

REGULATIONS GOVERNING SENIORITY, PROMOTION, AND ELIMINATION OF OFFICERS OF THE REGULAR FORCE, PHILIPPINE ARMY

EXECUTIVE ORDER NO. 169, October 15, 1938

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Pursuant to the authority conferred upon me by the Constitution and the existing laws, I, Manuel L. Quezon, President of the Philippines, do hereby prescribe the following regulations governing seniority, promotion, and elimination of officers of the Regular Force in the Army of the Philippines:

I. Seniority

1. Regular officers shall take precedence over reserve officers of like grade.
2. The names of all officers of the Regular Force shall be carried on a seniority list which, when approved by the President, shall establish permanently the relative seniority of such officers, subject to exceptions made in accordance with these regulations. Officers thereafter promoted to any grade in the Philippine Army shall be placed at the bottom of the grade to which promoted and seniority in such grade shall be established according to total length of service therein, except that any officer of the Army may suffer loss of seniority at any time as the result of an approved sentence of a court-martial. Original appointments made by the President shall fix definitely in each case the position of the appointee on the seniority list.
3. The Chief of Staff shall cause all charges occasioned by separations, appointments, loss of rank by action of court-martial, and all other changes due to the operation of law or regulations to be entered on the approved seniority list, and, as corrected, this list shall be published to the Army at least once each year.

II. Promotion

4. The number of officers to be maintained in each grade above first lieutenant in the Regular Force is regulated by law. Promotion to any of these grades may be made only when the number of officers commissioned therein shall become less than that legally authorized.
5. Promotion shall not operate to change the arm or service in which an officer may be commissioned.
6. Third lieutenants shall be promoted to the grade of second lieutenant and second lieutenants shall be promoted to the grade of first lieutenant upon completion of two and five years commissioned service, respectively.
7. Whenever a vacancy occurs in a grade between that of captain and colonel, inclusive, it shall be filled by promotion of the senior officer in the next preceding grade, except that no officer may be promoted whose name is not then borne on the promotion eligibility list hereinafter described.
8. Any officer whose name is not borne on the promotion eligibility list at the time that he is due for advancement by reason of seniority shall be passed over and the next senior officer whose name is borne on such list shall be promoted: Provided, That an officer so passed over, but who is subsequently included in the promotion eligibility list by a second Efficiency Board shall occupy a position in the roster of officers of his grade according to the date

of his promotion.

III. Elimination

9. Any officer who shall have been passed over for promotion after having been declared ineligible for promotion by an Efficiency Board, shall, if declared ineligible for promotion by the next succeeding Efficiency Board, be discharged from the service.

10. Any time an officer fails, in the opinion of the Chief of Staff, to demonstrate satisfactory qualifications as an officer of the Regular Force, his name and record shall be presented to the Efficiency Board, which shall determine his suitability for retention in the service. If the Board deems the officer's services and qualifications to be satisfactory, he shall be continued in the service. If the Board finds the officer's services and qualifications to be unsatisfactory, it shall so report to the President, and upon approval by the President of the Board's findings, the officer concerned shall be discharged.

11. Any officer separated from the service for reasons other than his own misconduct, willful failure to perform his duties, the intemperate use of drugs or alcoholic liquor or vicious or immoral habits, shall be entitled to such gratuity as may be authorized by law; and, if he so requests, he shall be transferred to the Reserve Force to occupy therein the same grade in the same branch of the service as he was in when he was separated. He shall thereafter be eligible for promotion in the Reserve Force subject to the same examinations, tests, and conditions as may be prescribed by law or regulations for the promotion of other reserve officers.

IV. Efficiency Boards

12. An Efficiency Board shall be appointed annually by the President, who shall designate the Chairman thereof.

13. The Efficiency Board shall consist of not less than three nor more than five officers not below the grade of colonel, one of whom shall be an officer detailed for duty with the Constabulary, and one may be a retired officer.

14. Not more than one member may serve on two successive Boards, and any member serving on two successive Boards may not serve on another Board within a period of three years after his last service on said Board.

15. Neither the Chief of Staff nor the Deputy Chief of Staff may be a member of any Efficiency Board.

16. The Chief of Staff shall cause to be furnished to the Board the Seniority List of the Army, completely corrected to date, together with an estimate of the number of vacancies likely to occur in each grade during the ensuing year. He shall provide such office supplies and clerical assistance as may be required by the Board, and an officer to serve, without vote, as its Secretary. He shall make available to the Board the complete official records of officers on the active list of the Army, except that no document or record that has, during an officer's service, emanated from any source other than his proper military or civil superiors shall be submitted to, or considered by, the Board.

17. The Board shall inquire into and report upon the personal records and efficiency of particular officers that may be referred to it by the Chief of Staff. The Board shall recommend specifically in each case that the officer be retained, or that he be separated from the service. When separation is recommended, the report shall state whether or not such recommendation is based upon the officer's own misconduct, willful failure to perform his duties, the intemperate use of drugs or alcoholic liquor or vicious or immoral habits.

18. It shall determine annually the eligibility for promotion of officers between the grades of first lieutenant and lieutenant colonel, inclusive. It shall consider first the suitability for promotion of the senior officer in each grade, and shall proceed progressively to the consideration of the name of the next senior officer until the number of individuals it shall have listed as eligible for promotion shall be double the number of vacancies estimated by the

Chief of Staff as likely to occur in the next higher grade during the ensuing calendar year.

19. Should the Board omit from the eligibility list the name of any officer who has been found by the preceding Efficiency Board to be qualified for promotion to the next higher grade, it shall submit to the President a special report setting forth clearly the reasons for this omission. It shall promptly forward a copy of this special report, through the Chief of Staff, to the officer concerned. Any officer upon being passed over for promotion, or upon receipt of official notification that he is to be passed over, may appeal his case, in writing, to the President. Such appeal shall be submitted through the Chief of Staff within sixty days thereof, and may be accompanied by documentary supporting evidence. Pending such appeal he shall not be separated from the active list until his case shall have been decided against him by the President whose decision shall be final.

20. In determining the officer's eligibility for promotion or his suitability to remain in the service, the Board shall weigh his professional efficiency, experience, accomplishments, attitude, and ability; and his character and general value to the Government. No weight shall attach to any political, social, financial, or any other factor not military in nature.

21. Whenever an officer's physical qualifications are called into question, the case shall be referred, through the Adjutant General, to a Board of Medical Officers for determination of physical fitness.

22. The proceedings and decisions of Efficiency Boards shall be confidential. All decisions shall be reached by majority vote. Complete reports shall be submitted to the President at the earliest practicable date after their completion. Subject to such modifications as may be made by the President under the provisions of paragraph nineteen of this Order, the names of officers reported by the Board as eligible for promotion shall constitute for the several grades the Promotion Eligibility Lists. These shall be published to the service and shall remain unchanged during the calendar year to which they apply.

23. Executive Order Numbered Ten, dated January eleventh, nineteen hundred thirty-six, is hereby repealed.

Done at the City of Manila, this fifteenth day of October, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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