

AN ACT TO AMEND SECTIONS FOUR, NINE, ELEVEN, THIRTEEN, EIGHTEEN, NINETEEN, TWENTY-ONE, TWENTY-TWO, TWENTY-THREE, TWENTY-FIVE, TWENTY-SEVEN, TWENTY-NINE, THIRTY-ONE, FORTY-NINE, ...

Commonwealth Act No. 569, June 07, 1940

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Be it enacted by the National Assembly of the Philippines:

SECTION. 1. Section four of Commonwealth Act Numbered One, otherwise known as 'The National Defense Act, is amended to read as follows:

"SEC. 4. 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. 2. Section nine of said Act is amended to read as follows:

"SEC. 9. For the purpose of recruiting the national man power, 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. 3. Section eleven of said Act is amended to read as follows:

"SEC. 11. 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. 4. Section thirteen of said Act is amended to read as follows:

"SEC. 13. 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."

"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."

SEC. 5. Section eighteen of said Act is amended to read as follows:

"SEC. 18. 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."

SEC. 6. Section nineteen of said Act, as amended, is further amended to read as follows:

"SEC. 19. 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 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 Ordinance 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 enlisted personnel of the Regular Force shall be drawn from all provinces of the Philippines."

SEC. 7. Section twenty-one of said Act is amended to read as follows:

"SEC. 21. 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. 8. Paragraphs (c), (i), and (m) of section twenty-two of said Act as amended, are further amended to read as follows:

"(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 services whose present grade is lower than first lieutenant: Provided, also, That during the five 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 sub-paragraph (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 sub-paragraph (d) of this section.

"(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.

"(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. 9. Section twenty-three of said Act is amended to read as follows:

"Sec. 23. 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.

"(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. 10. Section twenty-four of said Act is repealed.

SEC. 11. Section twenty-five of said Act, as amended is further amended to read as follows:

"SEC. 25. 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.

"(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 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 Offshore Patrol, and the Chemical Corps shall be charged with the purchase, procurement, storage and issue of such special equipment, materials and supplies as applied 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. 12. Section twenty-seven of said Act is Emended to read as follows:

"SEC. 27. Any male citizen of the Philippines between and thirty years of age, able bodied, 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 those 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 force: Provided, That he is physically qualified and that the difference between his age and his years of actual service shall not exceed thirty years."

SEC 13. Section twenty-nine of said Act is amended to read as follows:

"SEC. 29. An enlisted man who shall have served honorably at least three years and does not reenlist shall be exempted 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."

SEC. 14. Section thirty-one of said Act, as amended, is further Emended to read as follows:

"SEC. 31. 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 allowance of students at the Military Academy shall be fixed by the President.

"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 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 Academic Board, 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 powers to confer the degree of bachelior 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."

SEC. 15. Section forty-nine of said Act is amended to read as follows:

"SEC. 49. 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. 16. Section fifty of said Act is amended to read as follows:

"SEC. 50. 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.

"(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."

SEC. 17. Section fifty-two of said Act, as amended, is further amended to read as follows:

"SEC. 52. 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-one 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. 18. Section fifty-six of said Act is amended to read as follows:

"SEC. 56. 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. 19. Section fifty-nine of said Act is amended to read as follows:

"SEC. 59. The following registrants are exempted from trainee instruction:

"(a) Ecclesiastics regularly ordained and serving as a member 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 coast guard revenue cutter and lighthouse 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. 20. Section sixty-one of said Act, as amended, is further amended to read as follows:

"SEC. 61. 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. The alternates shall serve and attend the meetings 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. 21. Section seventy-one of said Act is amended to read as follows:

"SEC. 71. 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."

SEC. 22. Section seventy-two of said Act is amended to read as follows:

"SEC. 72. 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 reappointment. 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. 23. Section seventy-three of said Act is amended to read as follows:

"SEC. 73. 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."

SEC. 24. Section seventy-six of said Act is amended to read as follows:

"SEC. 76. 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. 25. Section seventy-eight of said Act, is further amended to read as follows:

"SEC. 78. On completion of his training instruction the trainee shall pass into the First Reserve 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. 26. There is inserted between section seventy-eight and section seventy-nine of said Act a new section known as section seventy-eight-A, which shall read as follows:

"SEC. 78-A. 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. 27. Section seventy-nine of said Act is amended to read as follows:

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

SEC. 28. Section eighty-three of said Act is amended to read as follows:

"SEC. 83. 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. 29. Section eighty-four of said Act is amended to read as follows:

"SEC. 84. 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. 30. Section eighty-five of said Act is amended to read as follows:

"SEC. 85. 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. 31- Section eighty-seven of said Act is amended to read as follows:

"SEC. 87. 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. 32. Section eighty-eight of said Act is amended to read as follows:

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

SEC. 33. Section eighty-nine of said Act, as amended, is further amended to read as follows:

"SEC. 89. 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 P45.00

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 P85.00

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

Constabulary band:

Assistant conductor of the band 120.00

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 P60.00

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 aid 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 annual 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. 34. Section ninety of said Act, as amended, is further amended to read as follows:

"SEC. 90. 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 frequency 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. 35. There is inserted between section ninety-A and section ninety-one a new section known as section ninety-B, which shall read as follows:

"SEC. 90-B. 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. 36. Section ninety-one of said Act, as amended, is further amended to read as follows:

"SEC. 91. 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 allowances provided for trainees, the sum of five pesos for each additional months so served."

SEC. 37. Section ninety-two of said Act, as amended, is further amended to read as follows:

"SEC. 92. 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. 38. Section ninety-four of said Act is amended to read as follows:

SEC. 94. 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. 39. Section ninety-seven of said Act, as amended is further amended to read as follows:

"SEC. 97. 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 hereinafter 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 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 limiting, 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 sea-coast defenses, the construction of barracks, garrisons, 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 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. 40 This Act shall take effect upon its approval.

Approved, June 7, 1940.

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