

**[ EXECUTIVE ORDER NO. 302, May 05, 1958 ]**

**REGULATIONS GOVERNING THE DISCHARGE OR SEPARATION BY ADMINISTRATIVE ACTION OF OFFICERS IN THE REGULAR FORCE AND RESERVE OFFICERS ON EXTENDED TOUR OF ACTIVE DUTY**

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

**I. DISCHARGE OF SEPARATION FROM THE SERVICE**

1. Officers of the Regular Force, Armed Forces of the Philippines, and Reserve Officers serving on extended tour of active duty for six months or more 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 procedure set forth in this Order and implementing regulations not inconsistent therewith. Whenever used in this Order, the words "officer" and "officers" shall be understood to refer to an officer or officers of the Regular Force and to an officer or officers of the Reserve Force serving on extended tour of active duty for six months or more.

2. a. Whenever the Chief of Staff, Armed Forces of the Philippines, or the Commander of a Major Service believes that an officer under his command has failed to demonstrate satisfactory qualifications as an officer, his name and record shall be submitted 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 several Efficiency and Separation Boards shall annually review the personal records and efficiency of all officers assigned to the command to which the Boards pertain. They shall recommend for discharge or separation those whose qualifications and efficiency are unsatisfactory.

c. When an officer's elimination from the Regular Force is made mandatory by operation of the provisions of Republic Act No. 291, as amended, 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 cases to determine whether the officer's separation is due to his misconduct, willful failure, 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. a. 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 by the Secretary of National Defense, who shall designate the Chairman thereof.

b. The members of each Efficiency and Separation Board will serve for a term of one year, 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.

5. Each Efficiency and Separation Board shall have jurisdiction to pass upon the discharge or separation of officers assigned to the Major Service to which the Board pertains. All general and flag officers, irrespective of their assignment, and officers assigned to the General Headquarters, Armed Forces of the Philippines, and units directly under it, shall fall under one jurisdiction of the Efficiency and Separation Board for the said General Headquarters.

6. a. An Efficiency and Separation Board shall be composed of not less than three nor more than seven officers who shall be appointed from among officers assigned to the command to which the Board pertains. As far as practicable, the voting members shall be senior in permanent grade to any officer being considered by the Board and shall not be below the permanent grade of Colonel.

b. The Chief of Staff, the Vice-Chief of Staff, the Deputy Chief of Staff, and the Assistant Chief of Staff for Personnel of the 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 a member of any Efficiency and Separation Board.

c. No member shall serve on the same Board more than twice consecutively.

7. The Commander of the command to which the Efficiency and Separation Board pertains shall provide such office supplies, clerical assistance, and office space as may be required by the Board. He shall designate an officer to serve, without vote, as its Secretary. The Board shall be furnished with the complete official records of the officers falling under its jurisdiction.

8. a. The proceedings and decisions of the Board shall be confidential. A majority of all the members of the Board shall constitute a quorum. All decisions shall be reached by a majority vote of the members present.

b. In determining the officer's suitability to remain in the service, the Board shall weigh his proficiency, experience, accomplishments, attitude, ability, and his character and general value to the service. Due weight shall be given to such findings and recommendations of a Selection Board, pursuant to Republic Act No. 291, as amended, as may have a bearing on the officer's present fitness for retention in the service. No weight shall attach to any political, social, financial, or any other factor not military in nature.