

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 212
REGULATIONS GOVERNING SENIORITY, PROMOTION, AND SEPARATION FROM THE
SERVICE, OF OFFICERS OF THE RESERVE 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 separation from the service, of officers of the Reserve Force of the Philippine Army:

I. *Seniority*

1. Regular officers shall take precedence over reserve officers of like grade.
2. The names of all officers of the Reserve 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 Reserve Force of 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 the total length of active 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. *Basic requirements.*—Subject to the approval of the President, all promotions of officers in the Reserve Force shall be made by the Chief of Staff upon recommendation of the Chief of Arm or Service or the district commander who has assignment jurisdiction in each case. Every recommendation for the promotion of a reserve officer submitted to the Adjutant General must show that all of the following five conditions are fulfilled:

- (a) He must hold a certificate of capacity for the next higher grade indicating that he has satisfactorily completed specified correspondence courses prescribed by the Chief of Staff.
- (b) There must be an appropriate vacancy under the peacetime procurement objective of the Philippine Army.
- (c) He must have served a minimum time in grade as follows:

| | Years |
|-------------------------------|-------|
| As a third lieutenant | 2 |
| As a second lieutenant | 3 |
| As a first lieutenant | 4 |
| As a captain | 5 |
| As a major | 6 |
| As a lieutenant-colonel | 7 |

(d) He must have completed the prescribed correspondence or other educational courses prescribed by the Chief of Staff for his arm (or service) and grade.

(e) He must have had during his service in grade completed at least twenty-one days' active duty training and received therefor an efficiency report (P. A. Form No. 13A) of at least "Satisfactory:" *Provided*, That reserve officers called to extended tour of active duty for six months or more, shall be promoted to the next higher grade in the same manner that Regular Army officers of like grade are promoted, subject to paragraph four (c) above: *and provided, further*, That commissioned service in the Officers' Reserve Corps, United States Army, Philippine Constabulary and Philippine Army shall be credited in computing the length of service in each grade as prescribed above.

III. Separation from the service

5. *Methods*.—Appointments of officers in the Reserve Force of the Philippine Army are terminated by:

- (a) Death.
- (b) Resignation.
- (c) Discharge.
- (d) Dismissal or dropping from the rolls.

6. *Death*.—The death of a reserve officer on active duty shall be reported as prescribed in the case of a Regular Army officer. The death of a reserve officer on inactive status shall be reported by the commanding officer of the district 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.

7. *Resignation*.—Resignations 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.

8. *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) *Physical disqualification.*—Requests or recommendations for discharge by reason of physical disqualification shall be forwarded through military channels to district commanders, who shall forward them to the Adjutant General with suitable evidence and recommendation for determination as to discharge or transfer to another section of the Reserve Force or waiver physical disqualification.

(b) *Misconduct, inefficiency, or other unfitness.*—In time of peace reports of misconduct, inefficiency, or other unfitness on the part of any reserve officer shall be forwarded to the district commander, who shall cause such investigation to be made as may be deemed necessary, or as may be directed by higher authority. When the district commander deems it necessary, or should the officer concerned so request in writing, he shall convene a suitable board of not less than three officers to further investigate the matter and make recommendations. The officer whose fitness is being inquired into shall always be informed of the alleged misconduct, inefficiency, or other unfitness, and be given opportunity for a hearing before the board of officers, either in person, by counsel, or by brief, as he may elect. At least one 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 Adjutant General for final action.

(c) *Inability to locate after reasonable effort, also failure to reply to official communications.*—Where the discharge of a reserve officer is recommended by the corresponding district commander, or chief of arm or service, because his whereabouts cannot be ascertained in spite of diligent effort or because of his repeated failure to reply to official communications, copies of the communications returned unclaimed or remaining unanswered shall be inclosed, but the substance thereof, with the date or dates and address or addresses used, may be stated instead; any other means used to communicate with the reserve officer shall also be reported.

(d) *Conviction by civil court.*—Any reserve officer convicted of a crime involving moral turpitude before a civil court shall be discharged. All persons in the military service are enjoined to report, through military channels, the conviction of any reserve officer coming to their notice.

(e) *Entry into service of a foreign country.*—The entry of a reserve officer into the military service of a foreign country or his departure from the Philippines for such purpose shall be considered ground for immediate discharge.

(f) *Miscellaneous.*—Circumstances may arise, not otherwise provided for herein, that render desirable the discharge of a reserve officer. Such circumstances shall be reported through military channels to the Adjutant General with appropriate recommendation.

9. *Dismissal.*—The dismissal or dropping from the rolls of a reserve officer shall occur only when he is on active duty, and is governed by the one hundred and seventeenth Article of War.

Done at the City of Manila, this sixth day of July, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

Source: Presidential Museum and Library

Office of the President of the Philippines. (1941). *Messages of the President* (Vol. 5, Prt. 1). Manila: Bureau of Printing.