enlisted man has the option of retiring from active service with the approval of the President.

(b) Maximum: forty years of continuous satisfactory service or upon attaining sixty-four years of age with a minimum of fifteen years continuous service. Upon reaching this period of eligibility, retirements shall be compulsory unless the continued service of the individual is, in the opinion of the President, required for the good of the service.

Upon the completion of twenty years satisfactory continuous service, an officer or enlisted man may, at his own request, be retired from active service. In such case he shall receive a gratuity equivalent to two per centum of his average annual salary, as hereinafter defined, for each year of satisfactory continuous service. Such gratuity shall be payable in one lump sum. The Government retains the right to grant or withhold retirement privileges under the provisions of this section. Average annual salary is defined as the average annual base pay received during the last three years of service.

All officers and enlisted men of the Philippine Army now drawing retirement pay and residing in the Philippines may at any time be called by the President for active service, during the period of which service they shall be entitled to receive the full pay of their rank or grade. Refusal on the part of any officer or enlisted man to perform such service shall terminate his right to further participation in the benefit of this fund, provided he is physically fit for service, such fitness to be determined by the Chief of Staff, with the approval of the President.

Any officer or enlisted man who is receiving the benefits of retirement pay under this or any other Act shall cease to receive such retirement pay upon his return to active service, or his failure to return to the active service when ordered to do so by competent authority, or when he is employed by the National, provincial, city, or municipal governments, with equal compensation equal to or more than the amount of his retirement pay; but if his compensation from such employment is less than his retirement pay then he shall be paid the difference from the Retirement Fund.

SEC. 4. When an officer or an enlisted man is retired under the provisions of section three (a) and (b) above, he shall receive until his death an annual retirement pay equal to two per centum of the basic pay received by him on the date of retirement for each year's active service rendered by him but not exceeding fifty per centum in case of commissioned officers and sixty per centum in case of enlisted men and non-commissioned officers of the total base pay received by him on the date of retirement: Provided, That this rate of retirement pay shall not be applied to officers or enlisted men separated from the service through the action of Classification Boards, Courts Martial, or as a result of his own misconduct, or resignation: Provided, further, That any officer or enlisted man of the Regular Force, Philippine Army, now in the service may elect to waive the full benefits of this Act and receive in lieu thereof the refund of the contributions mentioned in section two of the Act providing for the liquidation of the Pension and Retirement Fund of the Philippine Constabulary and a reduced retirement pay on the same rate herein provided, but only for the number of years of active service after December thirty-first, nineteen hundred and thirty-six, or to obtain the full benefits of this Act, in which case he shall be entitled to refund of the contributions above-mentioned only in the amount to be determined as follows: For those eligible for retirement under the provisions of this Act within twenty years or more from January first, nineteen hundred and thirty-seven, a refund of one hundred per centum of said contributions; for those eligible within fifteen years, eighty per centum; for those eligible for ten years, sixty per centum; and for those eligible within five years, forty per centum.

SEC. 5. There shall be annually included under "Purpose 1-- Personnel" of the annual appropriation of the Philippine Army, sufficient amounts to cover the payment under section three hereof.

The sum appropriated as aid to the Philippine Army Pension Funds in the nineteen hundred and thirty-seven appropriations for the Philippine Army is hereby made available for carrying out the purposes of this Act relating to the payment of retirement benefits.

SEC. 6. This Act shall take effect upon its approval.

Approved, November 14, 1936.

F. RESTORATION OF CONSTABULARY RETIREMENT FUND

First National Assembly)
Third Special Session)

B. No. 2437

(Commonwealth Act No. 237)

AN ACT TO PROVIDE FOR THE RESTORATION AND PAYMENT OF ALL ANNUITIES DUE TO PERSONS RETIRED UNDER AND PURSUANT TO THE TERMS AND PROVISIONS OF ACTS NUMBERED THIRTY HUNDRED AND FIFTY, THIRTY-ONE HUNDRED AND SEVENTY-THREE, AND ARTICLE III OF CHAPTER THIRTY-FIVE OF THE ADMINISTRATIVE CODE, EACH AS AMENDED AND IN EFFECT PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED AND THIRTY-SIX.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. As used in this Act, the Term "Teachers' Retirement Act" shall mean Act Numbered Thirty hundred and fifty, as amended and in effect prior to November first, nineteen hundred and thirty-six; the term "Health Retirement Act" shall mean Act Numbered Thirty-one hundred and seventy-three, as amended and in effect prior to November first, nineteen hundred and thirty-six; and the term "Constabulary Retirement Act" shall mean Article III of Chapter Thirty-five of the Administrative Code, as amended and in effect prior to November first, nineteen hundred and thirty-six.

SEC. 2. Notwithstanding the provisions of Commonwealth Acts Numbered One hundred and eighty-seven, One hundred and eighty-eight, and One hundred and eighty-nine, all persons who, on or before November fourteenth, nineteen hundred and thirty-six, had retired under and pursuant to the terms and conditions of the Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act and were then receiving the benefits provided by said Acts and the beneficiaries of said persons, and all beneficiaries of deceased persons previously retired under said Acts, shall hereafter receive and be paid the full amount of the annuities which had then accrued to them or may hereafter accrue to them, under the terms of said Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act, the same as if the provisions thereof had not been declared inoperative. All such payments shall be made at the time and in the manner that said annuities would have been paid if the said Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act, and the provisions thereof, had not been declared inoperative. The restoration of the annuity payments made as in this section provided shall be effective not earlier than November fourteenth, nineteen hundred and thirty-six.

SEC. 3. All persons who by the terms of this Act shall be entitled to receive the full annuity accrued to them under the terms of the Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act, shall receive and be paid said full annuities from the date said annuities were reduced or discontinued. To the extent that any of said annuities has been reduced in amount, or other-

wise not paid, an amount equal to the reduction with interest thereon at the rate of four per cent per annum from the date of withholding of said sum to the date of payment thereof shall be paid to said persons. All of said sums so withheld shall be paid not later than January first, nineteen hundred and thirty-eight, and interest thereon shall be computed to the first day of the month next following the date on which checks for the payment of the sums so withheld shall be issued and mailed.

SEC. 4. The Government Service Insurance Board shall administer this Act, and for this purpose shall have power to adopt, subject to the approval of the President of the Philippines, such rules and regulations as may be necessary to carry out the provisions hereof.

SEC. 5. Such sums as may be necessary to carry into effect the provisions of this Act are hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated.

SEC. 6. This Act shall take effect upon its approval.

Approved, September 23, 1937.

DECLASSIFIED
Authority 883078

G. NATIONAL DEFENSE ZONE ACT

First National Assembly)
Fourth Special Session)

B. No. 3867

(Commonwealth Act No. 321)

AN ACT TO AUTHORIZE THE PRESIDENT OF THE PHILIPPINES TO DECLARE ANY AREA OR ZONE IN THE PHILIPPINES AS A NATIONAL DEFENSE ZONE, TO PROHIBIT ENTRY THEREIN EXCEPT TO CERTAIN CLASSES OF PERSONS, AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The President of the Philippines is hereby authorized to declare, by proclamation, any area or zone in the Philippines as a national defense zone, and upon the promulgation of such proclamation, it shall be unlawful for any person, excepting public officials and employees of the United States and of the Philippines, to enter such zone, or to remain therein, except under regulations to be prescribed by the President of the Philippines: Provided, however, That in no case shall any person be deprived of his property without just compensation.

SEC. 2. Any violation of the provisions of this Act or of the regulations prescribed by the President of the Philippines pursuant to the authority contained in section one hereof, shall be punished by imprisonment of not exceeding six months or by a fine of not exceeding one thousand pesos, or by both, in the discretion of the court.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 9, 1938.

H. INDEMNITY AND PENSION FOR TRAINEES OR RESERVISTS

First National Assembly)
Fifth Special Session)

B. No. 3616

(Commonwealth Act No. 400)

AN ACT PROVIDING FOR THE PAYMENT OF INDEMNITIES AND PENSIONS IN CASES OF ACCIDENT DURING THE TRAINING OF TRAINEES OR RESERVISTS OF THE PHILIPPINE ARMY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The forced heirs of any trainee or reservist, who shall die by accident during the period of his training, or while assisting in maneuvers or other practices of the Philippine Army, shall be entitled to an indemnity of five hundred pesos.

SEC. 2. If the accident did not result in the death of the trainee or reservist, but has disabled him to engage in any kind of work or trade, or deprived him of his sight, or if his disability is such that it diminishes his earning capacity, or that it becomes a permanent disability, such trainee or reservist shall be entitled to a monthly pension of fifteen pesos in the first three cases and twenty pesos in the last case.

SEC. 3. For the purposes of this Act, the Acceptance Board constituted under Commonwealth Act Numbered One is hereby made as a Board of Claims which shall determine the claims under this Act.

SEC. 4. The President of the Philippines may authorize disbursements on account of the operation of this Act from any item of the appropriation for the Philippine Army for the years nineteen hundred and thirty-eight and nineteen hundred and thirty-nine. For nineteen hundred and forty and subsequent years the necessary item of appropriation shall be included in the appropriation of the Philippine Army in the annual General Appropriation Acts.

SEC. 5. This Act shall take effect upon its approval and shall also apply to claims arising from accidents within the purview thereof, which have occurred since nineteen hundred and thirty-six.

Approved, September 12, 1938.

DECLASSIFIED
Authority 883078

I. ARTICLES OF WAR

First National Assembly)
Fifth Special Session)

B. No. 3771

(Commonwealth Act No. 408)

AN ACT FOR MAKING FURTHER AND MORE EFFECTUAL PROVISION FOR THE NATIONAL DEFENSE BY ESTABLISHING A SYSTEM OF MILITARY JUSTICE FOR PERSONS SUBJECT TO MILITARY LAW.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The following articles shall be known as the Articles of War and shall at all times and in all places govern the Army of the Philippines

(Then follow the Articles.)

SEC. 2. All offenses committed prior to the date of effectiveness of this Act shall be punished in accordance with the laws and regulations in force at the time of their commission.

SEC. 3. All laws and parts of laws in so far as they are inconsistent with this Act are hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, September 14, 1938.

DECLASSIFIED
Authority 883078

J. CREATION OF THE DEPARTMENT OF NATIONAL DEFENSE

Second National Assembly)
First Session)

B. No. 1035

(Commonwealth Act No. 430)

AN ACT TO CREATE THE DEPARTMENT OF NATIONAL DEFENSE AND THE DEPARTMENT OF HEALTH AND PUBLIC WELFARE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The Department of National Defense and the Department of Health and Public Welfare are created. The President of the Philippines is authorized to effectuate, by Executive Order, the organization of the aforesaid Departments on or before July first, nineteen hundred and forty-one.

SEC. 2. The Department of National Defense shall be charged with the duty of supervising the national defense program of the country, and for this purpose, it shall have executive supervision over those bureaus, offices, and services which the President may determine to be properly under the jurisdiction of the said Department.

* * *

SEC. 6. This act shall take effect upon its approval.

Approved, May 31, 1939.

DECLASSIFIED
Authority 883078

K. PENSION FOR VETERANS OF PHILIPPINE REVOLUTIONS OR WARS

Second National Assembly)
Fourth Special Session)

B. No. 2044

(Commonwealth Act No. 605)

AN ACT TO PROVIDE PENSIONS FOR VETERANS OF THE PAST PHILIPPINE REVOLUTIONS OR WARS, TO CREATE A BOARD ON PENSIONS FOR VETERANS, AND TO APPROPRIATE FUNDS THEREFOR.*

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The veterans of the past Philippine revolutions or wars shall be entitled to a monthly pension of not less than fifteen pesos nor more than two hundred pesos, provided it is completely shown--

(a) That they are physically or mentally incapacitated to pursue normally their ordinary occupation, work, or employment, not caused by any vice contracted after the approval of this Act; or

(b) That, being over sixty years of age, they do not have any apparent or hidden means of support.

SEC. 2. In case of death of a veteran pensioner, or an applicant for a pension to which he is entitled, the accrued and uncollected pensions up to the date of his death shall be paid to the widow, or in default thereof, to his lawful heirs.

Where there are no lawful heirs, the payment of the pension in arrears shall not be authorized except such part thereof as may be necessary for the payment or refund to the party concerned of the expenses for burial and last illness of the deceased.

SEC. 3. For the proper administration of this Act, there shall be a Board on Pensions for Veterans to be composed of the Commissioner of the Budget, the Commissioner of Civil Service, the Auditor General, and two veterans of the past Philippine revolutions or wars, appointed by the President of the Philippines with the consent of the Commission on Appointments. The Commissioner of the Budget shall be the chairman of the Board. The members who are at the same time public officers shall serve without any additional compensation, but the other members shall receive a per diem of ten pesos for every session actually attended by them. The Board shall have a secretary, who shall be designated by the President of the Philippines upon the recommendation of the Board. The Board shall formulate its own rules of procedure, determine the persons who are entitled to a pension under this Act, classify them according to their ranks in the past revolutions or wars, and fix, with

* This Act repealed Commonwealth Act No. 288, June 3, 1938, and Commonwealth Act No. 359, August 22, 1938.

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Authority 883078

the approval of the President of the Philippines, the pension to be assigned to each rank. Such rules shall determine, among other things, the manner the pensions shall be paid, in order to protect the Government as much as possible against possible falsifications, and assure that the pensions reach the hands of the pensioners.

SEC. 4. The secretary of the Board shall be authorized to administer oaths to the applicants and their witnesses. Such secretary and all public officers authorized to administer oaths, shall administer free of charge, the oath on whatever affidavits which may be filed with the Board in connection with this Act. These papers shall be exempt from the internal-revenue stamp tax.

SEC. 5. No agent, attorney or other person in charge of the preparation, filing, or pursuing of any claim for pension under this Act, shall demand or charge for his services more fees than those authorized by the Board, which shall not be payable before the granting of the pension, and any stipulation made otherwise shall be considered null and void. The retention or deduction of any amount from any pension granted under this Act for the payment of fees for such services is prohibited. A violation of any provision of this section shall be punished by a fine of from one hundred to two hundred pesos, or by imprisonment of from three to six months, or both.

SEC. 6. No pension shall be transferable, nor paid to any person other than the pensioner; and no authority, power of attorney, or other document executed or alleged to have been executed by the pensioner in favor of an agent, attorney, or any other person for the collection of the pension in his behalf shall be recognized. However, in case of physical or legal inability of the pensioner, the pension may be delivered to the person designated by the Board.

SEC. 7. Any pension granted under this Act shall be payable from the date the proper application has been received by the Board, and as to the pensioners whose pensions have been suspended under this Act, they shall be entitled to receive them from the date of suspension in case the Board shall hold that they are entitled to such pensions, after reviewing their original applications.

If, after an application for pension has been disapproved or abandoned, a new one is filed, and the Board should approve the latter, the pension shall be payable from the date of receipt of the first application, whenever it is established that the right to the pension existed on such date. Otherwise, the pension shall be payable from the date the new application was received.

SEC. 8. If the pension is not claimed during the three years following the birth of the right to receive the same, or the return, as the case may be, by the Bureau of Posts of the warrant for the payment of the pension, the person concerned shall be presumed to have died or lost his right to the pension. In such case, his name shall be dropped from the list of the pen-

sioners, and shall only be included again therein after the filing of a new application by such person, accompanied by a satisfactory explanation of the reason or reasons for his failure to claim the pension, and after having completely shown that he has not become incapacitated to receive or to continue receiving the same.

Sec. 9. No warrant issued by the Board for the payment of a pension may be cashed, unless the person presenting the same shows satisfactorily that he is the one entitled to receive the amount of said warrant under this Act, and unless such person signs an affidavit to that effect, corroborated by two competent witnesses, in a form prepared therefor. The postmasters or local post officers are hereby authorized to administer the oath of such person and his witnesses, but no fee shall be charged for the service. Such affidavits shall be exempt from the internal-revenue stamp tax.

SEC. 10. No pension granted under this Act shall wholly or partly be subject to attachment, execution, forfeiture, or retention, under any legal or equitable proceedings, either while in the possession of Board or of any of its officers or employees, or while in transit, or already in the hands of the pensioner.

SEC. 11. With the approval of the President of the Philippines, the Board may suspend or withdraw the pension or any part thereof whenever, in its opinion, the reasons entitling a person to receive a pension under this Act have ceased to exist. However, before suspending or withdrawing a pension or any part thereof, the Board shall inform the pensioner, by the most efficient means and as many times as may be necessary, of the actual reasons, charges or allegations by which the suspension, withdrawal, or reduction of his pension is desired, and give him full opportunity to be heard and to defend himself after thirty days, at least, following the receipt of the first notice.

SEC. 12. Upon the establishment by the Government of an asylum for invalids, any pensioner may enter the same and waive his pension.

SEC. 13. Upon request of the Board, the physicians of the Bureau of Health and the local health officers who are physicians, shall make a medical examination of the applicants for pension who claim to be physically or mentally incapacitated to pursue normally their ordinary occupation, work, or employment, and shall certify to the Board the result of said examination. Upon request of the Board, they shall also make, from time to time, a medical examination of the pensioners thus incapacitated, in order to inform the Board whether or not the incapacity of the same has been removed. The said medical officers shall not charge any fees for the service, but they shall be entitled to the refund, chargeable to the funds of the Board, of actual traveling expenses and subsistence incurred by them in performing such service.

SEC. 14. Any public officer or employee or any private person who furnishes a false information with the intention of helping or injuring an applicant for pension or a pensioner, shall be punished by a fine of not less

than fifty pesos nor more than two hundred pesos or by imprisonment of not less than one month nor more than six months, or both. Should the offender be a veteran, he shall also be disqualified to receive or continue receiving a pension under this Act.

SEC. 15. No lien of any kind nor under any consideration shall it be imposed on a pension granted or that may hereafter be granted hereunder, and all liens imposed thereon shall be null and void.

SEC. 16. Any violation of this Act not especially penalized therein, shall be punished by a fine not exceeding two hundred pesos, or by imprisonment of not more than six months.

SEC. 17. Commonwealth Acts Numbered Two hundred eighty-eight and Three hundred fifty-nine are hereby repealed, and no fund set aside to carry out the purposes of this Act shall be available for the payment of the pensions granted under said Acts, unless and until the original applications of the pensioners have been revised and approved by the Board on pensions created by this Act, in the manner prescribed in section eleven.

SEC. 18. The present Board on Pensions for Veterans shall be abolished upon the taking effect of this Act, and all the subordinate personnel of said Board, its records and documents, furniture, equipment and other appurtenances, as well as the balance of the appropriations for the expenses thereof and for payment of pensions, shall be transferred to the new Board created hereunder, which may reorganize said personnel in accordance with the requirements of the Civil Service Law and Rules.

SEC. 19. There is appropriated out of any funds in the National Treasury not otherwise appropriated the sum of three hundred thousand pesos, or so much thereof as may be necessary, to carry out the purposes of this Act. However, this appropriation shall have the character of a mere advance payment, and any sum spent chargeable thereto shall be refunded from the special fund created by Commonwealth Act Numbered Five hundred forty-six, known as "The Veterans of the Philippine Revolutions or Wars Pension Fund." The Board on Pensions for Veterans is authorized, with the approval of the President of the Philippines, to set aside a part of the funds herein appropriated, or of "The Veterans of the Philippine Revolutions or Wars Pension Fund", for the payment of salaries of the personnel, transportation expenses and per diems of investigators, furniture, equipment and office supplies.

SEC. 20. This Act shall take effect upon its approval.

Approved, August 22, 1940.

L. ABOLITION OF INTERIOR DEPARTMENT

B. No. 3203

(Commonwealth Act No. 660)

AN ACT AUTHORIZING THE ABOLITION OF THE
DEPARTMENT OF THE INTERIOR

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The President of the Philippines is authorized, at any time within one year after the approval of this Act, by executive order to abolish the Department of the Interior and any or all of its bureaus or offices and to transfer all their powers, functions, duties, records, documents, furniture, office equipment, and property to the Executive Office, the Department of Justice and the Department of National Defense, in the following manner:

* * *

(c) To the Department of National Defense.--The power of executive supervision and the duties of the Secretary of the Interior concerning the Philippine Constabulary and the local police forces, and all records, documents, furniture, office equipment, and property used in connection therewith.

SEC. 2. The President of the Philippines is authorized to transfer such of the employees and appropriations of the Department of the Interior existing at the time of the approval of this Act to the department to which the duties performed by them have been transferred by this Act as may be necessary to provide said departments with adequate personnel.

The President of the Philippines is likewise authorized to order the transfer of such other employees of the Department of the Interior as may be found in excess of the needs of the departments in connection with the activities transferred thereto by this Act, to any other bureau or office of the Government which may have actual need for their services.

SEC. 3. All positions of such employees of the Department of the Interior as may not be transferred to the several Departments, or to other bureaus and offices as provided herein, within one year from the approval of this Act, shall be considered abolished, and such employees shall be entitled to retirement gratuity in accordance with the provisions of Act Numbered Four thousand and fifty-one as if they were retired under said Act.

SEC. 4. This Act shall take effect upon its approval.

Approved, June 21, 1941.

EXECUTIVE ORDERS *

- No. 2. Assuming command of armed forces, November 15, 1935.
- No. 3. Creating National Defense Council, November 16, 1935.
- No. 10. Prescribing Army promotion regulations, January 11, 1936. 1/
- No. 11. Designating the Chief of Staff of, and transferring the Philippine Constabulary to, the Army of the Philippines, January 11, 1936. 2/
- No. 26. Designating the permanent Chief of Staff and announcing certain appointments of General Officers of the Philippine Army, May 4, 1936.
- No. 31. Issuing regulations for procurement of medical reserve officers, May 18, 1936.
- No. 38. Transfer of the Teachers' Camp, Baguio, to the Philippine Army, June 4, 1936.
- No. 41. Transferring administrative supervision over the Bureau of Prisons to the Philippine Army, June 29, 1936. 3/
- No. 48. Fixing quarters allowance for general officers of the high command of the Army of the Philippines, July 20, 1936.
- No. 57. Establishing Reserve Officers' Training Units in the Philippines, October 14, 1936.
- No. 58. Recognizing Reserve Officers' Training in San Juan de Letran College, October 14, 1936.
- No. 82. Revocation of Executive Order No. 41, dated June 29, 1936, re administrative supervision of Department of Justice over the Bureau of Prisons, January 4, 1937.
- No. 88. Receipt and donation of money for national defense and expenditure thereof, January 23, 1937.

* Executive Orders included in the Appendix are indicated by an asterisk.

1/ Repealed by Executive Order No. 169, October 15, 1938.

2/ The Constabulary was removed from the Army by Executive Order No. 153, June 23, 1938.

3/ Revoked by Executive Order No. 82, January 4, 1937.

- No. 100. Quarters allowances of Philippine Army officers, June 14, 1937.
- No. 106. Arrest of officers and enlisted men of the Philippine Army, August 24, 1937.
- No. 115. Requiring the approval of the Secretary of Public Works and Communications in the construction and operation of any government radio station and authorizing the granting of general authority to the Philippine Army to establish and operate radio stations for military purposes, September 1, 1937. 4/
- No. 140. Fixing salaries of Philippine Army officers, February 7, 1938. 5/
- * No. 153. Reorganization of Philippine Constabulary into a national police force, June 23, 1938.
- No. 154. Designation of Cebu landing field as a military airport and landing field, June 24, 1938.
- No. 155. Fixing salaries and allowances of Philippine Army officers, July 23, 1938. 6/
- No. 169. Seniority, promotion, and elimination of officers of regular force, Philippine Army, October 15, 1938. 7/
- No. 178. Procedure in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals of the Philippine Army, December 17, 1938.
- No. 179. Designation of Philippine Army Chief of Staff, December 31, 1938.
- No. 184. Promulgation of rules on mobilization, February 2, 1939.
- No. 203. Designation of Philippine Army Extra Cantonment Zones in all mobilization centers, May 3, 1939.
- No. 205. Policy to be observed in the promotion of retired officers of the Philippine Army recalled to active duty, May 31, 1939.
- No. 207. Establishment of R.O.T.C. units in all colleges and universities as a requisite to recognition by the Government, June 15, 1939.

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- 4/ Revised by Executive Order No. 215, July 22, 1939.
5/ Repealed by Executive Order No. 155, July 23, 1938.
6/ Repealing Executive Order No. 140, February 7, 1938.
7/ Repealing Executive Order No. 10, October 15, 1938.

- No. 212. Regulations governing seniority, promotion, and separation from the service, of officers of the Reserve Force, Philippine Army, July 6, 1939.
- No. 215. Revision of Executive Order No. 115, entitled "Requiring the approval of the Secretary of Public Works and Communications in the construction and operation of any government radio stations for military purposes," July 22, 1939.
- * No. 225. Grant of quarters or the commuted value thereof, to officers of the United States Army who are commissioned in the Philippine Army, September 30, 1939.
- * No. 230. Organization of the Department of National Defense, October 31, 1939.
- No. 234. Board of Indeterminate Sentence to look into the record of military prisoners confined in penitentiaries and to make proper recommendations for their release on parole, November 8, 1939.
- * No. 267. Organization of the Philippine Army Nurse Corps Reserve, April 15, 1941.
- No. 279. Allowing certain reserve officers of the Philippine Army to possess firearms under certificate of registration, June 17, 1940.
- No. 361. Creating Corps of Professors of Philippine Military Academy, August 6, 1941.
- * No. 368. Procurement of Offshore Patrol Reserve Officers, September 9, 1941.
- * Unnumbered. Fixing the salaries of the officers and enlisted men of the Philippine Army (Government in the Field), March 10, 1942.

A. REORGANIZING THE PHILIPPINE CONSTABULARY INTO A NATIONAL POLICE FORCE

Malacanan Palace
Manila

By the President of the Philippines

Executive Order No. 153

REORGANIZING THE PHILIPPINE CONSTABULARY INTO A NATIONAL
POLICE FORCE

Pursuant to the provisions of Commonwealth Act Numbered Three hundred forty-three, entitled "An Act to abolish the State Police Force, to reorganize the Philippine Constabulary into a National Police Force and providing funds therefor," the Philippine Constabulary is hereby constituted as The National Police.

I. The Philippine Constabulary

1. The Philippine Constabulary and all police duties, authority, and responsibility pertaining thereto are hereby removed from the jurisdiction of the Chief of Staff of the Army of the Philippines and will hereafter be administered by the Chief of Constabulary in conformity with applicable laws and with the instructions contained herein.

2. The Philippine Constabulary shall be composed of such officers and enlisted men as may be detailed thereto from the Philippine Army with the approval of the President. It will be organized and controlled in all its echelons independently of the Philippine Army, and on and after January first, nineteen hundred and thirty-nine, will be separately supported and administered. For administrative purposes the Philippine Constabulary shall be deemed to be a bureau of government, and the Chief of Constabulary shall have all the powers conferred generally on bureau chiefs. Provisions of existing and future laws applying to the discipline, conduct, and responsibilities of individuals in the Army will, so far as they may be appropriate, apply with equal force to members of the Constabulary.

3. The uniform of the Constabulary shall differ from that of the Army as follows: shoulder straps and piping on the uniform of the Constabulary shall be red; for the Army they shall be blue.

4. The Chief of Constabulary shall be directly responsible to the President for the execution of all police duties, responsibilities and functions heretofore pertaining to the Philippine Constabulary and those specifically assigned to him by the President. Subject to the approval of the President he will prescribe and issue regulations for the conduct and administration of the Constabulary. He will administer all laws and regulations affecting personnel of the Constabulary, excepting those pertaining to the procurement of military personnel and the promotion of officers. For purposes of record, he will transmit to the Adjutant General of the Philippine Army such reports and returns as may be necessary to enable that office to maintain permanent records of all personnel. Annual eligibility

and efficiency boards appointed in the Army under the orders of the President will include proportionate representation from the Constabulary.

5. Subject to the approval of the President, the Philippines shall be divided into Constabulary Departments, each designated by the name of a principal island or group of islands. Where necessary to create more than one department for any island each will receive a suitable designation. In each department the Senior Constabulary Officer shall be designated Department Inspector of Constabulary. He will be responsible to the Chief of Constabulary for the efficient functioning of the Constabulary in his department.

6. The Senior Constabulary Officer in each province will be designated Provincial Inspector and will command all Constabulary elements in that province. For routine administration and supply purposes he will communicate directly with the Chief of Constabulary; in all other matters he will be directly subordinate to the Department Inspector.

II. Relations between Constabulary and Local Police

7. Pursuant to the provisions of section six of Commonwealth Act Numbered Three hundred forty-three, all provincial, city, or other local fire and police bodies and provincial guards as may have been wholly or partially removed from the control of local officials by Commonwealth Act Numbered Eighty-eight are hereby restored to such control, and to the status occupied by them respectively before the approval of the Act, subject hereafter, however, to such regulations affecting organization, administration, and civil service and other qualifications required of individuals holding positions in these bodies as may be approved by the President.

8. Pending approval of the regulations indicated in the preceding paragraph, it is hereby directed that all members of local police and firemen in all cities, municipalities, and municipal districts, shall continue in their present functions in the service, with the same powers, duties, and functions as peace officers and firemen within their respective jurisdictions as have obtained heretofore, serving under the direct control and supervision of their appropriate chiefs of police and city, municipal, and municipal district mayors. The salaries of said police and firemen shall be paid as heretofore, from the same sources, and at the same salaries now authorized. Provincial guards and special agents shall likewise continue in the service under the supervision of their respective provincial governors and their present authorized salaries shall be paid as heretofore by the provinces concerned. Provincial police inspectors and other commissioned officers appointed under Commonwealth Act Numbered Eighty-eight shall cease to function as such on the date this order takes effect. Provincial constabulary commanders or inspectors who have not been previously appointed police inspectors and those who have been appointed ex-officio police inspectors, shall act and continue as provincial police inspectors without additional compensation in the provinces to which they are respectively assigned. Until the promulgation of new regulations, the same rules of discipline as have heretofore been enforced under the provisions of Commonwealth Act Numbered

Eighty-eight shall be applicable in so far as they are not inconsistent with the provisions of Commonwealth Act Numbered Three hundred forty-three and of this Order to all members of local police and firemen.

9. Under the provisions of, and for the specific purposes expressed in, Section Eight hundred thirty-four of the Revised Administrative Code all local police bodies and individuals in each province, including all provincial guards and special agents, are placed under inspectional supervision of the appropriate local representative of the Chief of Constabulary.

10. Under the provisions of Chapter I, Article III, Section four (d), Act Numbered Three thousand nine hundred ninety-two, Revised Motor Vehicle Law, personnel of the Philippine Constabulary will be designated as deputies to assist in preventing violations of said Act and in carrying out the police provisions thereof. Regulations approved by the President for insuring traffic control as intended in that Act will be executed by the Constabulary and all local police under cooperative methods jointly established by the Secretary of Commerce and Communications and by the Chief of Constabulary.

III. Procedure of immediate organization

11. Until a permanent Chief is appointed and qualified, the present Deputy Chief of Staff is hereby relieved from his duties with the Philippine Army and is designated Acting Chief of the Philippine Constabulary.

12. All organizational plans, when approved by the President, will be executed through the cooperative action of the Chief of Staff and the Chief of Constabulary. The plans will provide for:

(a) The initial transfer of commissioned, enlisted, and civilian personnel from the Army to the Constabulary, including the Malacanan Guard Company.

(b) The transfer from the Army to the Constabulary of appropriate property including real estate, weapons, transportation, clothing, and other essential items. Transferred property will be dropped from the accounts of the Army and receipted and accounted for by the Constabulary.

(c) The normal supply and maintenance of the Constabulary during the remainder of the current calendar year from military funds and resources: Provided, That expenses incident to organization, additional housing, and procurement of special equipment will be accomplished from funds specially provided for this purpose in nineteen hundred and thirty-eight by Section eight, Commonwealth Act Numbered Three hundred forty-three.

(d) Development of procedure to apply on and after January first, nineteen hundred and thirty-nine, whereby the Constabulary may secure, upon direct reimbursement for all costs involved, which is hereby authorized, of equipment essentially military in character, and any other items which may be most efficiently and economically procured through utilization of the Army's procurement agencies.

IV. Emergency control

13. During any period of emergency involving the employment, upon the direction of the President, of any element of the Army to supplement the Constabulary in maintenance of law and order, the military element involved may be temporarily assigned to the command of the appropriate Constabulary official or, if the emergency so warrants, all Constabulary and other police elements in the affected region may be attached to the Army to operate under the control of the Chief of Staff, as may be directed by the President in each case. In all such cases routine administration and supply of the Army and of the Constabulary will remain the responsibility of their respective chiefs.

V. Funds

14. The amount of five hundred thousand pesos appropriated by Section eight, Commonwealth Act Numbered Three hundred forty-three, is hereby released to the Chief of Constabulary for the purposes specified in that Act, subject to approval by the President as required by law or regulation and particularly in all cases involving construction or the acquisition of real estate and motor equipment.

15. This Order shall take effect on June twenty-third, nineteen hundred and thirty-eight.

Done at the City of Manila, this twenty-third day of June, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

B. QUARTERS ALLOWANCE FOR AMERICAN OFFICERS IN PHILIPPINE ARMY

Malacanan Palace
Manila

By the President of the Philippines

Executive Order No. 225

GRANTING QUARTERS OR THE COMMUTED VALUE THEREOF, TO OFFICERS OF THE UNITED STATES ARMY WHO ARE COMMISSIONED IN THE PHILIPPINE ARMY BY REASON OF THEIR ACCEPTANCE OF ASSIMILATED RANK THEREIN.

Under authority of section ninety of the National Defense Act, officers of the United States Army who are commissioned in the Philippine Army by reason of their acceptance of assimilated rank therein, shall, effective September first, nineteen hundred and thirty-nine, be entitled to quarters or the commuted value thereof, which shall be identical with the rates prescribed for the officers of the Philippine Army of the same grade.

Done at the City of Manila, this thirtieth day of September, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

C. ORGANIZING THE DEPARTMENT OF NATIONAL DEFENSE

Malacanang Palace
Manila.

By the President of the Philippines

Executive Order No. 230

ORGANIZING THE DEPARTMENT OF NATIONAL DEFENSE

Pursuant to the provisions of Commonwealth Act Numbered Four hundred thirty, and by virtue of the authority vested in me by law, I, Manuel L. Quezon, President of the Philippines, do hereby order the organization of the Department of National Defense effective November first, nineteen hundred and thirty-nine.

The Department of National Defense shall be charged with the duty of supervising the national defense program of the country, and shall have executive supervision over the Philippine Army, the Bureau of Aeronautics, the Bureau of Coast and Geodetic Survey, the Philippine Nautical School, and over the establishment and operation of all radio stations (receiving, transmitting, or broadcasting) other than those maintained by the Bureau of Posts.

The transfer to the Department of National Defense of the Bureaus, offices, and services enumerated in the second paragraph hereof shall be effected on November first, nineteen hundred and thirty-nine, or as soon thereafter as practicable, but not later than December thirty-first, nineteen hundred and thirty-nine.

The necessary fund for the organization and establishment of the Office of the Secretary of National Defense and for its maintenance until the next fiscal year shall be taken from the forced savings in salaries and wages and sundry expenses of the Bureaus and offices of the Office of the President, and shall be expended in accordance with a budget to be approved by the President.

The unexpended balances of funds or appropriations and the personnel, equipment, materials, records, and other properties pertaining to the Bureaus, offices, and services enumerated in the second paragraph hereof are hereby transferred to the Department of National Defense. The Auditor General and the Commissioner of Budget shall make the necessary adjustments of the appropriations affected thereby.

Done at the City of Manila, this thirty-first day of October, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:
Jorge B. Vargas
Secretary to the President

D. ORGANIZATION OF THE PHILIPPINE ARMY NURSE CORPS RESERVE

Malacanan Palace
Manila

Executive Order No. 267

ORGANIZATION OF THE PHILIPPINE ARMY NURSE CORPS RESERVE

Pursuant to the provisions of section twenty-five (e) 1/ of the National Defense Act, as amended by Commonwealth Act Numbered Three hundred and eighty-five, creating the Nurse Corps as a component part of the Medical Service, Philippine Army, the following rules and regulations, for the organization of the Nurse Corps Reserve are hereby prescribed:

1. Procurement

(a) The Chief of Staff of the Army shall request of the Board of Examiners for Nurses a list of qualified nurses which shall be kept up-to-date from year to year, and shall furnish said Board with questionnaires and registration forms which the Board shall require all successful female candidates who are citizens of the Philippines passing the examination for nurses to be accomplished or filled out and submitted to the Chief of Staff.

(b) Registrants shall immediately notify the Chief of Staff of any change of address subsequent to registration for proper notation in their registration papers.

(c) The Chief of Staff shall obtain from the Red Cross and local duly registered and recognized nursing associations the names and addresses of qualified nurses available for mobilization assignment in each Military District, and shall make the necessary arrangements with said associations for the enrollment and assignment of such qualified nurses to the Nurse Corps Reserve in case of mobilization.

(d) The Chief of Staff shall encourage voluntary applications for appointment in the Nurse Corps Reserve to fill up the mobilization requirement for each Military District. Should there be more applicants than may be necessary, the Secretary of National Defense may direct the Chief of Staff to hold competitive examinations to determine the relative merit of applicants. Only in case the number of voluntary applications falls short of mobilization requirements should compulsory draft be resorted to. In the latter case assignment will be made by the drawing of lots from among the names listed in the register of qualified nurses.

2. Qualifications for membership

An applicant for membership in the Nurse Corps Reserve must possess the following qualifications:

1/ Sec. 25 (g) as amended by Commonwealth Act No. 569, June 7, 1940.

(a) She must be a citizen of the Philippines, not less than twenty-one nor more than forty-five years of age.

(b) She must be unmarried, of good moral character and excellent reputation, and physically fit for military service.

(c) She must have graduated from a duly accredited three years' course of training in a general hospital with a daily average of fifty patients or more, including men, women, and children, during the applicant's training period: Provided, That graduates of special hospitals, and those of hospitals caring for women only may be eligible for appointment if their experience shall include at least nine months' training in a general hospital for the care of men, women, and children, either during their course of training or subsequent thereto: And provided, further, That subsequent post-graduate training or hospital experience which supplements deficiencies of training may be accepted as equivalent under such rules and regulations as may be prescribed by the Chief of Staff with the approval of the Secretary of National Defense.

(d) She must have passed the examination prescribed by law for the practice of nursing in the Philippines and possess the corresponding certificate of registration issued by the Board of Examiners for Nurses.

3. Appointment and Promotion

Appointments to, and promotions in, the Nurse Corps Reserve will follow the same general policy as in other branches of the Medical Service.

4. Classification and Compensation

Members of the Nurse Corps Reserve shall be classified, and their rates of pay during their period of active service, shall be as follows:

(a)	Nurse	P1,200.00
(b)	Head nurse	1,500.00
(c)	Chief nurse	1,600.00
(d)	Superintendent	2,100.00
(e)	In addition to the compensation provided in paragraphs (a) to (d), nurses will be furnished with quarters in kind whenever available, or in cash, corresponding to their relative ranks in accordance with Army Regulations governing this matter issued with the approval of the President of the Philippines.	

5. Mobilization

(a) Members of the Nurse Corps Reserve may be assigned for service in general hospitals, evacuation hospitals, and surgical hospitals in the proportion of three nurses for every fifty-patient capacity or major fraction thereof.

(b) Reserve nurses must serve in time of threatened or actual hostilities and hold themselves in readiness to join for duty on the day the unit to which they are assigned begins to mobilize for active service, under such rules and regulations as may be prescribed by the Chief of Staff with the approval of the Secretary of National Defense.

Done at the City of Manila, this fifteenth day of April, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:
Jorge B. Vargas
Secretary to the President

E. PROCUREMENT OF OFFSHORE PATROL RESERVE OFFICERS

Malacanan Palace
Manila

By the President of the Philippines

(Executive Order No. 368)

PROCUREMENT OF OFFSHORE PATROL RESERVE OFFICERS

Pursuant to the authority conferred upon me by the Constitution and existing laws, I, Manuel L. Quezon, President of the Philippines, do hereby prescribe the following regulations governing the procurement of reserve officers in the Offshore Patrol of the Army of the Philippines:

1. Reserve Officers in the Offshore Patrol of the Army of the Philippines shall be procured in the following manner:

- a. By voluntary application, and
- b. By compulsory draft whenever necessary.

2. Reserve Officers in the Offshore Patrol are generally classified according to the service or establishment to which they are assigned as follows:

- a. Those assigned for duty in the Q-Boat Flotilla,
- b. Those assigned for duty in the Offshore Patrol shore establishments, and
- c. Those assigned for duty in the auxiliary forces.

3. Applicants for commission in the Offshore Patrol Reserve shall state the service or establishment to which they want to be assigned. They shall be required to pass the regular physical examination prescribed for officers of the Army: Provided, however, That in the case of those applicants who will be assigned for duty in the auxiliary forces of the Offshore Patrol, such defects as shall not affect the applicants' capabilities for discharging the duties of an officer on board an auxiliary vessel may be waived.

(a) In order that an applicant may be commissioned in the Offshore Patrol Reserve and assigned in the Q-Boat Flotilla, he must hold a diploma or certificate as having successfully passed the examination given by the Board of Marine Examiners; or be the holder of a degree requiring a four-year course in any accredited university or college, or a ROTC graduate; shall not be more than thirty years of age at the date of the filing of his application and must have undergone such training as the Chief of Staff of the Army of the Philippines shall prescribe.

(b) Applicants for reserve commission, to be assigned in the

(b) Reserve nurses must serve in time of threatened or actual hostilities and hold themselves in readiness to join for duty on the day the unit to which they are assigned begins to mobilize for active service, under such rules and regulations as may be prescribed by the Chief of Staff with the approval of the Secretary of National Defense.

Done at the City of Manila, this fifteenth day of April, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:
Jorge B. Vargas
Secretary to the President

shore establishments of the Offshore Patrol, must possess such technical qualifications as are deemed necessary for commissioned service therein. Reserve Officers assigned in the shore establishments include naval architects and engineers, mechanical or geodetic engineers, radio or naval ordnance technicians, superintendents of drydock yards, or other persons possessing qualifications of similar importance to the functions of the Offshore Patrol.

(c) Applicants who are appointed as Reserve Officers in the Offshore Patrol, and assigned to the Auxiliary Forces thereof, comprise the merchant marine officer and radio personnel who are duly qualified, and holding government license, as such. The original rank of a reserve officer commissioned in, and assigned to the auxiliary forces of, the Offshore Patrol shall be correspondingly determined by the license held by him at the time he filed his application or is drafted into the service as follows:

As Captain or First Engineer	Captain
As First Mate or Second Engineer	First Lieutenant
As Second Mate or Third Engineer	Second Lieutenant
As Third Mate or Fourth Engineer	Third Lieutenant
As Radio telegraph Operator, First Class, or Chief Radio Operator	Second Lieutenant
As Radio telegraph Operator, Second Class, or Assistant Radio Operator	Third Lieutenant

4. At such time as the exigencies of the service may require, all marine officers and other persons rendering technical services on board a vessel or connected with navigation, who are not yet heretofore commissioned in the Offshore Patrol Reserve, may be drafted and required to perform such duties as are deemed necessary. Upon being so drafted they shall be commissioned and appointed to the grades corresponding to the licenses held by them, as determined in paragraph 3 (c) hereof, or according to their educational qualifications and professional training and skill.

5. In order that the provisions of the next preceding paragraph may be fully effected when necessary, the Insular Collector of Customs and the Chief of the Radio Division of the Department of National Defense are hereby required to furnish the Chief of Staff complete lists of all persons who are now holding, or who may hereafter be issued, licenses as marine officers, engineers, pilots, radio or telegraph operators, together with pertinent information regarding the educational and professional qualification, employment of such persons and such other data as may be desired by the Chief of Staff.

6. The details as to the manner of drafting in the Offshore Patrol Reserve persons rendering technical services on board vessels or in connection with navigation shall be determined by the Chief of Staff. In case of national emergency, or at such time as compulsory

drafting is necessary, the Chief of Staff shall submit to the President of the Philippines his recommendation as to who shall be drafted.

Done at the City of Manila, this ninth day of September, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:
Jorge B. Vargas
Secretary to the President

F. FIXING THE SALARIES OF THE OFFICERS AND ENLISTED MEN OF THE PHILIPPINE ARMY

By the President of the Philippines

Executive Order

FIXING THE SALARIES OF THE OFFICERS AND ENLISTED MEN
OF THE PHILIPPINE ARMY

Pursuant to the provisions of Section 90 of the National Defense Act and of the Emergency Powers Law, I, Manuel Quezon, President of the Philippines, do hereby prescribe the following schedule of salary rates and quarters allowance for officers of the Philippine Army, effective March 15, 1942, and extending for the duration of the war and six months thereafter unless sooner terminated by competent authority:

	<u>ANNUAL PAY</u>	<u>MONTHLY QUARTERS ALLOWANCE</u>
Major General	P16,000	P200
Brigadier General	12,000	200
Colonel	8,000	200
Lieutenant Colonel	7,000	200
Major	6,000	160
Captain	4,800	140
First Lieutenant	4,000	100
Second Lieutenant	3,000	80
Third Lieutenant	2,400	60

During the period that the rates of pay herein prescribed are effective there shall not be paid to any officer an increase of pay by reason of length of service, commonly called "longevity pay."

During the period that the rates of pay herein prescribed are effective there shall not be paid to any officer an increase of pay for duty requiring regular and frequent aerial flights.

ENLISTED MEN, LINE AND MEDICAL SERVICE

	<u>Monthly Pay</u>	<u>Monthly Quarters Allowance</u>
Master Sergeant	P86	P16
Technical Sergeant and First Sergeant	70	16
Staff Sergeant	60	16
Sergeant	51	12
Corporal	37	12
Private First Class	22	8
Private	18	8

ENLISTED MEN, AIR CORPS

	<u>Monthly Pay</u>	<u>Monthly Quarters Allowance</u>
Master Sergeant	P86	P16
Technical Sergeant	80	16
Staff Sergeant	75	16
First Sergeant	60	16
Sergeant	51	12
Corporal	37	12
Private First Class	22	8
Private	18	8

Provided that no man shall suffer a reduction in pay by reason of this Executive Order.

Done at the seat of Government in the Field, this tenth day of March, in the year of Our Lord, nineteen Hundred and Forty Two, and the Commonwealth of the Philippines, the seventh.

MANUEL L. QUEZON
President of the Philippines

APPENDIX III

PROCLAMATIONS, ADMINISTRATIVE ORDERS, AND GENERAL ORDERS

A. Proclamations *

- No. 23. Registration of young men for military instruction, January 11, 1936.
- No. 50. Recognition of military instruction at the University of the Philippines, March 31, 1936.
- No. 69. Selection of trainees for military service, July 16, 1936.
- No. 542. Publishing the proclamation dated April 10, 1940, of the President of the United States, relative to the definition of a combat area, and the announcement issued on the same date by the Secretary of State, regarding travel on combat area, May 3, 1940.
- * No. 740. Publishing President Roosevelt's order incorporating the Philippine Army into the U.S. Army, August 10, 1941.

B. Administrative Orders

- No. 84. Restoration of name of Philippine Constabulary Band, December 28, 1938.
- No. 95. Designation of Brigadier General Vicente Lim as Deputy Chief of Staff of the Philippine Army, May 3, 1939.

C. General Orders

- * No. 6. Composition of the Central General Staff of Philippine Army, June 21, 1939.
- No. 9. Designation of Philippine Army station at San Fernando, Pampanga, as Camp Julian Olivas, July 14, 1939.

* Land was reserved for military purposes by Proclamation as follows:

- No. 80 Barrio Caggay, Tuguegarao, Cagayas, August 31, 1936.
No. 85 Davao, Davao, September 7, 1936.
No. 94 Paranaque, Rizal, October 14, 1936.
No. 96 Barrio San Roque, Tarlac, Tarlac, October 21, 1936.
No. 100 Barrio Upi, Gamu, Isabella, October 26, 1936.

- No. 111 Fort San Pedro, Iloilo (designated as Philippine Army Post), November 19, 1936.
- No. 112 Barrio Calarian, etc., City of Zamboanga, November 23, 1936.
- No. 119 Baybay and San Isidoro Norte, Binnaley, Pangasinan, December 18, 1936.
- No. 120 Glan, Cotabato, December 18, 1936.
- No. 157 Takian, La Trinidad, Mountain Province, June 14, 1937.
- No. 188 Teneguiban, Puerto Princesa, Palawan, August 28, 1937.
- No. 254 Masbate, Masbate, February 3, 1938.
- No. 265 Bulua and Carmen, Cagayan, Oriental Mesamis, March 31, 1938.
- No. 269 Manila Port Area, April 10, 1938.
- No. 307 Iloilo City, August 10, 1938.
- No. 319 Lagaue, Burnay, Ifagao, Mountain Province, September 5, 1938.
- No. 354 Poblacion Malaybalay, Bukidnon, December 17, 1938.
- No. 382 Manila, February 11, 1939.
- No. 387 Manila, February 23, 1939.
- No. 388 Cebu, March 6, 1939.
- No. 396 Central, Porto Princesa, Palawan, April 4, 1939.
- No. 397 Baguio, April 11, 1939.
- No. 417 Zamboanga, July 10, 1939.
- No. 629 Manila, October 8, 1940.
- No. 658 Barrio Libertad, Butuan, Agusan, Mindanao, December 23, 1940.

A. INCORPORATION OF PHILIPPINE ARMY INTO THE UNITED STATES ARMY

Malacanang Palace
Manila

By the President of the Philippines

Proclamation No. 740

PUBLISHING THE MILITARY ORDER OF THE PRESIDENT OF THE UNITED STATES,
DATED JULY 26, 1941, INCORPORATING THE PHILIPPINE ARMY INTO
THE UNITED STATES ARMY.

For the information and guidance of all concerned, I, MANUEL L. QUEZON, President of the Philippines, do hereby publish the following Military Order of the President of the United States, dated July 26, 1941:

"Military Order

"ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES CALLED INTO SERVICE OF THE ARMED FORCES OF THE UNITED STATES.

"Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2(a) (12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency, and place under the command of a general officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines: Provided, That all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District, United States Navy.

"This Order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines, from and after the days and hours, respectively, indicated in orders to be issued from time to time by the general officer, United States Army, designated by the Secretary of War.

"FRANKLIN D. ROOSEVELT

"The White House, July 26, 1941."

In witness whereof, I have hereunto set my hand and caused the seal of the Commonwealth of the Philippines to be affixed.

Done at the City of Manila, this tenth day of August, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

(SEAL)

MANUEL L. QUEZON
President of the Philippines

By the President:
Jorge B. Vargas
Secretary to the President

B. COMPOSITION OF THE CENTRAL GENERAL STAFF OF THE PHILIPPINE ARMY

Malacanan Palace
Manila

General Orders No. 6

June 21, 1939

COMPOSITION OF THE CENTRAL GENERAL STAFF OF THE
PHILIPPINE ARMY

1. Under authority contained in section 23 of the National Defense Act, the Central General Staff of the Philippine Army shall, hereafter, comprise the Chief of Staff, the Deputy Chief of Staff, five Assistant Chiefs of Staff, the Secretary to the General Staff, and such other officers of the Army as may from time to time be recommended by the Chief of Staff for service on the Central General Staff and approved by the President. All officers in Army Headquarters now serving on or with the Central General Staff or performing duties that are of General Staff nature, are designated as members of the Central General Staff Corps. Relief from and assignment to the Central General Staff will be accomplished upon recommendation of the Chief of Staff, when approved by the President.

2. The Central General Staff, except for the Chief of Staff, the Deputy Chief of Staff and the Secretary to the General Staff, shall be organized into five divisions, each under the direction of an Assistant Chief of Staff. To the first division shall be assigned functions and duties applying to Strategic War Plans and Reserve Unit Employment; to the second division, Operations, Training and Intelligence; to the third division, Supply and Industrial War Plans; to the fourth division, Personnel; and to the fifth, Budget.

3. Upon receipt of this Order, the Chief of Staff shall prepare a list of all officers now performing General Staff duties in Army Headquarters, and of such additional officers as may be recommended by him for assignment to the Central General Staff under the provisions of this Order. This list, together with a statement of the duties of each individual named thereon will be submitted for the approval of the President.

4. This Order shall take effect immediately.

MANUEL L. QUEZON
President of the Philippines

By the President:
Jorge B. Vargas
Secretary to the President

APPENDIX IV

MESSAGES OF THE PRESIDENT TO THE NATIONAL ASSEMBLY
RELATING TO NATIONAL DEFENSE

National Defense, November 25, 1935.

Liquidation of government pension and retirement funds and establishment of Government Insurance Service System, October 19, 1936.

Separation of Constabulary from Philippine Army, April 30, 1938.

Rank and term of office of Philippine Army Chief of Staff, May 10, 1938.

Approval of bill on payment of indemnities and pensions to trainees and reservists of Philippine Army, September 12, 1938.

State of the Nation and important economic problems, delivered at the opening of the first session of the Second National Assembly, Legislative Building, Manila, January 24, 1939.

APPENDIX V

LETTERS, PRESS STATEMENTS, ETC. OF THE PRESIDENT

- Press statement, on administration of Philippine Army officer corps, January 11, 1936.
- On national defense, at the U.P. Campus, Manila, February 12, 1936.
- Letter, on preparatory military training in all public and private schools, February 19, 1936.
- On government cooperation and military training, at Tuguegarao, Cagayan, February 28, 1936.
- On virtue of military service at Tuguegarao, Cagayan, February 29, 1936.
- On the MacArthurs in Philippine history, at a dinner in honor of Field Marshal Douglas MacArthur at Malacanan Palace, Manila, August 24, 1936.
- On national defense, at the Reserve Officers' Service School, Baguio, September 18, 1936.
- Memorandum, upon signing Bill No. 2029, giving longevity privileges to commissioned officers of the United States Army joining the Philippine Army, November 8, 1936.
- National Defense, University of the Philippines, Manila, January 18, 1937.
- Social Justice and National Defense, Malacanan Palace, Manila, January 20, 1937.
- Status of the Commonwealth and National Defense, Waldorf-Astoria Hotel, February 20, 1937.
- Spanish-American War and National Defense, Willard Hotel, Washington, D.C., February 27, 1937.
- Philippine Constitution and Policies of the Commonwealth Government, Hotel Astor, New York City, April 3, 1937.
- Restoration of Old Pensions to Retired Employees, September 9, 1937.
- Retention of Marshal Douglas MacArthur as Military Adviser of the Commonwealth, December 31, 1937.

Provisional appointment of reserve officers to the Philippine Army regular force, June 13, 1938.

Transfer of Philippine Army officers to Constabulary, July 5, 1938.

Compensation of Commonwealth Military Adviser, October 10, 1938.

National policies, nationalism, and economic security, delivered at the 29th commencement exercises of the University of the Philippines, Manila, April 4, 1939.

Military training camps as fields of instruction for democracy, delivered at Camp Murphy, Rizal, May 8, 1939.

Quality of officers of the Philippine Army, delivered on the occasion of the taking of oath of office of Brigadier-General Vicente Lim as Deputy Chief of Staff of the Philippine Army, at Malacanan, Manila, May 17, 1939.

Payment of pension or gratuity to Philippine Army officers separated from the service, October 30, 1939.

Creation of Department of National Defense, delivered during induction into office of Hon. Teofilo Sison, as Secretary of National Defense, Malacanan, Manila, November 1, 1939.

Commonwealth anniversary address, delivered at the Luneta, November 15, 1941, Official Gazette, Vol. 40, No. 21, November 22, 1941, pp. 4228-4231.

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APPENDIX VI

DOCUMENTS SINCE THE RETURN OF THE COMMONWEALTH GOVERNMENT
TO THE PHILIPPINES

Executive Order No. 21. Declaring to be on active service in the Philippine Army all persons now actively serving in recognized military forces in the Philippines, October 28, 1944.

INCORPORATION OF ACTIVE MILITARY FORCES INTO THE PHILIPPINE ARMY

By the President of the Philippines

Executive Order No. 21

DECLARING TO BE ON ACTIVE SERVICE IN THE PHILIPPINE ARMY ALL PERSONS NOW ACTIVELY SERVING IN RECOGNIZED MILITARY FORCES IN THE PHILIPPINES

WHEREAS, many civilians residing in the Philippines of Filipino, American and other foreign citizenships, and Officers and Enlisted Men of the Philippine Army, of the armed forces of the United States and of Allied nations, have continued armed resistance against the Imperial Japanese Government since the sixth of May 1942;

WHEREAS, this action has written in blood an epic of courage, devotion and loyalty to the Government and the people of the Philippines;

WHEREAS, these military forces have contributed in a large measure to the Allied military effort and to the liberation of the Filipino people from the yoke of the Japanese invader;

WHEREAS, it is the desire of the Government of the Philippines to recognize this allegiance;

NOW, THEREFORE, I, SERGIO OSMENA, President of the Philippines, by virtue of the authority vested in me by the Emergency Powers Law, Section 22 a and Section 27 of Commonwealth Act Numbered One notwithstanding, do hereby ordain and promulgate the following:

1. All persons, of any nationality or citizenship, who are actively serving in recognized military forces in the Philippines, are hereby considered to be on active service in the Philippine Army.
2. The temporary grades of Enlisted men, enlisted or promoted in the field by Commanders of recognized military forces or by their delegated authority, are hereby confirmed.
3. The temporary ranks of all officers, appointed or promoted in the field prior to this date by Commanders of recognized military forces, are hereby confirmed.
4. The date of entry into active service in the Philippine Army will be that of joining a recognized military force.
5. The effective date of rank for commissioned officers and Enlisted Men will be the date on which they were appointed or promoted to such rank by the Commanders of recognized military forces.

6. A recognized military force, as used herein, is defined as a force under a commander who has been appointed, designated or recognized by the Commander-in-Chief Southwest Pacific Area.

Done at the seat of Government in the Field, this 28th day of October, in the year of our Lord, nineteen hundred and forty four, and of the Commonwealth of the Philippines, the ninth.

(Sgd.) SERGIO OSMENA
President of the Philippines

By the President:

(Sgd.) ARTURO B. ROTOR
Secretary to the President

DECLASSIFIED
Authority 883078

PHILIPPINE ISLANDS

GENERAL HEADQUARTERS
SOUTHWEST PACIFIC AREA
Military Intelligence Section
General Staff

MILITARY DISTRICTS
31 JANUARY 1945

