

REGULATIONS GOVERNING SENIORITY, PROMOTION, AND SEPARATION FROM THE SERVICE OF RESERVE OFFICERS OF THE ARMED FORCES OF THE PHILIPPINES

EXECUTIVE ORDER NO. 260, July 24, 1957

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Pursuant to subsections (e) and (f), section 22, of the National Defense Act, as amended, I, Carlos P. Garcia, President of the Philippines, do hereby prescribe the following regulations governing seniority, promotion, and separation from the service of Reserve officers of the Armed Forces of the Philippines:

I. Seniority

1. a. The relative seniority of all Reserve officers prior to the promulgation of this Order shall be as established under Executive Order No. 212, dated July 6, 1939, and regulations not inconsistent therewith.
b. The names of all such officers shall be carried in separate promotion lists similar to those established for Regular officers of like grade.
2. The relative seniority of Reserve officers originally appointed in or promoted to any permanent grade on or after the promulgation of this Order shall be established as follows:
 - a. Their names shall be placed at the bottom of the applicable grade and promotion list established pursuant to paragraph 1 above, in the order of their effective dates of appointment or promotion.
 - b. Seniority among officers originally appointed on the same date and in the same grade and promotion list, shall be as specified in their orders of appointment.
 - c. Seniority among officers promoted to the same grade on the same date shall be in accordance with their relative seniority in the previous grade, unless otherwise required by operation of law.
3. a. Relative seniority established pursuant to paragraphs 1 and 2 above shall not hereafter be affected by active service nor changed except as a result of separations, appointments, promotions, loss of seniority pursuant to an approved sentence of a court-martial, and other changes due to the operation of law and regulations.
b. The Chief of Staff shall cause all changes in the promotion lists to be published at least once each year.

II. Promotion

4. Reserve officers on inactive status.—Reserve officers on inactive status shall become eligible for promotion to the next higher permanent grade upon satisfying the following minimum requirements:
 - a. There must be a vacancy in the peacetime procurement objective of the Reserve Force for the grades of Major and higher.
 - b. Completion of the following time in permanent grade (inactive and active); three (3) years as second lieutenant for promotion to first lieutenant; four (4) years as first lieutenant for promotion to captain; five (5) years as captain for promotion to major; six (6) years as major for promotion to lieutenant colonel; seven (7) years as lieutenant colonel for promotion to colonel; and two (2) years as colonel for promotion to brigadier general:

Provided, That any officer shall, for purposes of promotion in permanent grade, be credited with at least the same time in permanent grade as any officer below him in the same grade and promotion list.

c. Completion of twenty-one (21) days active, duty training in grade, or equivalent training prescribed, by the Chief of Staff, subject to waiver by the Chief of Staff or the Secretary of National Defense, as the exigencies of the service may require.

5. Reserve officers on extended tour of active duty for six months or more.—Reserve officers serving on extended tour of active duty for six (6) months or more shall be promoted in permanent and temporary grade in accordance with the laws and regulations prescribed for Regular officers of like grade and branch of service: Provided, That in applying to such Reserve officers the length of service requirements prescribed for the promotion of Regular officers, both the active and inactive service of such Reserve officers shall be counted.

b. The Reserve officers hereinabove specified, if found qualified, shall also be promoted in permanent grade whenever any Reserve officer on inactive status who is below them in the same grade and promotion list, is promoted in permanent grade.

c. Should the promotion of an officer by operation of subparagraph b above result in there being an excess of officers that can be maintained on active duty in that grade, the President may appoint and call him for extended tour of active duty in the next lower temporary grade. An officer serving in a lower temporary grade shall retain his permanent grade (inactive) in the Reserve Force.

d. As long as any Reserve officer continues to serve in a lower temporary grade, no other Reserve officer in the same promotion list shall (1) be called to an extended tour of active duty for six months or more in the permanent grade of the former; or (2) be promoted to the permanent grade of the former by operation of subparagraph a above.

6. Readjustment of Pre-War Grades.—a. Notwithstanding the provisions of this Order, all Reserve officers whose prewar grades have not as yet been readjusted shall be entitled to have such grades readjusted by not more than two grades above their permanent grades in 1941, under such rules and regulations as the Chief of Staff, upon approval by the Secretary of National Defense, may prescribe: Provided, That such readjustment of grades shall follow as closely as practicable the policies which governed the readjustment of the pre-war grades of Reserve Officers in 1948.

b. Should the readjustment in grade of any Reserve officer who is on extended tour of active duty for six months or more result in their being an excess of officers that can be maintained on active duty in that grade, the President may appoint and call such Reserve officer to active duty in the next lower temporary grade.

III. Separation from the Service

7. Methods.—Appointments of officers in the Reserve Force of the Armed Forces of the Philippines are terminated by:

- a. Death
- b. Resignation
- c. Discharge
- d. Forfeiture
- e. Dismissal
- f. Dropping from the rolls

8. Death.—The death of a Reserve officer on active duty shall be reported as prescribed in the case of a Regular officer. The death of a Reserve officer on inactive status shall be reported by the commander of the Military Area

where the death occurred to the Adjutant General, giving the place, date, and circumstances. All persons in the military service are enjoined to report the death of any Reserve officer on inactive status coming to their notice, should they have reason to believe that such report will not otherwise be made. Each report of death should, whenever, practicable, include the name, address, and degree of relationship of the nearest relative.

9. Resignation.—Resignation of Reserve officers in whatever duty status shall be forwarded through military channels to the Adjutant General. They shall be tendered in letter form, shall be unconditional, and shall contain a statement of the reasons for which submitted. The resignation of a Reserve officer during the existence of a state of war or other grave emergency shall not be considered until six months after the war or grave emergency is terminated.

10. Discharge.—Any Reserve officer may be discharged at any time in the discretion of the President. Discharge shall be the form of separation in all cases not otherwise covered, including the following:

a. Misconduct, inefficiency, or other unfitness.—(1) Reports or charges of misconduct, inefficiency, or other unfitness on the part of any Reserve officer on extended tour of active duty for six months or more, shall be investigated and disposed of in the manner and under the regulations prescribed for Regular officers.

(2) Reports and charges of misconduct, inefficiency, or other unfitness on the part of any Reserve officer on inactive status shall be forwarded to the Commander of the Military Area wherein the Reserve officer resides, who shall cause such investigation to be conducted as he may deem necessary, or as may be directed by higher authority. When the Area Commander deems it necessary, or should the officer concerned so request in writing, he shall convene a suitable board of not less than three (3) officers to further investigate the matter. The officer whose fitness is being inquired into shall always be informed of the alleged misconduct, inefficiency, or other unfitness, and be given an opportunity for a hearing before a board of officers in person and/or by counsel, or by brief, as he may elect. At least one (1) Reserve officer on inactive status shall be included in the membership of such board. Proceedings of the board of officers, together with the action and recommendation of the convening authority, shall be forwarded to the Chief of Staff for appropriate action.

b. Inability to locate after reasonable effort; failure to reply to official communication.—Where the discharge of a Reserve officer on inactive status is recommended by the appropriate Area Commander, or other proper authority, because his whereabouts cannot be ascertained in spite of diligent efforts or because of his repeated failure to reply to official communications, copies of the communications returned unclaimed or remaining unanswered, or the substance thereof, together with the dates and addresses used and other pertinent information, shall be forwarded to the Adjutant General for appropriate action.

c. Other causes that may render desirable the discharge of a Reserve officer shall be reported to the proper Area Commander, or to the Adjutant General, Armed-Forces of the Philippines.

11. Forfeiture.—Any Reserve officer shall automatically forfeit his appointment in the Reserve Force upon (a) his final conviction of a crime involving moral turpitude before a civil court; or (b) his entry into the military service of a foreign country; or (c) his loss of Philippine citizenship.

12. Dismissal; Dropping from the Rolls.—a. A Reserve officer shall not be dismissed in time of peace except pursuant to the approved sentence of a court-martial.

b. A Reserve officer may be dropped from the rolls only when he is on active duty and pursuant to Article of War 117.

Except as may be necessary in ascertaining and preserving the relative seniority of Reserve officers pursuant to

paragraph 1 above, this Order supersedes Executive Order No. 213, dated July 6, 1939.

Done in the City of Manila, this 24th day of July, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(SGD.) CARLOS P. GARCIA

President of the Philippines

By the President:

(SGD.) FORTUNATO DE LEON

Executive Secretary

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