

COMMONWEALTH ACT NO. 408

(As amended by RAs 242 and 516 approved on June 12, 1984 and June 114, 1950 respectively and further amended by PD 116 dtd June 24, 1977 and further amended by PD 1968 dtd January 11, 1985.)

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

Be it enacted by the National Assembly of the Philippines:

Section I. The following articles shall be known as the Articles of War and shall at all times and in all places govern the Armed Forces of the Philippines and the Philippine Constabulary (As amended by RA 242)

TITLE I. PRELIMINARY PROVISIONS

Article I. Definitions. The following words when used in this Articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

- a. The word "Officer" shall be construed to refer to a commissioned officer including a commissioned member of the Nurse Corps.
- b. The word "Soldier" shall be construed as including a non-commission officer, a private, or any enlisted men;
- c. The word "company" shall be understood as including a troop, battery or commissioned vessel;
- d. The word "battalion" shall be understood as including a squadron, air or naval. (As amended by R.A. No. 516)

1. All officers, members of the Nurse Corps. And soldiers in the active service of the Armed Forces of the Philippines, all members of the reserve force, from date of their call to active duty and while on such active duty, all trainees undergoing military instruction; and all other persons awfully called, drafted, or ordered into, or to duty for training in, the said service, from the dates they are required by the terms of the call, draft, or order to obey the same.

2. Cadets, flying cadets, and probationary second lieutenants. Probationary ensigns;

3. All retainers to the camp and all persons accompanying of serving with the Armed Forces Of the Philippines in the field in time of war when Martial Law is declared though not otherwise subject to these articles;

4. All persons under sentence adjudge by court martial. (As amended by RAs 242 and 516)

TITLE: COURTS-MARTIAL

REF: A Manual for Courts-Martial AFP

I. CLASSIFICATIONS: General, Special and Summary Courts-Martial

II. COMPOSITION:

A. Who may serve all officers on active duty in the Army shall be competent to serve on courts-martial (AW 4)

No distinction exists among the various classes of officers in the military service of the Philippines with regard to their competency to serve; but the term “officer” here refers to commission officers only (AW 1). Probationary third lieutenants and members of the Army Nurse Corps are therefore net competent to serve on courts-martial. Reserve officers on active duty may serve on courts-martial. Reserve officers on active duty training may not serve on courts-martial.

No officers shall be eligible to sit as a member of a general or special court-martial if he is the accurse or a