MALACANANG
RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 138

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 of 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 rever-
ted 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 effectiveness 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 peacetime 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 appointed in the initial grade, arm or services with such officer: Provided, further, That if there is no officer satisfying such condition, the grade, arm or service to which the officer may be reappointed shall be based on the grade of the contemporary officer having the longest active commissioned service and in the absence of any such contemporary officer, the Chief of Staff, AFP, shall recommend the appropriate grade in accordance with existing laws and regulations;
b. Said officer shall have demonstrated ability and competence in the private or government sector to warrant such reappointment;

c. Said officer satisfies physical and mental examinations required for commission prescribed under pertinent regulations. For purposes of this order, the word "contemporary" or "contemporaries" as used herein, shall mean officers originally appointed in the initial grade together with the officer under consideration, but shall not include those who, for some reason, are lower in grade than other contemporaries due to an approved administrative or court-martial action or deferment of promotion; and

d. Said officer shall not be called on extended tour of active duty within one year after appointment, except in time of war or national emergency.

5. Appointment in the Reserve Force Due to Resignation from the Regular Force. - Any officer who resigns his commission in the Regular Force may, upon recommendation of the Chief of Staff, AFF, be appointed in the Reserve Force in the last grade held. Such resignation from the Regular Force and reappointment in the Reserve Force shall, upon approval by the President, be simultaneously announced in appropriate AFF orders. He shall be carried in the appropriate inactive promotion list and shall be eligible for promotion under the same criteria governing other officers in the list. Provided, That he shall not be called on extended tour of active duty except in case of war or national emergency.

6. Temporary Grades. - Any officer called to extended tour of active duty under existing laws from any grade in the inactive status shall not
assume a grade in the active status higher than his contemporaries who have been continuously on active duty and in the absence of such contemporaries, a grade higher than such contemporary officer with the longest active commissioned service. The seniority placement of such officer called to active duty in the proper active promotion list shall be governed by Section II hereof. The Secretary of National Defense is authorized to issue appropriate orders granting temporary lower grades to such officers in contemplation of this provision simultaneously with the issuance of orders for call to active duty. Such temporary grade shall automatically be restored to permanent grade upon the effective date of reversion to inactive status or of the promotion by seniority of any officer below him in the active list to the next higher grade corresponding to the permanent grade of the former: Provided, That this restoration to permanent grade shall not apply if the latter is promoted by third-vacancy selection provided by law: Provided further, That any officer now in the active service who was promoted or reappointed under the provisions of paragraphs 2 and 4 of this Section shall not, within the initial period of extended tour of active duty authorized by law, suffer any reduction of grade: and, Provided, finally, That if such officer elects to continue and is subsequently retained in the active service after the normal tour of active duty, the provisions of this paragraph shall fully apply to him and to any Reserve Officer hereafter called to extended tour of active duty.

7. Any retired enlisted person holding reserve commission shall be carried in the inactive list of Reserve Officers until he reaches the age of compulsory retirement prescribed by law on which date, his name shall be removed therefrom in accordance with paragraph 3 above: Provided, That while in the inactive list, such person shall be called to extended tour of active duty only in case of war or national emergency and within a reasonable period not exceeding six (6) months after the termination of such hostilities or emergency, he shall be reverted to inactive status and restored to retired enlisted status.
Section IV. Separation of Reserve Officers. - Appointments of officers in the Reserve Force of the Armed Forces of the Philippines are automatically terminated by death, resignation, or an approved administrative or court-martial action.

1. Death. - The death of a Reserve Officer on active duty shall be reported as in the case of a Regular Officer. The death of a Reserve Officer on inactive status shall be officially reported by the Commander of the Major Service concerned to the Chief of Staff, AFP, 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 to the nearest military installation, 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.

2. Resignation. - Resignation of Reserve Officers in whatever duty status shall be forwarded through military channels to the Chief of Staff, AFP. 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 (6) months after the war or grave emergency is officially declared terminated.

3. Administrative or Court-Martial Action. - Any Reserve Officer found physically unfit for active field duty shall be automatically separated from the service. If he is in the active service, he shall be governed by pertinent rules and regulations applicable to Regular Officers; if in the inactive status, under such rules and regulations as may be prescribed by the Secretary of National Defense. Reserve Officers separated from the service under the the following categories shall, in addition, forfeit his appointment:
a. Due to an approved administrative action involving inefficiency, misconduct or moral turpitude or approved sentence of a court-martial;

b. Due to final conviction of a crime involving moral turpitude before a civil court;

c. Inability to be located after reasonable effort or failure to reply to official communication;

d. Entry into the military service of a foreign country;

e. Loss of Philippine citizenship;

f. Other causes as the Secretary of National Defense may determine.

Section V. Repeal. - Except as necessary to give effect to Section II-1 hereof, Executive Order No. 260, dated July 24, 1957, and all regulations inconsistent herewith are hereby revoked.

Done in the City of Manila, this 4th day of July, in the year of Our Lord, nineteen hundred and sixty-eight.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(SGD.) RAFAEL M. SALAS
Executive Secretary