

[EXECUTIVE ORDER NO. 10, January 11, 1936]

ARMY PROMOTION REGULATIONS

I, Manuel L. Quezon, President of the Philippines, under authority conferred upon me by the Constitution and the existing laws, do hereby prescribe the following regulations for controlling seniority among officers commissioned in the active elements of the military forces now or hereafter to be authorized by law in the Commonwealth of the Philippines and for governing promotion of all officers below the grade of colonel therein.

I. Seniority

1. Regular officers shall take precedence over reserve officers of like grade.
2. As soon as practicable after the initial establishment of a Regular Officer Corps in the Philippine Army, the Chief of Staff shall prepare an initial seniority list, on which shall appear the names of all officers then commissioned in the Army. When approved by the President this list shall establish permanently the relative seniority of such officers. Subject to specific exceptions occasioned by original appointments directed by the President, officers of the Philippine Constabulary and of the Philippine Army shall occupy the same relative standing among themselves in each of these categories as that obtaining at the time of transfer. Officers thereafter appointed or promoted to any grade to which appointed or 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.
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

1. 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.
2. (a) Promotion shall not operate to change the arm or service in which an officer may be commissioned.
- (b) Third lieutenants shall be promoted to the grade of second lieutenant and second lieutenant shall be promoted to the grade of first lieutenant upon the completion of two (2) and five (5) years commissioned service, respectively, but at

any time that a third or second lieutenant fails, in the opinion of the Chief of Staff, to demonstrate satisfactory qualifications as an officer of the Army his name and record shall be presented to the Promotion Eligibility Board, hereinafter prescribed, for consideration as to his suitability for retention in the service. If the Board deems the officer's service or qualifications to be unsatisfactory, it shall so report to the President, and upon his approval of the Board's findings the officer concerned shall be discharged.

(c) Whenever a vacancy may occur in a grade between that of captain and colonel, inclusive, it shall be filled by promotion of the senior officer in the grade next below, except that no officer may be promoted whose name is not then borne on the promotion eligible list, hereinafter described.

Any officer whose name is not borne on the eligible list for promotion at the time that he may become due for advancement by reason of seniority shall be passed over and the next senior officer whose name is so borne on the eligible list shall be promoted. Any officer so passed over shall, upon expiration of such accrued leave as may then be due him, be separated from the active list, and, if he so requests, transferred in grade, and in the same branch or service, to the Reserve Force. He shall thereafter be eligible for promotion in the Reserve Force subject to the same examination, tests and conditions as may be prescribed by regulations or law for promotion of other reserve officers.

3. Officers separated from the active list under the provisions of paragraph two, above, shall be entitled, unless the Board shall find that the reason for such separation is due to the officer's own misconduct or willful failure, to a cash bonus or to retired compensation as follows:

(a) If he shall have served a total of less than ten years as a commissioned officer in the active elements of the Constabulary or the Army of the Philippines, or both, he shall receive a bonus of one month's base and longevity pay, as received by him at the time of his separation, for each complete year of such service.

(b) If the length of his commissioned service, as above described, shall total ten years or more, he shall be entitled, as he may elect, either to a cash bonus on the same basis as provided above for officers of less than ten years service, or to a retired pay of one and one-half per centum of his base and longevity pay, as received by him at the time of his separation from the active list, multiplied by the number of complete years he shall have served as a commissioned officer.

III. *Promotion Eligibility Boards*

1. A Promotion Eligibility Board shall be appointed annually by the President.

2. *Composition of the Board.*—(a) The Promotion Eligibility Board shall consist of five members, of whom not less than four shall be from among the active officers of the Army not below the grade of colonel. One member may be a retired officer, not below the grade of colonel, or a civilian holding no government position of any kind, either elective or appointive.

(b) No civilian may serve on a Promotion Eligibility Board more than once.