

[EXECUTIVE ORDER NO. 138, July 04, 1968]

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

Pursuant to subsections (e) and (f), Section 22 of the National Defense Act, as amended, I, FERDINAND E. MARCOS, President of the Philippines, do hereby prescribe the following regulations governing seniority, promotion, and separation from the service of Reserve Officers or the Armed Forces of the Philippines:

Section I. Promotion Lists. –

1. The names of all Reserve Officers shall be carried in promotion lists similar to those prescribed for the Regular Force.
2. The different promotion lists of Reserve Officers shall be of two categories:
 - a. Active, and b. Inactive
3. Officer in Inactive Status Called to Active Duty. – When an officer in the inactive status is called to active duty, his name shall be transferred from the inactive list to the appropriate promotion list of officers on active duty in accordance with Section II hereunder.
4. Officer on Active Duty Reverted to Inactive Status. – When an officer on active duty is reverted to inactive status, his name shall be transferred from the active list to the inactive list in accordance with Section II hereof.
5. Transfer from One Branch, Arm or Service to Another. – Any officer transferred from one branch, arm or service to another, the officers of which are contained in a different promotion list, shall have his name entered in such new promotion list among the officers of his grade in accordance with their relative seniority as hereunder defined.
6. The Chief of Staff, Armed Forces of the Philippines, shall cause to be published promotion lists at least twice a year and as often as he may prescribe to update and reflect current seniority of Reserve Officers.

Section II. Seniority. –

1. The relative seniority of Reserve Officers who were appointed on or prior to May 6, 1942, and established under Executive Order No. 260, series of 1957, shall not be affected by this Order.
2. The relative seniority of all other Reserve Officers in the different promotion lists

shall be determined as follows:

a. The officer with the longer active service in the permanent grade shall be senior and where such service is the same, the officer with the longer period of total active commissioned service shall be senior. Where such time in permanent grade and total commissioned service are still the same, seniority shall be determined by their original appointment and in cases not covered by the foregoing, seniority shall be determined by age.

b. 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:

(1) Seniority among officers originally appointed on the same date and in the same grade and promotion list shall be as specified in their order of appointment.

(2) Seniority among officers promoted to the same grade on the same date and in the same grade and promotion list shall be as specified in their promotion orders. Their names shall be placed at the bottom of the applicable grade and appropriate promotion list established under Section I of this Order in the order of their effective dates of appointment or promotion, except as otherwise provided.

(3) Reserve Officers in active duty promoted under the "third-vacancy" selection as provided in pertinent laws shall not suffer loss of seniority by operation of this Order. They shall retain the same relative standing and shall not be placed below any officer in either active or inactive list to which, upon the effectivity of this Order, they were senior.

Section III. Promotion and Appointment. –

1. Active List. – Officers on active duty shall be promoted in permanent and temporary grade in accordance with laws and regulations prescribed for Regular Officers: Provided, That in applying to Reserve Officers on extended tour of active duty the length of service requirements prescribed in the promotion of Regular Officers, both the active and inactive service of such Reserve Officers shall be counted: Provided, further, That any officer below another who has not completed the length of service requirements and/or time-in-inactive/active grade shall not be considered, even if eligible, for promotion until the officer above him finally becomes eligible and qualified for promotion to the next higher permanent grade.

2. Inactive List. – Officers in the inactive list shall be eligible for promotion to the next higher permanent grade subject to the following conditions:

a. There must be a vacancy in the peace time procurement objective of the Reserve Force for the grades of Major and higher: Provided, That such promotional vacancy shall be over and above those authorized for the active list.

b. Completion of the following time in permanent grade (inactive and active) for promotion in the grades indicated or their equivalent naval grades:

(1) To First Lieutenant – three (3) years as Second Lieutenant.

(2) To Captain – four (4) years as First Lieutenant.

(3) To major – five (5) years as Captain.

(4) To Lieutenant Colonel – six (6) years as Major.

(5) To Colonel – seven (7) years as Lieutenant Colonel.

(6) To Brigadier General – two (2) years as Colonel.

c. Completion of:

(1) Six (6) months or more of active service in grade, or

(2) Annual active duty training requirements in grade, or

(3) Non-resident instruction/schooling corresponding to grade, or

(4) Resident schooling authorized by the Secretary of National Defense: Provided: That any officer below another who has not completed the length of service and/or time-in-inactive/active grade shall not be considered, even if eligible, for promotion until the officer above him finally becomes eligible and qualified for, promotion to the next higher permanent grade: and Provided further. That notwithstanding the waiver of pay and allowances by an officer during annual active tour in the AFP, the period spent in a particular grade shall, for purposes of seniority only, be credited in his favor as active service in such grade: Provided, Finally; That such active training, schooling or tour shall also include assembly or mobilization tests and such similar activities actually involving the physical presence of reservists in the AFP.

d. In selecting any inactive officer for promotion to field and general grades or their equivalent, the academic qualifications and the position and activities in the private or government sector of the officer which may be comparable to like positions in the table of organization/distribution of the AFP shall be considered, other provisions of this section notwithstanding.

3. The age grouping of reservists provided in Commonwealth Act No. 1 is hereby made applicable to inactive Reserve Officers. If any officer exceeds the age limit prescribed for the Third Reserve, he shall continue to be carried in the inactive list and shall be, while in said list, eligible for promotion under the criteria set forth in this Order governing officers in the inactive list until he reaches the age of compulsory retirement prescribed by law for officers on active duty. Thereupon, his name shall be removed and placed in a separate list as the Secretary of National Defense shall prescribe. Officers whose ages are beyond the Third Reserve shall not be called to active duty with the Armed Forces except in case of war or national emergency.

4. Reappointing in Higher Grade – Any inactive Reserve Officer may resign his commission for the purpose of accepting a new commission to a higher grade under the same or different laws or regulations: Provided, That:

a. The grade to which said officer may be reappointed shall not be higher than his contemporaries who have been continuously on active duty and who were originally