

**[CSC MEMORANDUM CIRCULAR NO. 41 S. 1998,
December 24, 1998]**

**AMENDMENTS TO RULES I AND XVI OF THE OMNIBUS RULES
IMPLEMENTING BOOK V OF THE ADMINISTRATIVE CODE OF
1987 (EXECUTIVE ORDER 292)**

Pursuant to CSC Resolution No. 98-3142, s. 1998, this Commission adopts the amendments to Rule XVI (LEAVE) and the definitions of leave terms under Rule I of the Omnibus Civil Service Rules Implementing Book V of the Administrative Code of 1987 (Executive Order 292).

In view thereof, all existing Civil Service rules and regulations, Circulars and Memoranda inconsistent with these Rules are hereby repealed or amended accordingly.

Adopted: 24 Dec. 1998

(SGD.) CORAZON ALMA G. DE LEON
Chairman

Re: Amendments to the Omnibus Leave Rules

X.....X

RESOLUTION NO: 983142

Whereas, the Civil Service Commission as the central personnel agency of government embraces all branches, subdivision, instrumentalities, and agencies of the Government, including government-owned and controlled corporations with original charters;

WHEREAS, it is empowered by the Constitution to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and pertinent Laws;

WHEREAS, the Omnibus Rules Implementing Book V of the Administrative Code of 1987, otherwise known as Executive Order 292, was published on January 15, 1992 in the Philippine Star and same took effect thirty (30) days thereafter;

WHEREAS, since 1992, there have been developments in the area of leave such as the enactment of the Paternity LEAVE Act, issuance of CSC Memorandum Circulars Nos. 6 and 20, s. 1996 on special leave privileges (SLPs), and the issuance of various CSC Resolutions which clarify grey areas that cause misinterpretation of the existing leave provisions;

WHEREAS, there is a need to update provisions on leave, the same are not defined in Rule I (Coverage and Definition of Terms) of the Omnibus Rules;

WHEREAS, Human Resources Management Officers (HRMOs), representing certain occupation groups, such as teachers, faculty members, have been consulted in refining said leave amendments;

WHEREAS, it cannot be overemphasized the practicality of putting together in one single document all the issuances and/or amendments about leave for the guidance of government officials and employees;

NOW THEREFORE, the Commission in the exercise of this rule-making and policy formulation functions, RESOLVED as it hereby resolves to adopt the provisions of Rule XVI of the Omnibus Civil Service Rules (Omnibus Rules Leave). Likewise, definitions of terms used in leave shall be part of Rule I of said Omnibus Rules.

Quezon City, December 14, 1998.

(SGD.) CORAZON ALMA G. DE LEON
Chairman

(SGD.) THELMA P. GAMINDE
Commissioner

(SGD.) JOSE F. ERESTAIN, JR.
Commissioner

ATTESTED BY:

(SGD.) ARIEL G. RONQUILLO
DIRECTOR III

Omnibus Rules On Leave

RULE I

(p.) The following terms used in Rule XVI shall be construed as follows:

1. **Leave of absence** is generally defined as a right granted to officials and employees not to report for work with or without pay as may be provided by law and as the rules prescribe in Rule XVI hereof.
2. **Commutation of leave credits** refers to conversion of unused leave credits to their corresponding money value.
3. **Cumulation of leave credits** refers to incremental acquisition of unused leave credits by an official or employee.
4. **Immediate family** refers to the spouse, children, parents, unmarried brothers and sisters and any relative living under the same roof and dependent upon the employee for support.
5. **Sick leave** refers to leave of absence granted only on account of sickness or disability on the part of the employee concerned or any member of his immediate family.
6. **Vacation leave** refers to leave of absence granted to officials and employees for personal reasons, the approval of which is contingent upon the necessities of the service.

7. **Monetization** refers to payment in advance under prescribed limits and subject to specified terms and conditions of the money value of leave credits of an employee upon his request without actually going on leave.
8. **Pregnancy** refers to the period between conception and delivery or birth of a child. For purposes of maternity leave, miscarriage is within the period of pregnancy.
9. **Maternity** leave refers to leave of absence granted to female government employees legally entitled thereto in addition to vacation and sick leave. The primary intent or purpose of granting maternity leave is to extend working mothers some measures of financial help and to provide her a period of rest and recuperation in connection with her pregnancy.
10. **Paternity leave** refers to the privilege granted to a married male employee allowing him not to report for work for seven (7) days while continuing to earn the compensation therefor, on the condition that his legitimate spouse has delivered a child or suffered a miscarriage, for purposes of enabling him to effectively lend care and support to his wife before, during and after childbirth as the case may be and assist in caring for his new-born child.
11. **Vacation Service Credits** refers to the leave credits earned by public school teachers for services rendered during activities authorized by proper authorities during long and Christmas vacation. These credits are used to offset their absences due to illness or to offset proportional deduction in vacation salary due to absences for personal reasons or late appointment.
12. **Terminal leave** refers to money value of the total accumulated leave credits of an employee based on the highest salary rate received prior to or upon retirement date/voluntary separation.
13. **Special leave privileges** refers to leave of absence which officials and employees may avail of for a maximum of three (3) days annually over and above the vacation, sick, maternity and paternity leaves to mark personal milestones and/or attend to filial and domestic responsibilities.
14. **Relocation leave** refers to a special leave privilege granted to an official/employee whenever he/she transfers residence.

Rule XVI

Leave Of Absence

SECTION 1. Entitlement to leave privileges. — In general, appointive officials and employees of the government whether permanent, temporary, or casual, who render work during the prescribed office hours, shall be entitled to 15 days vacation and 15 days sick leave annually with full pay exclusive of Saturdays, Sundays, Public Holidays, without limitation as to the number of days of vacation and sick leave that they may accumulate.

SECTION 2. Leave of absence of part-time employees. — Employees rendering services on part-time basis are entitled to vacation and sick leave benefits proportionate to the number of work hours rendered. A part-time employee who renders four (4) hours of work five (5) days a week or a total of 20 hours a week is entitled to 7.5 days vacation leave and 7.5 days sick leave annually with full pay.

SECTION 3. Leave of absence of employees on rotation basis. — Employees on rotation basis shall be entitled to vacation and sick leave corresponding to the periods of service rendered by them. If an employee has been allowed to work in two or more shifts or rotation, the periods of actual service covered by each shift or rotation should be added together to determine the number of years, months and days during which leave is earned.

SECTION 4. Contractual employees are not entitled to leave credits as a matter of right. — In view of the nature of their employment, employees hired on contractual basis are not entitled to vacation, sick, and other special leave privileges. To offset their non-entitlement to leave benefits, contractual employees may be paid compensation twenty percent (20%) higher than the salaries of regular employees occupying equivalent positions. If contractual employees are not given the 20% premium, they should be entitled to vacation and sick leave.

SECTION 5. Leave credits of local elective officials. — Local elective officials started to be entitled to leave privileges effective May 12, 1983 only pursuant to Batas Pambansa 337. However, said leave was commutative but not cumulative. This means that local elective officials who did not commute said leave during the year earned are deemed to have forfeited the same.

However, starting January 1, 1992, local elective officials shall be entitled to leave privileges as those enjoyed by appointive local officials, including accumulation and commutation thereof.

SECTION 6. Teachers leave. — Teachers shall not be entitled to the usual vacation and sick leave credits but to proportional vacation pay (PVP) of 70 days of summer vacation plus 14 days of Christmas vacation. A teacher who has rendered continuous service in a school year without incurring absences without pay of not more than 1½ days is entitled to 84 days of proportional vacation pay.

Other leave benefits of teachers such as study leave and indefinite sick leave are covered by Section 24 and 25 of RA 4670 (Magna Carta for Public School Teachers).

SECTION 7. Other employees under teacher's leave basis. — Day Care Workers and all other appointive employees whose work schedule is the same as that of teachers, earn leave credits in accordance with Sections 6 and 9 hereof.

SECTION 8. Teachers who are designated to perform non-teaching functions. — Teachers who are designated to perform non-teaching functions and who render the same hours of service as other employees shall be entitled to vacation and sick leave.

SECTION 9. Vacation service credits of teachers. — Teachers' vacation service credits refer to the leave credits earned for services rendered on activities, during summer or Christmas vacation, as authorized by proper authority. These vacation service credits are used to offset absences of a teacher due to illness or to offset proportional deduction in vacation salary due to absences for personal reasons or late appointment. The manner by which service credits may be earned by teachers is subject to the guidelines issued by the Department of Education, Culture and Sports (DECS).

SECTION 10. Leave credits of officials and employees covered by special leave law. — The leave credits of the following officials and employees are covered by special

laws:

- (a) Justices of the Supreme Court, Court of Appeals and Sandiganbayan;
- (b) Judges of Regional Trial Courts, Municipal Trial Courts, Metropolitan Trial Courts, Court of Tax Appeals and Shari'a Circuit Court; and Shari'a District Court.
- (c) Heads of the Executive Departments, Heads of Departments, Undersecretaries;
- (d) Chairmen and Commissioners of Constitutional Commissions;
- (e) Filipino officers and employees in the Foreign Service;
- (f) Faculty members of state universities and colleges including those teaching in universities and colleges created pursuant to ordinance of the LGUS; and
- (g) Other officials and employees covered by special laws.

Hence, Justices and other government officials and employees covered by special laws should promulgate their own implementing rules relative thereto. Said implementing rules should be submitted to the Civil Service Commission for record purposes.

SECTION 11. Conditions for the grant of maternity leave. — Married women in the government service who have rendered an aggregate of two (2) or more years of service, shall, in addition to the vacation and sick leave granted them, be entitled to maternity leave of sixty (60) calendar days with full pay.

Maternity leave of those who have rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service, provided, that those who have served for less than one (1) year shall be entitled to 60-days maternity leave with half pay.

It is understood that enjoyment of maternity leave cannot be deferred but should be enjoyed within the actual period of delivery in a continuous and uninterrupted manner not exceeding 60 calendar days.

SECTION 12. Formula for the computation of maternity leave. — Employees who have rendered less than two (2) years of service may only receive full pay for a number of days based on the ratio of 60 days to 2 years of service.

Where: y	=	the no. of days in the service
x	=	the no. of days to be paid
2 years	=	720 days
$\frac{60}{720}$		$\frac{x}{y}$
$720x$	=	$60y$
x	=	$\frac{60y}{720}$
x	=	$\frac{y}{12}$

For example, an employee has rendered one year and six months of service: