

MARINE CORPS TRAINING CORPS
THE ADVANCE SCHOOL
Fort Bonifacio, Makati City

H A N D O U T

- I. **TITLE:** MILITARY JUSTICE.
- II. **REFERENCES:** Military Justice Manual/Military Courts procedure
- III. **OBJECTIVES:** Upon completion of this subject the student will able to:
- a. Apply the importance of Military Law and Military Justice.
 - b. As a future leader Military Justice can be use as guidelines for career service marine.

IV. **INTRODUCTION:**

Commonwealth Act 408 as amended, otherwise known as the Article of War, establishes a system of military justice for persons subject to military. The provisions of the AW govern at all times and at all places of the AFP.

1. **MILITARY JUSTICE** - is the system if enforcing discipline and administering criminal law in the Armed Forces.

General Concept - Rules governing the conduct of military personnel and providing a methods by which person who breaks these rules may be punished are contained in the article of war.

2. **MILITARY JURISDICTION**

a. The source of military jurisdiction include the constitution of the Philippine of the International Law. The specific provisions of the constitution relating to such jurisdiction being found in the powers granted to the National Assembly, and the authority vested by the President as Commander In Chief of the Armed Forces of the Philippines.

b. Military Jurisdiction is exercised by the belligerent, by the government temporarily governing the Civil Population of a locality through its military established forces, without authority or written law, as necessity may require (Martial Law) and by a government in the execution of that branch of Municipal Law which regulates it's Military establishments (Military Law).

c. Agencies - The agencies through which military jurisdiction is exercise includes; (Art3)

- 1) Court Martial - General, Special and Summary
- 2) Commanding Officers in the exercise of disciplinary powers under AW 105
- 3) Courts of Inquiry - AW 98 - 104

3. **ARTICLES OF WAR**

a. The article of war consist of the series of the articles numbered from 1 to 120, each being referred to herein as AW - 54 to AW - 97 of this articles relate to various crimes and offensives and the punishment they are classified punitive articles. The crimes referred to in the punitive articles are classified into two:

- 1) Offense which similarly defined by the penal laws of the Country.
- 2) Purely Military Offenses

b. It should be noted that two of this articles, AQ #95 and AW #97 do not specify particular acts of misconduct but cover a variety of transgressions in Board and General terms.

4. COURT MARTIAL

a. COURT MARTIAL - is a court composed of one or more members (number depending upon the class of the court), the function of which is to determine whether a person subject to military law committed in violation of articles of war and if found him guilty to adjudge punishment of the offense.

b. Who may serve in a court-martial? (Art 4).

1) All Officers in active duty in the Armed Forces of the Philippines shall be competent to serve Courts Martial.

2) Enlisted personnel's in the active duty in the AFP shall be competent to serve in General and Special court-martial for the trial of EM or Trainees when requested in writing by the accused at any time prior to the commencing of the court, provided that the conditions prescribed by the military justice manuals, and in no case shall be number of EM detailed exceed one-third of the total membership of the courts. No EM or Trainee who is assigned to the same company.

c. Number of Members:

1) General court-martial may consist of any number of member not less than five (5)

2) Special court-martial of any number of member not less than three (3)

3) Summary court-martial shall consist of one (1) officer

d. Personnel of the Court.

1) Summary court-martial; Functions are as follow:

a) To administer justice promptly under a simple form of procedure.

b) Perform the function not only as the Court but also as the TCA and DC as well.

2) Trial Judge Advocate (General & Special) Functions are as follows:

a) He is the prosecuting Attorney who represents the people of the Philippines in the trial of the case.

3) Defense Counsel (General & Special) Function as follows:

a) The primary duty of the defense counsel is to guard the interest of the accused by all honorable and legitimate means within the limits of the law.

4) Prosecution Counsel (General & Special) Function

a) Legal adviser tot he court (must be a member of the Philippine Bar)

5) President of the Court (General & Special), Function as follows:

a) As the most senior, the president speaks for the court, maintains order and direct the conduct of the proceeding.

6) Junior Member (General & Special), Function as follows:

a) Has the same right and duty to participate in any discussion in closed door session as any member.

5. **PERSON SUBJECT TO MILITARY LAW: (Art 2)**

a. All Officers and EM in the active service of the AFP, all members of the reserve Forces from the dates of their call to active duty and while in such active duty and all trainee's undergoing Military Instructions.

b. Cadets, Flying Cadets and Probationary Second lieutenant of the AFP.

c. All trainer to the Camp and all persons accompanying or serving with the AFP in the field in time of War or when Martial Law is declared through not otherwise subject to this Articles.

d. All persons under sentences adjudged by court-martial.

e. Termination - the general rules is that court-martial jurisdiction over Officer, Cadets, EM and others in the Military service of the Philippines ceases on discharge or other separation from the service, and that jurisdiction as to an offense committed during the period of the service thus terminated is not received by a reentry in the military service.

6. **PUNITIVE ARTICLES:**

a. Enlistment's; Muster; Returns:

1) AW#54 - **Fraudulent Enlistment** - Any person who shall procure himself to be enlisted in the military service of the AFP by means of willful misrepresentation to his qualification for enlistment, shall receive pay or allowances under such enlistment shall be punished as a court may direct.

2) AW#55 - **Officer making unlawful Enlistment** - Any officer knowingly enlist to the military service of the Philippine Armed Forces, person whose enlistment is prohibited by law, shall be dismissed from the service or suffer such other punishment as a Court martial may direct.

3) AW#56 - **False Muster** - Any officer knowingly make a false muster of a man or animal shall be dismissed from the service and suffer such other punishment as a court martial may direct.

4) AW#57 - **False Returns** - Omission to Render Returns - Every Officer whose duty is to render to headquarters AFP or superior authority a return of the state of the troops under his command, and suffer such other punishment as court martial may direct. (as amended by RA 242)

b. DESERTION: A W O L

1) AW# 58 - **Certain Acts to Constitute Desertion** - Any officer who having rendered his resignation and prior to due notice to the acceptance of the same quits his proper duties without proper leave and intent to absent himself permanently therefore shall be deemed a deserter.

2) AW# 59 - Desertion - Any person subject to military law who desert the service of the AFP, if the offense will be committed in time of war., suffer death and other punishment as a court-martial may direct.

3) AW# 60 - Advising or Aiding Another to Desert - Any person subject to military law who advise another to desert the service of the Armed Forces of the Philippines, if the offense be committed in time of war, suffer death or such other punishment as court-martial may direct.

4) AW# 61 - Entertaining a Deserter - Any officer who after having discovered that the soldier in his command is a deserter from the military service, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belong shall be punished as a court-martial may direct.

5) AW# 62 - Absent Without Leave - Any person subject to military law who fails to appear at the fixed time to the properly appointed place of duty or goes from the same without proper leave shall be punished as a court-martial may direct.

c. DISRESPECT; INSUBORDINATE; MUTINY:

1) AW# 63 - Disrespect toward the President, Vice President, Congress of the Phil or Secretary of National Defense - Any officer who uses contemptuous or disrespectful words against the President of the Philippines, Vice President, Congress of the Phil. Or Secretary of National Defense shall dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as c court-martial may direct.

2) AW# 64 - Disrespect toward Superior Officer - Any person subject to military law who behaves himself with disrespect towards his superior officer shall be punished as a court-martial may direct.

3) AW# 65 - Assaulting or Willfully Disobeying Superior Officer - Any person subject to military law who strike his superior officer or draws a weapon or violence against him being in the execution of his officer shall suffer death of punishment as a court-martial may direct.

4) AW# 66 - Insubordination Conduct Towards Non-Commissioned Officer - Any soldier who strikes or assaults, or what attempts or threatens to strikes or assault or willfully disobeys the lawful order of a non-commissioned officer while in the execution of his office or uses threatening or insulting language, or behaves in an insubordination or disrespectful manner toward a non-commissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

5) AW# 67 - Mutiny or Sedition - Any person subject to military law who attempts to create or who begins, excites, causes, or join any mutiny or sedition in any company, party, post camp. detachment, guard, or other command shall suffer death or such punishment as a court-martial may direct.

6) AW# 68 - Failure to Suppress Mutiny or Sedition - Any officer or soldier, who being present at any mutiny or sedition's does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information there of his commanding officer shall suffer death or such other punishment as a court-martial may direct.

7) AW# 69 - Quarrels, Frays, Disorder - All officer and non-commissioned officer have power to part and quell all quarrels, frays, and disorders among person subject to military law and to order officers who take part in the same into arrest and other person subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer, or con-commissioned officer, or draws a weapon upon or otherwise threatens or does violence to him, shall be punished as a court-martial may direct.

8) AW# 70 - Arrest or Confinement - Any person subject to military law charged with same or with serious offense under these articles shall be placed in confinement or in arrest, as circumstances may require but when charge with a minor offense under the provisions of the article, shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of the article, shall thereby be restricted to his barracks, quarters, quarters or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set a liberty by proper authority, shall be dismissed from the service or suffer such other, punishment as a court-martial may direct.

9) AW# 71 - Charges: Action Upon - Charges and specification must be signed by a person subject to military law and under oath either that he has personal knowledge of , or has investigated, the matters set-forth therein and that the same are true in fact, to the best of his knowledge and belief. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides. Before directing the trial of any charges by general court-martial the appointing authority will refer it to his Staff Judge Advocates for consideration and advice. When any person subject to military law is placed in arrest or confinement immediate step will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in executing the case to final conclusion shall be punished as court-martial may direct.

10) AW# 72 - Refusal to Receive and Keep Prisoners - No Provost Marshall shall to refuse to receive any prisoner committed to his charges by an officer belonging to the Armed Forces of the Philippines, provided the officer committing shall at the time, deliver an account in writing, signed by himself, of the crime or offense charge against the prisoner. Any officer or soldier so refused shall be punished as a court-martial may direct.

11) AW# 73 - Report of Prisoners Received - Every commander of a guard to whose charge prisoner is committed shall, within twenty four hours after such confinement or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of officer committing him; and if he fails to make such report, shall be punished as a court-martial may direct.

12) AW# 74 - Releasing Prisoner without Proper Authority - any person subject to military law, except one who is without proper authority releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

13) AW# 75 - Delivery of Offenses to Civil Authorities - Any person subject to military law who is awaiting trial for a crime or offense punishable under this articles or accused of a crime or offense committed and punishable by law, the commanding officer is required, except in time

of war, upon application duly made, to use his endeavor to deliver over such accused person to Civil Authorities. Any such delivery if followed by any conviction, shall be return to military custody, after having answered to the civil authorities for his offense for the completion of the said court-martial sentence.

d. WAR OFFENCES:

1) AW# 76 - Misbehavior Before the Enemy - Any officer or soldier who misbehavior himself before the enemy shall suffer death or such punishment as a court-martial may direct.

2) AW# 77 - Subordinate Compelling Commanders to Surrender - Any person subject to military law who attempts to compel any commander of any garrison or other commend to give it up to the enemy shall be punished with death or such other punishment as a court-martial may direct.

3) AW# 78 - Improper Use of Countersign - Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules of discipline of war shall suffer death or death other punishment as a court-martial may direct.

4) AW# 79 - Forcing Safeguard - Any person subject to military law who in time of war, serious disturbances of peace, force a safeguard shall suffer death or such punishment as a court-martial may direct.

5) AW# 80 - Captured Property to be secured for Public Services - All public property taken from the enemy is the property of the government of the Philippines and shall be secured for the service thereof, and any person subject to military law who neglects to secure such property shall be punished as a court-martial may direct.

6) AW# 81 - Dealing in Captured or Abandoned Property - Any person subject to military law who buys, sells any captured or abandoned property shall be punished as a court-martial may direct.

7) AW# 82 - Relieving Corresponding with or Aiding the Enemy - Whenever relieves or attempts to relieves the enemy with arms; ammunition , supplies money and other things shall suffer death or punished as a court-martial may direct.

8) AW# 83 - Spice - Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortification, posts quarters, or encampment of the Armed Forces of the Philippines or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

e. MISCELLANEOUS CRIMES AND OFFENSES:

1. AW# 84 - **Military Property : Willful or Negligent, Loss, Damage or Wrongful Disposition.** Any person subject to military law who willfully or through neglect, suffers to lost, spoiled damaged, or wrongfully disposes of, any military property belonging to the Philippine Armed Force shall make good the loss or damage and suffer such punishment as a court-martial martial may direct.

2. AW# 85 - **Waste or Unlawful Disposition of Military Property issued to Soldier.** Any soldier who sells or wrongfully disposes or willfully or through injures or losses any horse, arms, ammunition,

accouterments, equipment, clothing, or property issued for use in the military service, shall be punished as a court-martial may direct.

3. AW# 86 - **Drunk on Duty**. Any officer who is found drunk on duty shall, if the offense be committed in the time of war, be dismissed from the service and suffer such other punishment as court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer who is found drunk on duty shall be punished as a court-martial may direct.

4. AW# 87 - **Misbehavior of Sentinel**. Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved shall if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, shall suffer any punishment, except death, that a court-martial may direct.

5. AW# 88 - **Personal Interest in Sale of Provisions**. Any officer commanding in any garrison, fort, barracks, camp or other place where troops of the Philippines may be serving who, for his private advantage in any duty or imposition upon or is interested, directly, in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp or other place for the use of troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

6. AW# 88a - **Unlawfully Influencing Action of Court**. Any authority appointing a general, special, or summary court-martial, or any other commanding officer, who shall ensure, reprimand, or admonish such court, or any member thereof, of it's or his judicial responsibility shall be punished as a court-martial may direct. Any person subject to military law who shall attempt to coerce or unlawfully influence action a court-martial or any military court or commission, or any member, thereof, in reaching the findings or sentence in any case, or the action of an appointing or reviewing or confirming authority with respect to his judicial act, shall be punished as a court-martial may direct. (Inserted by Republic Act No. 616)

7. AW# 89 - **Intimidation of Person Bringing Provisions**. Any person subject to military law who abuses, intimidate does violence to, or wrongfully interferes with any person bringing provisions, supplies or other necessaries to the camp, garrison or quarters of the AFP shall suffer such punishment as a court-martial may direct.

8) AW# 90 - **Good Order to be Maintained and Wrong Redressed**. All person subject to military law are to behave themselves orderly in quarters, garrison, camp and on the march, and any person subject to military law who commits any waste or spoiling or willfully destroys any property whatsoever (unless by order of his commanding officer) or commits any kind of depredation or riot shall be punished as a court-martial may direct. Any Commanding Officer who upon complaint made to him, refuses or omits to the reparation made to the party injured, in so far as the offenders pay shall go toward such reparation as provided for in Article 106, shall be dismissed from the service or otherwise punished as a court-martial may direct.

9) AW #91 - **Provoking Speeches or Gestures** - no person subject to military law shall use any reproachful or provoking speeches or gestures to another and any person subject to military law who offends against the provisions of this articles shall be punished as a court-martial may direct.

10) AW #92 - **Dueling.** Any person subject to military law who fight or promoted or is concerned in or connives at fighting a duel, or having knowledge of a challenge sent or about to be sent fails to report the fact promptly to the proper authority shall if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; if any other person subject to military law shall suffer such punishment as a court-martial may direct.

11) AW #93 - **Murder/Rape.** Any person subject to military law who commits murder or rape in time of war shall suffer death or imprisonment for file as a court-martial may direct. (As amended by RA No. 242).

12) AW #94 - **Various Crimes.** Any person subject to military law who commits any felony, crimes, breach of law or violation of municipal ordinance which is recognized as an offense of a penal nature and is punishable under the penal laws of the Philippines or under municipal ordinances, (A) inside a reservation of the Armed Forces of the Philippines, or (B) outside any such reservation when the offended party (and each one of the offended parties if there be more than one) is a person subject to military law, shall be punished as a court martial may direct in imposing the penalties for offenses failing within this Article, the penalties for offenses provided in the penal laws of the Philippines or in such municipal ordinances shall be taken into consideration. (As amended by RA 242)

13) AW #95 - **Frauds Against the Government.** Any person subject to military law who makes or causes to make any claim against the government or any officer thereof, knowing such claim to be false or fraudulent; or

Who present or cause to be presented to any person in the civil or military law who makes or causes to make any claim against the government, or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the government by obtaining or aiding others to obtain the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining or aiding others to obtain the approval allowance or payment for any claim against the government or against any officer thereof, makes or causes, procures or advises the making or use of or any writing or other paper knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining or aiding others to obtain the approval, allowance or payment of any claim against the government or any officer thereof, makes or procures or advises the making of any oath to any fact or to any writing or other paper knowing such oath to be false; or

Who, for the purpose of obtaining or aiding others to obtain the approval, allowance or payment of any against the government or any officer thereof, forges or counterfeits or procures or advises the forging or counterfeiting of any signature upon writing or other paper, or uses or procures or advises the use of any such signature knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody or control of any money or other property of the government furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which no receives a certificates or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the government furnished or intended for the military service thereof, makes or delivers to any person

such writing, without having full knowledge of the truth of the statement therein contained and with intent to defraud the government; or

Who, steals, embezzles, knowingly and willfully misappropriates, applies to his own use of benefit or wrongfully or knowingly sells or disposes of any ordinance, arms, equipment, ammunition, clothing, subsistence stores, money, or other property of the Government furnished or intended for the military service thereof; or

Who knowingly purchase or receives in pledge for any obligation or indebtedness from the soldier, officer, or other person who is an part of or employed in the AFP. Any ordinance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the government such soldier, officer, or other person not having lawful right to sell or pledge the same; or

Who enters into any agreement or conspires to commit any of the offenses aforesaid;

Shall on conviction thereof, be punished by fine or imprisonment, or such other punishment as a court-martial may adjudge, or by any or all of said penalties and if any person being guilty of any of the offenses aforesaid while in the service of the AFP, receives his discharge or dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed. And if any officer being guilty while in the service of the AFP of embezzlement of ration savings, post exchange company or other like funds or of embezzlement of money or other property entrusted to his charge by an enlisted men or man, receives his discharge, or is dismissed or is dropped from the rolls, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not been so discharged, dismissed, or dropped from rolls. (As amended by RA No. 242 & 916)

14) **AW #96 - Conduct unbecoming of an Officer and Gentlemen.** Any officer, cadet, flying cadet or probationary second lieutenant, who is convicted conduct unbecoming an officer and a gentlemen shall be dismissed from the service (As amended by RA No. 242 & 916)

15) **AW #97 - General Article.** Though not mentioned in these article, all disorders and neglects to the prejudice of good order and military discipline and all conduct of a nature to bring discredit upon the military service shall be taken cognizance of by a general or special or summary court-martial according to the nature and degree of the offense and punished at the discretion of such court.

16) **AW #98 - When an by Whom Ordered.** A court of injury to examine into the nature of any transaction of or accusation or imputation against any officer of soldier maybe ordered by the President; the Chief of Staff or by any commanding officer, but a court of injury shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be injured into.

17) **AW #99 - Composition.** A court of injury shall consist of three or more officers. For each court of injury the authority appointing the court shall appoint a recorder.

18) **AW #100 - Challenges.** Member's of court of injury may be challenges by the party whose conduct is to be injured into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel were reasonably available.

19) AW #101 - **Oath of Members and Recorders.** The recorder of a court of inquiry shall administer to the members the following oath. You, A.B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you before you without partiality, favor, affection, prejudice or hope of reward. "So help you God." After which the President of the court shall administer to the recorder the following oath "you A.B., do swear (or affirm) that you will according to your best abilities, accurately and impartially record the proceeding of the court and the evidence to be given in the case in hearing. "So help you God."

20) AW #102 - **Power Procedure.** A court of inquiry and the recorder thereof shall have the same power to summon and examine witness as is given to court-martial and the trial judge advocate thereof. Such witnesses shall take the same oath of affirmation that is taken by witnesses before court-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reported or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

21) AW #103 - **Opinion on Merits of Case.** A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

22) AW #104 - **Record of Proceedings.** How Authenticated. Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the President and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the President and by one other member of the court.

23) AW #106 - **Injuries to Property - Redness of** - Whenever complaint is made to any commanding officer that damage has been done to the property or any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive dispositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

When the offenders cannot be ascertained but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

24) AW #107 - **Arrest of Deserters by Civil Officials.** It shall be lawful for any civil officer having authority under the laws of the Philippine to arrest offenders, summarily to arrest a deserter and deliver him into the authorities concerned. (As amended by RA 242)

25) AW #108 - **Soldiers to Make Good Time Lost.** Every soldier or trainee who in an existing or subsequent enlistment or training period deserts the service of the Armed Forces of the Philippines or without proper authority absent himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the results of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such desertion, unauthorized absence, confinement or inability to perform duty, amount to the full term of that part of his enlistment or training period which he is required to serve with his organization before being furloughed to the Armed reserve. (As amended by RA 242)