

[REPUBLIC ACT NO. 1067, June 12, 1954]

**AN ACT TO AMEND CERTAIN PROVISIONS OF REPUBLIC ACT
NUMBERED ONE HUNDRED THIRTY-EIGHT.**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section two of Republic Act Numbered One hundred thirty-eight is hereby amended to read as follows:

"SEC. 2. The pay and allowances of military personnel are prescribed by law, and as long as a person is in the active military service of the Philippines he is entitled to receive pay and allowances corresponding to his rank or grade, unless said pay and allowances, or any portion thereof, have not accrued, or have been withheld or forfeited, under this Act or any other provision of law."

SEC. 2. Sections thirteen, fourteen and fifteen of Republic Act Numbered One hundred and thirty-eight are hereby amended to read, respectively, as follows:

"SEC. 13. No person in the military service who shall be absent from his regular duties on account of the effects of a disease, sickness or injury, which is directly attributed to and immediately follows his own misconduct willful failure or the intemperate use of drugs or alcoholic liquor, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence.

"SEC. 14. No person in the military service who shall be absent from his regular duties on account of the direct effects of a venereal disease due to his own misconduct, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence: *Provided*, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease, regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service.

"SEC. 15. Each person whose pay, as distinguished from allowances, is forfeited for a period in excess of one month at any one time pursuant to the provisions of sections thirteen and fourteen of this Act, shall be paid for necessary personal expenses the sum of five pesos for each full month during which his pay is so forfeited."

SEC. 3. Section eighteen of Republic Act Numbered One hundred thirty-eight is hereby amended to read as follows:

"SEC. 18. An enlisted man awaiting trial by court-martial, or the result thereof, is not entitled to receive pay, as distinguished from allowances, until the result of the trial is known: *Provided*, That any enlisted man who is placed on a full duty status and performs regular duties while awaiting trial by court-martial, or the result thereof, shall be entitled to receive all his pay and allowances for the period of such duty, unless the same shall have been lawfully forfeited by the approved sentence of a court-martial prior to actual payment thereof to the enlisted man. For the purposes of this section, the restoration to full duty status of enlisted men awaiting trial by court-martial, or the result thereof, shall be as directed by the Chief of Staff, with the approval of the Secretary of National Defense."

SEC. 4. Section twenty-one of Republic Act Numbered One hundred thirty-eight is hereby amended to read as follows:

"SEC. 21. (a) Except as hereinafter provided in this section, officers and enlisted men lawfully detained or provisionally released on bail by the civil authorities pending the trial or final determination of their cases in the civil courts, or serving sentence of imprisonment, will receive no pay and allowances for the period of their absence from military control or custody.

"(b) Except as hereinafter provided in this section, officers and enlisted men who have returned to military control following their release on bail or transfer to the custody of their respective commanding officers for sake-keeping, pending the trial or final determination of their cases in the civil courts, will receive no pay, as distinguished from allowances, for any period of absence from their regular duties by reason of the pendency of their cases before the civil courts.

"(c) Should any officer or enlisted man falling under subsections (a) or (b) of this section be unconditionally released by the civil authorities without trial, or after trial and acquittal, or if the case against him before the civil courts is dismissed or otherwise terminated without conviction, or if he shall have been sentenced to the penalty of *destierro* under Article two hundred and forty-seven of the Revised Penal Code, he shall be entitled to receive the pay and allowances, or pay, as the case may be, for the period of his absence from military control and/or regular duties: *Provided*, That the status of a person as absent without leave or in desertion immediately prior to the time of his arrest or detention by the civil authorities, and/or following his provisional or unconditional release therefrom, shall continue until his return to actual military control, irrespective of the final outcome of his case before the civil courts.

"(d) Any officer or enlisted man who has returned to military control and performed regular duties pending the trial or final determination of his case before the civil courts, shall be entitled to receive all his pay and allowances during the period such duties have been performed, irrespective of the outcome of his case. The restoration to, or relief from, full duty status of officers and enlisted men who have lawfully returned to military control or custody pending the trial or final determination of their