

[EXECUTIVE ORDER NO. 337, September 13, 1989]

PRESCRIBING REGULATIONS GOVERNING THE DISCHARGE OR SEPARATION BY ADMINISTRATIVE ACTION OR OFFICERS OF THE REGULAR FORCE AND RESERVE OFFICERS ON EXTENDED TOUR OF ACTIVE DUTY IN THE ARMED FORCES OF THE PHILIPPINES.

Pursuant to the authority conferred upon me by the Constitution and existing laws, I, CORAZON C. AQUINO, President of the Philippines, do hereby prescribed the following rules and regulations governing the discharge or separation by administrative action of officers of the Regular Force and Reserve Officers on extended tour of active duty for six months or more in the Armed Forces of the Philippines.

I. DISCHARGE OR SEPARATION FROM THE SERVICE

1. Officers of the Regular Force and Reserve Officers serving on extended tour of active duty for six months or more in the Armed Forces of the Philippines shall be administratively discharged or separated from the service only upon the approval of the President. Unless otherwise specifically provided by law, such discharge or separation shall be in accordance with the regulations and procedures set forth in this Order and in implementing regulations not inconsistent therewith.

2. *a.* When an officer of the Regular Force or a Reserve Officer on extended tour of active duty for six months or more commits any act of misconduct of such nature and gravity as to warrant his discharge or separation from the service, his name and record shall be referred by the Chief of Staff, Armed Forces of the Philippines or by the Commander of the Major Service to which he belongs, to the appropriate Efficiency and Separation Board as hereinafter provided, for the determination of his suitability or fitness for retention in the service.

b. The Chief of Staff, Armed Forces of the Philippines, and the Major Service Commanders shall from time to time, or as the need arises, cause the review of the personal records and efficiency of officers under their command and refer to the appropriate Efficiency and Separation Board the names and records of those officers who failed to demonstrate satisfactory qualifications and efficiency as another.

c. When an officer's elimination is made mandatory by operation of that provisions of Republic Act No. 291 as mended, or other pertinent law, his name and record shall be referred forthwith to the appropriate Efficiency and Separation Board. It shall be the sole function of the Board in such case to determine whether the officer's separation is due to his misconduct, willful failure to perform his duties, the intemperate use of drugs or alcoholic liquor or vicious or immoral habits.

3. Any officer discharged or 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, pension, separation pay, or retirement benefits as may be authorized by law.

II. EFFICIENCY AND SEPARATION BOARDS

4. An Efficiency and Separation Board shall be and is hereby established for the General Headquarters, Armed Forces of the Philippines, and for each of the Major Services of the Armed Forces of the Philippines. The members of the several Boards shall be appointed upon recommendation of the Chief of Staff, Armed Forces of the Philippines, by the Secretary of National Defense, who shall designate the Chairman thereof.

b. An Efficiency and Separation Board shall be composed of not less than five nor more than seven officers, one of whom is a member of the Judge Advocate General's Service and who shall be appointed from among officers assigned to the command to which the Board pertains. As far as practicable, the members shall be senior in permanent grade to any officer being considered for discharge or separation by the Board and shall not be below the permanent grade of Colonel or Captain in the Navy.

c. The members of each Efficiency and Separation Board shall serve for a term of two years unless sooner relieved by the Secretary of National Defense. Before entering upon the discharge of their duties, the members shall take their oath of office.

d. No member shall serve in the Efficiency and Separation Board for more than sufficient competence, prudence, impartiality and judicial temperament shall be appointed as members of the Board.

e. The Chief of Staff, the Vice Chief of Staff, the Deputy Chief of Staff, and the Deputy Chief of Staff for Personnel, Armed Forces of the Philippines; and the Commander, Deputy or Vice Commander, Chief of Staff and Assistant Chief of Staff for Personnel of any Major Service shall not be eligible for appointment as a member of Efficiency and Separation Board.

5. *a.* The Commander of the command to which the Efficiency and Separation Board pertains shall designate an officer of suitable rank to serve, without vote, as Secretary for the Board. The Secretary shall have the power to issue subpoena and subpoena duces tecum, when directed by the Chairman of the Board, in connection with cases pending before said Board.

b. The Commander of the command to which the Board, pertains shall also designate a Prosecuting Officer to prosecute cases before the Board, present evidence of alleged misconduct and/or inefficiency against the respondent officer, and refute his defense. The commander shall also designate a Military Defense Counsel to assist the respondent officer.

c. The Commander of the command to which the Efficiency and Separation Board pertains shall also provide such office supplies, logistical support, clerical assistance and office space as may be required by the Board.