

[Act No. 619, February 06, 1903]

AN ACT TO PROMOTE GOOD ORDER AND DISCIPLINE IN THE PHILIPPINES CONSTABULARY.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Any member of the Constabulary who begins, excites, a. causes, or joins in any opposition or resistance to, or defiance of, any superior authority in the Constabulary with intent to usurp, subvert, or override the same, or who being present does not use his utmost endeavor to suppress all such opposition, resistance, or defiance, or who, having knowledge of any such opposition, resistance, or defiance being intended, does not, without delay, give information thereof to such superior authority, shall be fined not exceeding ten thousand dollars or imprisoned not exceeding ten years, or both.

SEC. 2. Any member of the Constabulary force who whips, maltreats, abuses, subjects to physical violence, or tortures by the so called "water cure" or otherwise, any native of the Philippine Islands or other person, or who causes such whipping, maltreatment, abuse, or torture of any native of the Philippine Islands or other person for the purpose of extorting from him any confession or inducing him to give any information whatsoever, shall be punished by imprisonment at hard labor for a term not exceeding five years or by a fine of not more than five thousand dollars, or both, in the discretion of the court. Final conviction of any such offense shall by and of itself constitute a dismissal of the offender from the Constabulary service and shall make him ineligible to any position of trust or confidence in the Government of the Philippine Islands.

SEC. 3. Any Constabulary officer or noncommissioned officer of the Constabulary who countenances, allows, or permits the whipping, maltreatment, abuse, or torture of any native of the Philippine Islands or of any other person for the purpose of extorting or obtaining any confession, information, or declaration whatsoever shall be punished by imprisonment for a period not exceeding five years or by a fine not exceeding five thousand dollars, or both such fine and imprisonment, in the discretion of the court.

SEC. 4. No confession of any person charged with crime shall be received as evidence against him by any court of justice unless it be first shown to the satisfaction of the court that it was freely and voluntarily made and not the result of violence, intimidation, threat, menace, or of promises or offers of reward or leniency.

SEC. 5. Any member of the Constabulary who misbehaves himself before any outlaw, robber, or other enemy, runs away, or shamefully abandons any post or guard, or advises or persuades others to do the like, or casts away his arms or ammunition, or quits his post or command to plunder or pillage, shall be fined not exceeding three thousand dollars or imprisoned not exceeding three years, or both.

SEC. 6. Any member of the Constabulary who willfully disobeys, the lawful command of his superior officer; or of any officer of the Constabulary engaged in parting or quelling any quarrel, fray, or disorder therein, or who strikes such

superior officer or such officer so engaged, or draws or lifts any weapon, or offers any violence against him, shall be fined not exceeding two thousand dollars or imprisoned not exceeding two years, or both.

SEC. 7. Any member of the Constabulary who, having received pay or been duly enlisted therein, absents himself therefrom without leave and with intent not to return thereto, or advises or persuades others to do the like, shall be fined not exceeding two thousand dollars or imprisoned not exceeding two years, or both.

SEC. 8. Any member of the Constabulary who, while on duty as a sentinel, is found sleeping upon his post, or who leaves it before he is regularly relieved, shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, or both.

SEC. 9. The offenses specified in the foregoing sections of this Act are hereby made cognizable by the Court of First Instance for the city or province wherein the same shall have been committed whenever the facts in any case constituting such an offense together with a list of the witnesses thereto, shall be certified to such court by the Chief or any assistant chief of Constabulary, and it shall be the duty of the prosecuting attorney or provincial fiscal to prosecute the same.

SEC. 10. Any enlisted man who willfully or through neglect wastes, loses, or spoils his horse, arms, ammunition, clothing, or accouterments; or behaves himself with disrespect toward his superior officer; or lies out of his quarters or camp, or otherwise absents himself therefrom, or from his guard or other command, without leave from his superior officer; or fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his superior officer; or goes from the same before he is dismissed or relieved; or is found one mile from his quarters or camp without leave in uniting from his superior officer; or fails to retire to his quarters or tent at retreat; or hires another to do his duty for him; or is found drunk on his guard, party, or other duty; or is guilty of any offense, disorder, or neglect to the prejudice of good order and discipline, not hereinbefore mentioned shall be punished as a Constabulary summary court shall direct, subject to the provisions and limitations hereinafter contained.

SEC. 11. The Chief of the Philippines Constabulary is hereby authorized to designate in each Constabulary post or command an inspector as summary court before whom offenders under the provisions of the last preceding section shall be brought to trial within twenty-four hours of the time of their arrest, or as soon thereafter as practicable; and such inspector as summary court shall have power to administer oaths and to hear and determine such cases, and, when satisfied of the guilt of the accused, adjudge the punishment to be inflicted, which said punishment shall not exceed confinement at hard labor for one month and forfeiture of one month's pay for the first conviction, or confinement at hard labor for two months and forfeiture of two months pay for the second conviction within six months: *Provided*, That where the accused is a noncommissioned officer or a first-class private, he may be sentenced to reduction to the grade of second-class private in addition thereto, and that where the accused has been convicted by summary court three times within a year he may be sentenced to be dishonorably discharged in addition to the penalties hereinbefore mentioned. No noncommissioned officer shall be confined, awaiting trial, with prisoners who are not also noncommissioned officers, nor at all unless such confinement be absolutely necessary as a measure of restraint, and no

noncommissioned officer or first-class private be sentenced to confinement except when he is also sentenced to reduction to the grade of second-class private. No noncommissioned officer or first-class private reduced to the grade of second-class private by sentence of the summary court shall be advanced within six months from the date of such sentence. Where an accused is sentenced to a forfeiture of pay, the sentence provide for the deduction of the amount of the forfeiture in e monthly installments, during a period of not exceeding six m after the date of the sentence.

Each summary court shall keep a record in which shall be entered all cases heard and determined and the action had thereon; and no sentence adjudged by any summary court for a first offense within six months shall be executed which exceeds the limit of punishment fixed for such offense in the following table:

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| Losing or spoiling accouterments or clothing through neglect. | Twenty day's confinement at hard labor and forfeiture of three dollars; a for noncommissioned officer, reduction in addition thereto. |
| Absence without leave: One hour or less; | Forfeiture of fifty cents; corporal, one dollar; sergeant, one dollar and fifty cents; first sergeant or noncommissioned officer of higher grade, two dollars. |
| For more than one to six hours, inclusive. | Forfeiture of one dollar; corporal, one dollar and fifty cents; sergeant, two dollars; first sergeant or noncommissioned officer of higher grade, two dollars and fifty cents. |
| For more than six to twelve hours, inclusive. | Forfeiture of one dollar and fifty cents; corporal, two dollars; sergeant, three dollars; first sergeant or noncommissioned officer of higher grade, three dollars and fifty cents. |
| For more than twelve to twenty-four hours, inclusive. | Forfeiture of two dollars and fifty cents; corporal, three dollars; sergeant, three dollars and fifty cents; first sergeant or noncommissioned officer of higher grade, five dollars. |
| For more than twenty-four to forty-eight hours, inclusive. | Forfeiture of three dollars and five days' confinement at hard labor; for corporal, forfeiture of four dollars; sergeant, five dollars; first sergeant or noncommissioned officer of higher grade,' six dollars; or, for all noncommissioned officers, reduction. |
| For more than two to ten days, inclusive. | Forfeiture of five dollars and ten days' confinement at hard labor; |