

# [ Commonwealth Act No. 1, December 21, 1935 ]

## **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—National, 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 measures are prepared at all times.
- 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. The registration of citizens for military service shall be a civil function carried out by the civil authorities under the supervision of the Provost Marshal General.

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. 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. 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 which will be further subdivided into military provinces, 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. In every military province, a commissioned officer of the regular army shall be assigned as Provincial Commander. He shall supervise, under the District Commander, the execution of all recruitment laws and the laws and regulations governing the mobilization of persons and resources for national defense within the

province. This supervision shall apply to the activities of the civil authorities charged with these duties, and for the purposes of this supervision, he shall be a member of the Provincial Governor's Staff, and shall be provided with such assistants as the Chief of Staff may direct.

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

#### ARTICLE V.—*Mobilization Centers*

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 Provincial 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. The Army of the Philippines shall consist of the Regular Force and the Reserve Force.

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 and for the performance of national police duties in peace and war. The army shall at all times be organized in so far as practicable into battalions, regiments, divisions and, if necessary, higher units.

The personnel and duties of the Philippine Constabulary shall, within one year following the passage of this Act be transferred to the control of the Chief of Staff,

who shall thereafter be responsible in both peace and war for the functions performed by the Constabulary at the time of passage of this Act.

## ARTICLE II.—*The Regular Force*

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 Signal Corps, and the active elements of the Offshore Patrol; the General Staff Corps; the Services consisting of the Adjutant General's Service, the Judge Advocate Service, the Quartermaster 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, and of the Constabulary. 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. The organization of the Regular Force shall be as follows:

- a. The Constabulary shall be organized from such personnel of the Regular Force and in such manner as the Chief of Staff may prescribe.

In addition to the normal peace-time duties now prescribed, the Constabulary shall be charged with the execution of laws pertaining to the discharge of their military obligations by male citizens of the Philippines, and with the supervision of such preparatory military instruction as the Chief of Staff may prescribe.

- b. All other regular units shall be organized as the President may direct.
- c. 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 21 days annually shall be considered as regular annual training; all periods in excess of 21 days annually shall be classed as extended tours of active duty.
- d. 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. The appointment, promotion, and discharge of officers in the Army shall be as follows:

- 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 appointment 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 Military or Naval Academies of the United States; 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 Medical Corps shall be in the grade of first lieutenant from among applicants who at the time of appointment shall not be less than 25 nor more than 35 years of age: And 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.
- d. 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.
- e. In determining relative standing, officers of the Regular Force shall take precedence over officers of like grades 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