

“Military Code of Puerto Rico”
[Titles I-II]

Act No. 62 of June 23, 1969, as amended

(Contains amendments incorporated by:

Act No. 16 of April 21, 1970

Act No. 20 of June 1, 1971

Act No. 56 of May 27, 1976

Act No. 44 of May 16, 1979

Act No. 186 of July 26, 1979

Act No. 135 of September 29, 2007

Act No. 163 of August 6, 2008)

To establish the Military Code of the Commonwealth of Puerto Rico.

STATEMENT OF MOTIVES

The purpose and object of this act is to provide for the organization and command of the Military Forces of the Commonwealth of Puerto Rico; to establish the faculty for enrollment of said military forces; to order such military forces into Federal Active Military Service or into Commonwealth Active Military Service; to establish the faculty for the adoption of regulations for the organization, administration, training, operations and provisioning of the military forces and to provide for the administration of military justice applicable to said military forces while in the exercise of their functions as such.

Be it enacted by the Legislature of Puerto Rico:

TITLE I. — SHORT TITLE AND DEFINITIONS

Section 100. — Military Code; Short title. (25 L.P.R.A. § 2001)

This act shall be known and may be cited as the "Military Code of Puerto Rico".

Section 101. — Definitions. (25 L.P.R.A. § 2002)

The following words or terms shall have, for the purposes of the application of this part, the meaning hereinbelow expressed, unless otherwise clearly indicated in the context:

(a) Military Forces of Puerto Rico. — Means the Militias of Puerto Rico, to wit, the National Guard of Puerto Rico and any other military force organized under the laws of the Commonwealth of Puerto Rico.

- (b) Officer. — Means the Commissioned or Warrant Officer.
- (c) Commissioned Officer. — Includes the Commissioned Warrant Officers.
- (d) Commanding Officer. — Includes only Commissioned Officers.
- (e) Superior Commissioned Officer. — Means a Commissioned Officer superior in rank, authority or command.
- (f) Subofficer. — Means corporals, sergeants and technical personnel which compose the ranks of Noncommissioned Officers.
- (g) Enlisted man. — Means a soldier without the rank of an officer.
- (h) Grade. — Means the rank or hierarchy of the officer or subofficer.
- (i) Rank. — Means the order or precedence among the members of the Military Forces of Puerto Rico.
- (j) Federal recognition. — Acceptance and approval of a unit as such or of the rank of an officer of the National Guard of Puerto Rico by the United States Department of Defense.
- (k) Commonwealth active military duty. — Means full-time duty rendered by the Military Forces of Puerto Rico under an order of the Governor of Puerto Rico issued under authority vested in him by law, and includes travel to and from such duty.
- (l) Federal active military duty. — Means full-time duty rendered by the National Guard of Puerto Rico under an order of the Governor of Puerto Rico issued in compliance with a requirement for such duty by the President of the United States, for the purpose of serving under the direction, supervision and command of the United States authorities or for the purpose of calling the National Guard of Puerto Rico to be a part of the Armed Forces of the United States. It also means the full-time duty rendered by the National Guard of Puerto Rico under the supervision and command of the United States authorities by an order or call for such duty issued by said authorities, as well as the service rendered during the periods comprised by the annual encampments and any other service covered by § 2 of the United States Law No. [70A Stat.] 596 of August 10, 1956. (Title 32, United States Code, §§ 101--174.)
- (m) Military service or active military service. — Any military service included in this part other than active Commonwealth military service or active federal military duty, including that service rendered by officers and enlisted men in the Military Armed Forces of Puerto Rico in the discharge of their duties when military exercises are performed or when they receive training or perform full-time special duties, shall be considered active duty or active military duty.

Services and duties performed by members of the Military Forces of Puerto Rico when they are on the lists of the inactive members thereof, as same are defined in the National Guard Federal Act, United States Law No. 596 of August 10, 1956 (Title 32, United States Code, § 303), shall not be considered active duty. Such inactive members shall be subject to the provisions of this part, but may not avail themselves of the benefits of buying in the post exchanges and military canteens of the Military Forces of Puerto Rico.
- (n) Military court. — Means courts-martial, courts of inquiry, Military Courts of Review, Court of Military Appeals and any other court created in accordance with this part.
- (o) Military judge. — Law Officer with a lawyer's degree admitted to practice his profession before the Supreme Court of Puerto Rico or a federal court, designated as an officer in a military court.
- (p) Judge Advocate of Puerto Rico. — Means the officer with a lawyer's degree, admitted to practice before the Supreme Court of Puerto Rico or before a federal court, responsible for supervising the administration of the military justice in the Military Forces of Puerto Rico.

- (q) Military. — Refers to any or all of the Military Forces.
- (r) Convening authority. — Includes, in addition to the person who appointed a military court, the acting commanding officer or successor of a commanding officer.
- (s) Code. — Means this part.
- (t) May. — Is used in this part in a permissive sense.
- (u) Shall. — Is used in this part in the mandatory or imperative sense.
- (v) Commonwealth. — Means or refers to the Commonwealth of Puerto Rico.
- (w) President. — Means the President of the United States.
- (x) Full-time duty or full time. — Is the time devoted to the rendering of every effort or duty during working hours or extraordinary hours of work of one day or days in the discharge of military duties or in the service of the Military Forces of Puerto Rico.

TITLE II. — ORGANIZATION AND COMMAND

Section 200. — Organization. (25 L.P.R.A. § 2051)

The Military Forces of Puerto Rico shall consist of the National Guard of Puerto Rico and of such other military forces organized pursuant to the laws of the Commonwealth of Puerto Rico.

Section 201. — National Guard of Puerto Rico. (25 L.P.R.A. § 2052)

The National Guard of Puerto Rico shall consist of units that, as part of the National Guard of the United States, may be organized in Puerto Rico in conformity with the proportional appropriation that to such effects may be prescribed by the President in accordance with the laws of the Congress of the United States. It shall also consist of those units organized, as prescribed, from time to time, by the Governor of Puerto Rico.

Section 202. — Subdivision of the National Guard of Puerto Rico. (25 L.P.R.A. § 2053)

The National Guard of Puerto Rico shall be subdivided into the:

- (a) Army National Guard.
- (b) Air National Guard.
- (c) Inactive National Guard.
- (d) Such other military components whose organization in Puerto Rico may be prescribed from time to time by the President of the United States of America or by the Governor of the Commonwealth of Puerto Rico.

Section 203. — Composition of the Military Forces of Puerto Rico. (25 L.P.R.A. § 2054)

The Military Forces of Puerto Rico shall be composed of all male citizens of the United States of America complying with the requirements of age, health and others, as prescribed by regulations, who voluntarily enlist in the Military Forces of Puerto Rico. It shall also be composed of women complying with the requirements as above set forth, who may serve in those special positions, such as nurses and other positions as may be prescribed by regulations.

Section 204. — Enrollment; penalties. (25 L.P.R.A. § 2055)

Whenever, as required by public safety, in such cases as war, invasion, insurrection, rebellion, riot, public disorders or imminence thereof, or in cases of disasters caused by nature such as hurricane, storm, flood, earthquake, fire and any other cause of force majeure, the Governor of Puerto Rico may order an enrollment of the Military Forces of Puerto Rico.

The Governor is hereby authorized to prescribe the necessary regulations to facilitate the effective enrollment of all persons comprising the Military Forces of Puerto Rico. The enrollment shall show the name, residence, age, status, occupation and the previous or existing military service of each person enrolled and whether exempted from military duty by virtue of the laws of the United States. All officers, executive and judicial, of Puerto Rico shall lend assistance whenever necessary in making the enrollment and the records of their respective offices shall be at the disposition of enrolling officers whenever required, in order to facilitate and perfect said enrollment.

If any officer or person becomes charged, under the provisions of this code, with any duty relating to the enrollment of persons subject to military duty, refuses or neglects to perform the same within the time and substantially in the manner required by this part or regulations, or if he shall knowingly make any false certificate, or if, when acting as enrolling officer, he shall knowingly or willfully omit from the roll any person required by the provisions of this code to be enrolled, said officer shall be guilty of a felony and upon conviction shall be punished by a fine not to exceed five thousand (\$5,000) dollars or imprisonment not to exceed three (3) years, or by both penalties in the discretion of the court. Any person who, with intent to deceive, knowingly makes any false statement to an enrolling officer for the purpose of securing exemption from military duty of himself or a member of his or her family, shall be subject to the same penalty as herein provided for offenses by enrolling officers.

Section 205. — Designation of units of the Military Forces of Puerto Rico. (25 L.P.R.A. § 2056)

Names and identification numbers assigned to different units of the Military Forces of Puerto Rico shall not be used by other units not even in cases where any one of them does not form an actual part of said Military Forces by reason of same being in Federal Active Military Service or because of having become a part of the Armed Forces of the United States of America.

Section 206. — Commander-in-Chief of the Military Forces of Puerto Rico. (25 L.P.R.A. § 2057)

The Governor of the Commonwealth of Puerto Rico shall be the Commander-in-Chief of the Military Forces of Puerto Rico.

Section 207. — Authority and duties of the Commander-in-Chief. (25 L.P.R.A. § 2058)

The Governor of the Commonwealth of Puerto Rico in his character as Commander-in-Chief of the National Guard shall be empowered to:

(a) Appoint, with the advice and consent of the Senate of Puerto Rico, the Adjutant General of Puerto Rico.

(b) Order the National Guard of Puerto Rico or any part thereof, into active Commonwealth military service when the public safety requires it in cases such as war, invasion, insurrection, rebellion, riot, public disturbances or imminent danger thereof, or in cases of natural disasters such as hurricanes, storms, floods, earthquakes, fires, and other causes of force majeure.

He/she may also order the use of equipment, assets and personnel of the National Guard of Puerto Rico in the following situations:

(1) In support of officials of public law and order in functions directed to control drug trafficking.

(2) To receive, send off and provide transportation and escort service to dignitaries, and to participate in parades, marches, military reviews and similar ceremonies.

(3) When it constitutes a viable alternative for the rendering of specialized health services, technical engineering equipment or education, and because these are not reasonably available from civil, public, or commercial sources; provided that the agency that requests such services shall pay the costs incurred by the National Guard in rendering the services, from any available funds.

(c) Order into federal active military service the National Guard of Puerto Rico or any part thereof, at the request of the President of the United States to serve in such federal active military service or as a part of the Army or Air Force of the United States.

(d) Order and authorize the Adjutant General of Puerto Rico to adopt standards and regulations for the organization, training, operations and provisioning of the Armed Forces of Puerto Rico.

(e) Contract with the Secretaries of the Army and Air Force of the United States for the acceptance of troops and military units to form part of the National Guard of Puerto Rico.

(f) Designate the person who shall be appointed as Property and Finance Officer of the United States who shall serve in the Federal Active Military Service and shall be attached to the National Guard of Puerto Rico and shall discharge his office at the pleasure of the Commander-in-Chief and until his successor is appointed.

(g) Promulgate, in accordance with Act No. 112 of June 30, 1957, known as the Rules and Regulations Act of 1958, as amended, those regulations of military character as may be necessary for compliance with the purposes of this part.

(h) Make appointments and changes in the rank of officers of the Military Forces of Puerto Rico and, upon the previous requirements and procedures as may be hereinbelow established, separate or dismiss same from the Military Forces of Puerto Rico.

(i) Determine from time to time the composition of the units of the National Guard of Puerto Rico which will be organized as well as the geographical location assigned to the corresponding units.

(j) Order the enrollment for the Military Forces of Puerto Rico.

(k) Call general, special and summary courts-martial for the Military Forces of Puerto Rico.

It being provided, that the Commander-in-Chief may delegate in the Adjutant General any one of the powers or faculties hereinbefore mentioned, except as to subsections (a), (b) and (c) of this section.

Section 208. — Adjutant General of Puerto Rico. (25 L.P.R.A. § 2059)

The office of Adjutant General of Puerto Rico is hereby created of a rank not lower than Division General, who shall hold office at the pleasure of the Commander-in-Chief and until his successor is appointed. The Adjutant General shall comply with the following requirements and shall discharge the following functions:

(a) Be a citizen of the United States of America and must have lived in Puerto Rico for at least one year prior to his appointment. Shall be an officer who has or may have had the corresponding federal acknowledgement as officer of the Armed Forces of the United States, shall be in the service of, or shall have served in the National Guard of Puerto Rico at least for a term of not less than five (5) years and shall have reached the grade of Lieutenant Colonel or its equivalent rank.

(b) Exercise the supervision and direct command of the Military Forces of Puerto Rico and as such shall have under his charge the organization, administration, direction, supervision, training, provisioning, operations and discipline of such Military Forces of Puerto Rico and shall be empowered to appoint the personnel necessary for the administration and service of same.

(c) Be responsible for carrying out such inspections as may be necessary of military installations located in Puerto Rico, and of the properties, books and records of the different military units.

(d) Prepare the reports for the United States Department of Defense on the dates and in the manner that the Secretary of Defense of the United States may, from time to time, prescribe.

(e) Keep and administer all the funds appropriated and shall be in charge of all the property entrusted to the Military Forces of Puerto Rico and shall render an annual report of such funds and property to the Commander-in-Chief. The said report shall also show the strength of the Military Forces of Puerto Rico, the state of its military training and discipline and its condition as to provision of uniforms and necessary equipment for the compliance of any mission that may be entrusted to them.

(f) Make [an] annual estimate of funds required for the operation of the Military Forces of Puerto Rico, pointing out all such funds furnished by the Government of the United States for the operation of the National Guard of Puerto Rico.

(g) Promulgate, in the name of the Commander-in-Chief, orders, directives and regulations to maintain the Military Forces of Puerto Rico duly trained, disciplined, uniformed and equipped at all times.

(h) See to the compliance of all orders issued by the Commander-in-Chief related to the Military Forces of Puerto Rico.

(i) Adopt and keep flags for the land, air and naval forces and an official seal for the National Guard of Puerto Rico which shall be used on all correspondence originating therein.

(j) Preserve the military archives and museums of Puerto Rico.

(k) Perform such other functions prescribed by the Commander-in-Chief and by the laws of the Commonwealth of Puerto Rico.

(1) He may hire the services of employees and officers of the National Guard of Puerto Rico or of any other agency, instrumentality, dependency, public institution or political subdivision of the Commonwealth of Puerto Rico with the previous written consent of the head of the said government organizations for which the employee or officer is rendering his services and he may pay to them their due compensation for the additional services they render to the National Guard

outside the regular hours of service they render as public servants, without being subject to the provisions of section 177 of the Political Code [3 L.P.R.A. § 551] or to any other law.

(l) Shall appoint every commonwealth official or employee of the Military Forces of Puerto Rico. Said officials and employees shall be within the exempt service.

(m) Shall provide, through regulations to the effect, the norms for the appointments, discipline, severance and general administration of personnel of the commonwealth officials and employees of the Military Forces of Puerto Rico. Said regulations shall further establish the procedure for any such official or employee to appeal, within the due process of law, from any administrative action adverse or prejudicial to him.

(n) Shall notify the Governor of Puerto Rico, the Legislature, the Department of Justice and the Office of the Comptroller of Puerto Rico, and shall remit a copy of the final federal report resulting from an investigation issued by the U.S. Department of Defense or any other federal agency regarding noncompliance of laws, regulations or instructions by the Puerto Rico National Guard or the Adjutant General of Puerto Rico.

Section 209. — Organization and duties of Staff officers. (25 L.P.R.A. § 2060)

The Staff shall be the highest coordinating and supervisory body of the Military Forces of Puerto Rico and shall consist of a Deputy Adjutant General with a rank of Brigadier General who shall assume the duties of Adjutant General in case of absence or disability of the latter, unless the Governor of Puerto Rico provides otherwise, in which case, he shall make the designation he considers is in order.

It shall also consist of Deputy Adjutants General, with the rank of Brigadier General, respectively appointed in charge of the different military land, air and any other military force, position or charge that may be established for, or added to, the Military Forces of Puerto Rico, pursuant to the laws of the United States Congress or of the Commonwealth of Puerto Rico and the regulations respectively promulgated to such effect under said laws.

It shall also consist of an Executive Officer, who shall be the Chief of Staff, and whatever other officers as the Commander-in-Chief may choose to designate. Said officers shall have the rank and shall perform the duties that the Commander-in-Chief may prescribe by regulation.

All the Deputy Adjutants General shall perform their duties according to the wishes of the Commander-in-Chief.

Section 210. — Conformity to standard of Armed Forces of the United States of America. (25 L.P.R.A. § 2061)

(a) The Military Forces of Puerto Rico, insofar as possible, shall be organized, uniformed, armed and equipped with the same type of uniform, arms and equipment prescribed for the Armed Forces of the United States of America.

(b) The training and discipline of the Military Forces of Puerto Rico shall be in accordance with the system prescribed for the Armed Forces of the United States of America.

Section 211. — Location of units; minimum personnel. (25 L.P.R.A. § 2062)

The units of the Military Forces of Puerto Rico shall be located at such places as the Commander-in-Chief may determine, and shall be maintained at all times in regard to commissioned and enlisted men with troops of not less than the minimum prescribed by law or by regulations promulgated by the President of the United States of America for the case of the National Guard of Puerto Rico or by the Governor of the Commonwealth of Puerto Rico.

Section 212. — Selection and qualification of officers. (25 L.P.R.A. § 2063)

(a) Officers and Warrant Officers of the Military Forces of Puerto Rico shall be selected from among the following classes:

- (1) Enlisted men of the National Guard of Puerto Rico.
- (2) Members of the Armed Forces of the United States of America in Federal Active Military Service or retired or former members of said forces.
- (3) Graduates from officers school and academies of the Military Forces of Puerto Rico or of the Armed Forces or the Reserve Officers Training Corps of the United States; Provided, That in the technical branches, corps and other services of the Staff may be appointed persons selected from classes other than those above-mentioned provided they are specially fit to render services in the same offices and whose appointments are made in accordance with the proceeding that the President of the United States of America or the Commander-in-Chief may prescribe by regulation to that effect.

(b) The Officers and Warrant Officers shall comply with the following requirements:

- (1) Be citizens of the United States.
- (2) Enjoy good conduct and repute.
- (3) Not to be addicted to the use of drugs or intoxicating beverages.
- (4) Not to have been convicted of a felony or to have been involved in attempts to overthrow the government by force, nor of belonging or having belonged to a group whose purpose was to do so.
- (5) Comply with such personal, professional and ability requirements established by the laws and regulations of the Armed Forces of the United States or of the Commonwealth of Puerto Rico.

Section 213. — Appointment and oath for officers. (25 L.P.R.A. § 2064)

All officers of the Military Forces of Puerto Rico shall be appointed by the Commander-in-Chief and shall be designated to serve in the units to which appointed. Said officers and enlisted men shall serve and take oath of their office in accordance with the regulations in force.

Section 214. — Promotion of officers. (25 L.P.R.A. § 2065)

Officers of the Military Forces of Puerto Rico shall be promoted in accordance with the regulations in force promulgated by the Bureau of the National Guard of the United States or by the Commander-in-Chief.

Section 215. — Separation of officers from service. (25 L.P.R.A. § 2066)

7(a) The Adjutant General may, acting in behalf of the Commander-in-Chief, investigate through a court of investigation designated to such effect, the moral conduct, capacity and general competence that any officer of the Military Forces of Puerto Rico may have for the service or office he is holding. The said court of investigation shall be composed of three officers from the Military Forces of Puerto Rico with a superior rank, insofar as possible, than the officer under the investigation in question. Once the investigation is made through the holding of hearings and upon the receipt of proof as the court of investigation may deem advisable and necessary, if the findings of said investigation should be unfavorable to said officer and such findings are approved by the Commander-in-Chief, the said officer may, among other administrative sanctions of imposing nature, be discharged from the unit to which he belonged and from the Military Forces of Puerto Rico.

(b) The position of officer in the active service of the Military Forces of Puerto Rico shall become vacant for any of the following reasons:

- (1) The transfer of said officer to the inactive National Guard roll;
- (2) the resignation of the officer;
- (3) physical disability;
- (4) by recommendation of a court of inquiry;
- (5) by sentence of a military court;
- (6) by action of the Adjutant General, [or]
- (7) by action of the Commander-in-Chief of the Military Forces of Puerto Rico.

Section 216. — Responsibility for military property (Officer or Warrant Officer). (25 L.P.R.A. § 2067)

Any member of the Military Forces of Puerto Rico to whom the custody of military equipment or property is entrusted shall be liable for it from his own purse in case of loss of or damages to said property due to his carelessness or negligence.

Section 217. — Officers retained as supernumerary while settling their accounts. (25 L.P.R.A. § 2068)

Any officer whose functions comprise the handling and custody of funds or property who resigns therefrom without having first submitted a correct liquidation of his accounts may, in the discretion of the Adjutant General, be released from his post and retained as supernumerary pending liquidation and approval of such accounts.

Section 218. — Bonds to officers. (25 L.P.R.A. § 2069)

The Adjutant General may require a bond for the amount he may deem adequate from any officer whose functions comprise the handling of funds or military property. Said bonds shall answer for the faithful fulfillment of the duties of the bonded person. The premiums of said bonds shall be paid from Commonwealth funds appropriated to the Military Forces of Puerto Rico.

Section 219. — Administering of oath. (25 L.P.R.A. § 2070)

The officers of the Military Forces of Puerto Rico are hereby authorized and empowered to take oaths and affirmations in all matters related to the Military Forces of Puerto Rico. Any person who falsely takes an oath or renders an affirmation before any of said officers shall be guilty of perjury, and upon conviction thereof shall be punished pursuant to the provisions of this part.

Section 220. — Enlistment in the Military Forces of Puerto Rico. (25 L.P.R.A. § 2071)

The term, the enlistment requirements, the enlistment contract that must be subscribed to that effect and the proper oath for induction in the Military Forces of Puerto Rico shall be as provided in the regulations promulgated to that effect by the Commander-in-Chief and such regulations shall contain the standards corresponding to the regulations prescribed by the Armed Forces of the United States of America.

Section 221. — Discharge of enlisted men from the Military Forces of Puerto Rico. (25 L.P.R.A. § 2072)

(a) The officers and men enlisted in the Military Forces of Puerto Rico shall be discharged in accordance with this part, the regulations or prescriptions provided by the Bureau of the National Guard of the United States of America or by the Commander-in-Chief. In times of peace, licenses may be granted prior to the expiration of the enlistment period, pursuant to the rules and regulations that the Commander-in-Chief may prescribe, subject to the restrictions imposed to such effects by the laws or regulations in force promulgated by the Congress or the President of the United States.

(b) The Adjutant General may, acting in behalf of the Commander-in-Chief, investigate, through an investigating officer appointed for the purpose, the moral conduct, ability and general fitness for the service or office held by any enlisted member of the Military Forces of Puerto Rico. If from the report of the investigating officer the Adjutant General determines that the moral conduct, ability and general fitness for the service or office held by said enlisted member affects, is contrary to, or constitutes a risk to the good name, interest or discipline of the Military Forces of Puerto Rico or the Commonwealth or national safety, the said enlisted member may, among other impossible sanctions of administrative nature, be dismissed and discharged from the unit to which he belongs and from the Military Forces of Puerto Rico.

Section 222. — Federal recognition, transfer or disbandment of units. (25 L.P.R.A. § 2073)

The Commander-in-Chief may request from the corresponding authority of the United States of America the federal recognition for units of the Military Forces of Puerto Rico so as to include them as part of the National Guard of the United States of America. Likewise, if the Commander-in-Chief considers that a company, battery or other unit of the Military Forces of Puerto Rico has failed to comply with the requirements of the law in matters of uniform, equipment, discipline, loyalty or efficiency he may disband said unit. In like manner, he may transfer the seat, military branch or service assigned to any unit when in his judgment the best

interests of the Commonwealth so advise or justify; Provided, That all action taken with reference to a unit of the National Guard of Puerto Rico which has federal recognition shall be carried out subject to the restrictions that may be imposed by the civil defense laws promulgated by the Congress of the United States or the regulations adopted to such effects.

Section 223. — Pay of officers and enlisted men in Commonwealth Active Military Service. (25 L.P.R.A. § 2074)

(a) When by order of the Commander-in-Chief, the Military Forces of Puerto Rico or any part thereof are inducted into the Commonwealth Active Military Service, compensation for the officers and men enlisted by said services shall be authorized in the same order that prescribed the induction; Provided, That the officers and enlisted men shall receive the equivalent compensation provided for officers and enlisted men of equal rank in the Army of the United States of America.

(b) When a member of the Military Forces of Puerto Rico in the Commonwealth Active Military Service is taken sick or suffers an injury by reason of such service, whereby he becomes disabled or requires hospitalization for a period of time longer than the term for which he was called to said Commonwealth Active Military Service, said member shall be maintained in Commonwealth Active Military Service while said disability or hospitalization lasts and until discharged by the medical authorities; and in addition to any other benefit or right to hospitalization or medical treatment to which he might be entitled by law as a government employee or official, he shall be entitled to receive the pay established in subsection (a) of this section for the time he so remains in Commonwealth Active Military Service.

Section 224. — Transportation, reimbursement of expenses and compensation of officers and enlisted men in special services other than commonwealth military service. (25 L.P.R.A. § 2075)

The personnel of the Military Forces of Puerto Rico serving on Martial Courts of Military Boards or who fulfill other duties by order of the Adjutant General shall receive adequate transportation to allow them to render the services assigned to them and they shall be reimbursed for the necessary expenses legally incurred in the execution of said duties which shall be paid by vouchers duly approved by the officers under whose orders the services have been rendered.

Section 225. — Calls of the Military Forces of Puerto Rico into Commonwealth Active Military Service. (25 L.P.R.A. § 2076)

In compliance with the provisions of the Constitution and the laws of the Commonwealth of Puerto Rico, when the public safety so requires it, in cases such as war, invasion, insurrection, rebellion, riot, public disturbances or imminent danger thereof, or any other serious disturbance of the public law and order or safety, and in case the civil authorities cannot face the same, the Commander-in-Chief may issue a written order to the Adjutant General to mobilize those units of the Military Forces of Puerto Rico that are needed to maintain or reestablish public law and order and guarantee the safety of lives and properties. Said order shall clearly define all the details of the mission to be carried out.

The Commander-in-Chief may also issue a written order to the Adjutant General to mobilize those Military Forces of Puerto Rico that are needed in cases of disasters caused by nature, such as a hurricane, storm, flood, earthquake, fire and other causes of force majeure, and in the event that civil authorities are unable to face the same, to attend to the situation created by the disaster which has occurred.

In the situations consigned in the second paragraph of subsection (b) of Section 207, the Commander-In-Chief may issue a written order to the Adjutant General, authorizing and providing for the use of National Guard equipment, assets and personnel that are needed to attend to that situation.

Section 226. — Military Forces of Puerto Rico in Commonwealth Active Military Service. (25 L.P.R.A. § 2077)

(a) The units of the Military Forces of Puerto Rico receiving mobilization orders in cases so required by public safety or in cases of disasters caused by nature as established in this part shall be considered in Commonwealth Active Military Service.

There shall also be considered in Commonwealth Active Military Service such officers and enlisted men discharging any duty assigned to them when so specified in the orders issued to such effect. In all the above cases, orders issued ordering induction into Commonwealth Active Military Service shall provide everything pertaining to the transportation to be provided, reimbursement of expenses incurred and the compensation, if any, to be paid for services to be rendered.

The order issued to this effect shall provide for the above mentioned and may further provide, should the case be thus, for the compensation corresponding by reason of the service rendered.

(b) In the event that a member of the Military Forces of Puerto Rico dies while he is in or as a result of Commonwealth Active Military Service, the Commonwealth of Puerto Rico shall pay his widow or in default thereof his legal heirs the funeral expenses actually incurred, but in no case shall such payment exceed the sum of two thousand dollars (\$2,000).

Section 227. — Responsibility of Adjutant General. (25 L.P.R.A. § 2078)

In case of the mobilization of the Military Forces of Puerto Rico, or part thereof, as above provided, the Adjutant General shall be responsible for the military operation involved, the men, arms and services to be used and the means that must be employed in compliance with the mission assigned by the Commander-in-Chief.

Section 228. — Character of the function of officers and enlisted men of the Military Forces of Puerto Rico in Commonwealth Active Military Service. (25 L.P.R.A. § 2079)

Officers and enlisted men of the Military Forces of Puerto Rico in Commonwealth Active Military Service shall have the character of public order officers, with all the powers and obligations inherent to such character when the Governor shall expressly so order or authorize.

Section 229. — Authority of Governor for the attachment of articles and to order the closing of establishments. (25 L.P.R.A. § 2080)

Whenever the Governor of Puerto Rico orders the mobilization and the induction of the Military Forces of Puerto Rico into the Commonwealth Active Military Service, or any part thereof, in accordance with the provisions of this part, the Governor may, upon a written order issued to such effect, order the attachment of stocks such as staple commodities, arms, ammunition, dynamite or other explosives as well as any other article or stock necessary for the carrying out of the mission entrusted to the Military Forces of Puerto Rico, all this upon the previous inventory when circumstances permit and he may also prohibit the sale, exchange, lending or donation by any establishment located in the place where the troops are stationed and which are engaged in the sale of articles such as arms, ammunition, dynamite or other explosives or of alcoholic beverages, being empowered further to order the closing of the said establishments. Once the emergency which originated the issuance of the above order is over, the stocks so attached shall be returned or pursuant to the proceeding provided to such effect, shall be adequately compensated for damages.

Section 230. — Exemption from juror service. (25 L.P.R.A. § 2081)

Every officer or enlisted man of the Military Forces of Puerto Rico shall, while in the Commonwealth Active Military Service, be exempt from juror's duties.

Section 231. — Leaves of absence to government employees. (25 L.P.R.A. § 2082)

All officers and employees of the Government of Puerto Rico or its political subdivisions, agencies and public corporations, who are members of the Military Forces of Puerto Rico, shall be entitled to a military leave of absence up to a maximum of thirty (30) days a year to be absent from their respective posts without the loss of pay, time or efficiency rating during the period in which they were rendering military services as part of their annual training or in military schools, when so ordered or authorized under the provisions of the laws of the United States of America or the Commonwealth of Puerto Rico. Provided, That when said Federal or Commonwealth Active Military Service is in excess of thirty days, such member of the Military Forces of Puerto Rico may complete such period of annual training or military school chargeable to any leave with pay accrued or any leave without pay to which he is entitled.

Section 232. — Leaves of absence to employees of private enterprises. (25 L.P.R.A. § 2083)

All officers or employees of private enterprise who are members of the Military Forces of Puerto Rico shall be entitled to military leaves of absence from their respective posts or employment without loss of time or efficiency rating during the period they were engaged in military service as part of their annual period of training or to comply with any call for Commonwealth Active Military Service made to members of the Military Forces of Puerto Rico.

Section 233. — Failure to report for duty; preventing or discriminating against for duty; penalties. (25 L.P.R.A. § 2084)

(a) Every member of the Military Forces of Puerto Rico who fails to report for duty to his Commanding Officer on the date and time prescribed by the Commander-in-Chief to report for duty in the Commonwealth Active Military Service or for duty other than the Commonwealth Active Military Service and all persons subject to the provisions of sections 203 and 204 of this Code, who having been duly summoned by a drafting officer, fail to appear as aforesaid, without a valid cause to justify their nonappearance in the cases set forth above, shall be deemed as absent without authorization or as deserters from duty, as the case may be, and shall be dealt with as prescribed in Title IV of this Code relative to Military Justice.

(b) Any employer who prevents, obstructs or does not allow a member of the Military Forces of Puerto Rico to be absent from his respective office or employment in order to report to military duty as part of his military training or in compliance with a call to Commonwealth Active Military Service, or who dismisses or in any other way discriminates against an employee by reason of his absences in the performance of any military duty as above mentioned or by reason of being a member of the Military Forces of Puerto Rico shall be guilty of a felony and upon conviction shall be punished by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment for not more than three (3) years, or both penalties, in the discretion of the court.

(c) Any employer who in violation of the provisions of subsection (b) of this section dismiss[es] or discriminates against one of his employees shall be bound to reinstate said employee in his employment or office without any loss of pay whatsoever, retroactive to the date of dismissal, and/or to reinstate him in all his rights, privileges and/or benefits, all retroactive to the date of dismissal or discrimination, as the case may be.

The right of an employee so dismissed or discriminated against to demand from his employer fulfillment of the obligation imposed by this subsection shall last six (6) months reckoning from the date of the dismissal or discrimination.

Section 234. — Protection of flag and uniform. (25 L.P.R.A. § 2085)

With respect to the norms for the protection of the flag, same shall be subject to the provisions of the laws applicable and to the Regulations of the Flag of the Commonwealth of Puerto Rico promulgated to such effect. The Commander-in-Chief shall promulgate rules for the protection of the uniform of the Military Forces of Puerto Rico, which shall be analogous to those established for the Army of the United States.

Section 235. — Military decorations. (25 L.P.R.A. § 2086)

The corresponding decorations and medals shall be authorized and awarded to members of the Military Forces of Puerto Rico for acts of gallantry or for exceptional or meritorious services while serving therein, pursuant to the rules and regulations that to such effect the Commander-in-Chief may prescribe.

Section 236. — [Repealed. Act No. 23 of July 23, 1991, Art. 24] (25 L.P.R.A. § 2087)

Section 237. — Maintenance of unauthorized troops prohibited. (25 L.P.R.A. § 2088)

The organization, drilling, or parading, or the attempt to organize, drill or parade on the part of any armed forces, other than the Military Forces of Puerto Rico authorized by this part, is hereby declared to be a felony punishable by imprisonment in the penitentiary for a term of not less than two years nor more than ten years or by a minimum fine of two thousand dollars (\$2,000) or a maximum of ten thousand dollars (\$10,000) or by both penalties in the discretion of the court.

Section 238. — Loss of employment; penalty. (25 L.P.R.A. § 2089)

Any employer who by himself, or through connivance with another person, deprives a member of the Military Forces of Puerto Rico from his employment or obstructs or impairs said member from obtaining such employment because of the fact of his belonging to such organization or who dissuades him from enlisting in the Military Forces of Puerto Rico under threat of bodily injury or another form of intimidation, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500) or imprisonment in jail not to exceed six (6) months, or both penalties, in the discretion of the court.

Section 239. — Matters not covered by this part. (25 L.P.R.A. § 2090)

All matters relative to the organization, discipline and direction of the Military Forces of Puerto Rico, not otherwise provided for in this code, shall be governed by the regulations which to that effect shall be promulgated by the Commander-in-Chief of the Military Forces of Puerto Rico.

Section 240. — Reports to the Secretary of the Treasury of Puerto Rico. (25 L.P.R.A. § 2091)

The National Guard of Puerto Rico shall render to the Secretary of the Treasury of Puerto Rico the same reports and statements relative to funds and properties belonging to the Military Forces of Puerto Rico under its custody as required from other dependencies and officers of the Commonwealth of Puerto Rico who have similar responsibilities.

Section 241. — Annual budget. (25 L.P.R.A. § 2092)

In the annual general budget of the Government of Puerto Rico there shall be assigned the sum as may be necessary to carry out the provisions of this part.

Section 242. — National Guard of Puerto Rico and the State Guard of Puerto Rico transferred to the Military Forces of Puerto Rico. (25 L.P.R.A. § 2093)

All military units, personnel and the equipment and any properties and obligations appertaining to the National Guard of Puerto Rico created by Act No. 28 of April 12, 1917, as amended, or

the State Guard of Puerto Rico, created by Act No. 28 of April 13, 1942, as amended, shall be transferred to the Military Forces of Puerto Rico as soon as this act takes effect, which shall acquire them with retroactive effect to said date in which the aforesaid acts took effect and the Secretary of the Treasury of Puerto Rico shall transfer and credit to the account of the Military Forces of Puerto Rico and funds appearing in the name of the National Guard of Puerto Rico or of the State Guard of Puerto Rico.

TITLE III. — STATE GUARD OF PUERTO RICO

TITLE III. — MILITARY JUSTICE

TITLE V. — MISCELLANEOUS PROVISIONS

Section 1413. — Separability Clause. (25 L.P.R.A. § 2001 note)

If any clause, paragraph, article, section or part of this act is declared unconstitutional by a court of competent jurisdiction said finding shall not affect or render invalid the remaining provisions of this act, but its effect shall be limited to the clause, paragraph, article, section or part of this act so declared unconstitutional.

Section 1414. — Repealing Clause. (25 L.P.R.A. § 2001 note)

Act No. 28 of April 12, 1917, as amended, known as the Military Code of Puerto Rico, Act No. 28 of April 13, 1942, as amended, known as the State Guard of Puerto Rico Act and Act No. 135 of May 9, 1941, known as the Home Guard of Puerto Rico Act, are hereby repealed.

Section 1415. — Effectiveness. — This act shall take effect ninety days after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.