

[**PRESIDENTIAL DECREE NO. 1968, January 11, 1985**]

FURTHER AMENDING ARTICLE 105 OF COMMONWEALTH ACT NO. 408, OTHERWISE KNOWN AS "ARTICLES OF WAR, ARMED FORCES OF THE PHILIPPINES," AS AMENDED BY REPUBLIC ACT NUMBERED 242 AND 516.

WHEREAS, the disciplinary powers of commanding officers under the present Article of War 105 have not provided the desired deterrent against the commission of transgressions by members of the Armed Forces of the Philippines;

WHEREAS, the present Article of War 105 likewise is not conducive to swift and decisive disciplinary action against erring members of the Armed Forces;

WHEREAS, it is vital to make more effective these disciplinary punishments that may be imposed, enlarging the scope thereof as well as the categories of commanding officers authorized to impose disciplinary punishments, and providing for a swifter and more vigorous procedure in the imposition of disciplinary punishments, while at the same time affording members of the Armed Forces substantial justice and fairness and due process of law.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and as Commander-in-Chief of all Armed Forces of the Philippines, do hereby order and decree as part of the law of the land as follows:

"Art. 105. Disciplinary Powers of Commanding Officers.

"a. The commanding officer of any detachment, company, batallion, squadron, commissioned vessel, or higher command, or such other officers as may be authorized by the President, may, for minor offenses, impose disciplinary punishments upon persons of his command without the intervention of a court-martial.

"b. Subject to subsection g of this article, any commanding officer may, in addition to or in lie of admonition or reprimand, impose one or more of the following disciplinary punishments, but shall not include confinement under guard:

(1) *Upon officers of his command.* —

- (a) Withholding of privileges for not more than 30 consecutive days;
- (b) Restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days;
- (c) Arrest in quarters for not more than 15 consecutive days;
- (d) Forfeiture of not more than one-half one month's base pay;
- (e) Detention or withholding of not more than one-half of one month's base pay per month for three months;
- (f) Deprivation of liberty on shore not exceeding 30 consecutive days; for those attached to or embarked in a commissioned vessel of the Philippine Navy.

(g) *If imposed by an officer exercising general court-martial jurisdiction or by an officer of general or flag rank in command—*

- (i) Withholding of privileges for not more than 60 consecutive days;
- (ii) Restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;
- (iii) Arrest in quarters for not more than 30 consecutive days;
- (iv) Forfeiture of not more than one-half of one month's base pay per month for three months;
- (v) Detention or withholding of not more than one-half of month's base pay for six months;
- (vi) Deprivation of liberty on shore not exceeding 60 consecutive days, for those attached to or embarked in a commissioned vessel of the Philippine Navy.

(2) *Upon other personnel of his command —*

- (a) Withholding of privileges for not more than 30 consecutive days;
- (b) Restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days;
- (c) Arrest in quarters for not more than 15 consecutive days;
- (d) Forfeiture of not more than one-half of one month's base pay;
- (e) Detention or withholding of not more than one-half of one month's base pay per month for three months;
- (f) *With respect to those attached to or embarked in a commissioned vessel of the Philippine Navy—*

- (i) Deprivation of liberty on shore not exceeding 30 consecutive days;
- (ii) Confinement on bread and water or diminished rations for not more than five consecutive days;

- (g) Confinement not under guard for not more than 15 consecutive days;
- (h) Hard labor without confinement for not more than 15 consecutive days;
- (i) Extra duties, including fatigue or other duties, for not more than 15 consecutive days;
- (j) Correctional custody for not more than 15 consecutive days;
- (k) Reduction to one or two inferior pay grades, if the grades from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction.
- (l) *If imposed by an officer in the grade of lieutenant colonel or commander-*

- (i) Withholding of privileges for not more than 60 consecutive days;
- (ii) Restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;
- (iii) Arrest in quarters for not more than 30 consecutive days;
- (iv) Forfeiture of not more than one-half of one month's base pay for two months;