

[EXECUTIVE ORDER NO. 169, October 15, 1938]

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

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 changes 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