



MC No. 12, s. 2007

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENT UNITS, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLEGES

SUBJECT: Clarification on the Grant of Leave Benefits to Barangay Officials

Pursuant to Section 80 of the Local Government Code of 1991 (Republic Act 7160) and Article 172 of its Implementing Rules, the Commission and the Department of Budget and Management (DBM) issued Joint Circular No. 1, series of 2004 setting forth the guidelines in the grant of leave privileges for barangay officials. Said Joint Circular took effect on April 15, 2004.

The Commission, in CSC Resolution No. 071247 dated June 22, 2007, issued clarification on the grant of said leave benefits, to wit:

1. Barangay officials are entitled to leave privileges under CSC-DBM Joint Circular No. 1, series of 2004 only upon the effectivity thereof (April 15, 2004) because it was only upon such date that the prescribed "standards" required by the law and the rules were issued for purposes of implementation. Moreover, CSC-DBM Joint Circular No. 1, series of 2004 explicitly provides its prospective application, hence, only the services of barangay officials rendered from April 15, 2004 and thereafter shall earn leave credits subject to the requirements set forth in the said issuance.
2. Barangay officials who rendered services from January 1, 1992 up to April 14, 2004 are not entitled to leave privileges under CSC-DBM Joint Circular No. 1, series of 2004. Pointedly, there were no existing "standards" on leave for barangay officials during said period. In addition, while the Local Government Code of 1991 was already effective during said period, Section 80 thereof, however, was not yet implementable for lack of implementing guidelines prescribed by the CSC. Section 80 of the Local Government Code of 1991 is a non-self-executing provision.

3. Barangay officials are not entitled to terminal leave benefits under CSC-DBM Joint Circular No. 1, series of 2004. Terminal leave refers to the money value of the total accumulated leave credits of an employee upon retirement or separation from the service. Under the joint circular, leave credits earned by *barangay* officials are cumulated up to one year only and the same shall be commuted yearly, hence, the same cannot be subject to any terminal leave benefit. Moreover, terminal leave benefit is not part of the leave benefits provided for under the said joint circular.
4. Barangay officials should file their claims/applications for commutation of their annual cumulated leave credits with the office of barangay treasurer by January 15 of the following year.



KARINA CONSTANTINO-DAVID
Chairman

July 24 , 2007

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2007/leavemc



Republic of the Philippines
Civil Service Commission

Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City

100 Years of Service;
Civil Service at Its Best.

Mamamayan Muna

**Re: Clarification on the Grant of Leave
Benefits to Barangay Officials**

X ----- X

RESOLUTION NO. 071247

WHEREAS, Section 3, Article IX-B of the 1987 Constitution provides that the Commission, as the central personnel agency of the government and administrator of the civil service, is mandated to establish a career service and adopt measures to promote efficiency, integrity, responsiveness, progressiveness and courtesy in the civil service, among others;

WHEREAS, Section 60, Chapter 9, Book V of the Administrative Code of 1987 (Executive Order No. 292) provides that: "Officers and employees in the Civil Service shall be entitled to leave of absence, with or without pay, as may be provided by law and the rules and regulations of the Civil Service Commission in the interest of the service;" (Underscoring Supplied)

WHEREAS, Section 12 (2), of the same Code empowers the Commission to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

WHEREAS, Section 80 of the Local Government Code of 1991 (Republic Act No. 7160) provides that: "Elective local officials shall be entitled to the same leave privileges as those enjoyed by appointive local officials, including the cumulation and commutation thereof;"

WHEREAS, Article 172 of the Rules and Regulations Implementing the Local Government Code of 1991 states that: "Elective local officials shall be entitled to same leave privileges and such other leave privileges as the law may provide, subject to standards set by CSC, as those enjoyed by appointive local officials, including cumulation and commutation thereof;" (Underscoring Supplied)

WHEREAS, to implement the foregoing provisions of the Local Government Code of 1991 and its implementing rules, the Commission and the Department of Budget and Management (DBM), issued Joint Circular No. 1, series of 2004 providing the guidelines on the grant of leave privileges for barangay officials and setting forth the coverage, conditions, requirements and computations thereof. Pertinent portions of which read as follows:

"2.0. Coverage

X X X

"2.4 These guidelines shall cover the services rendered by the barangay officials from the effectivity of this Circular."

X X X

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Supervising Personnel Specialist
Commission Secretariat and Liaison Office
Civil Service Commission

"3.0. Cumulation and Commutation

"3.2. Leave credits shall be accumulated up to one year and shall be commuted yearly."

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"8.0 Effectivity of Implementation

"These guidelines shall take effect fifteen (15) days after its publication in a newspaper of nationwide circulation." (Underscoring Supplied)

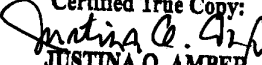
WHEREAS, CSC-DBM Joint Circular No. 1, series of 2004 took effect on April 15, 2004;

WHEREAS, the Commission has noted the growing number of cases relative to leave privileges of barangay officials, specifically on the following issues: (a) whether barangay officials are entitled to barangay leave privileges for services rendered from the effectivity of the Local Government Code of 1991 on January 1, 1992 up to April 14, 2004; (b) whether barangay officials are entitled to terminal leave benefit; and (c) when and where should the claims/applications for commutation of annual cumulated leave credits be filed.

WHEREAS, the Commission sees the need to resolve and clarify these issues;

NOW, THEREFORE, the Commission, by virtue of the aforesaid constitutional and statutory mandates, **RESOLVES**, to issue the following clarification on the grant of leave benefits to barangay officials:

1. Barangay officials are entitled to leave privileges under CSC-DBM Joint Circular No. 1, series of 2004 only upon the effectivity thereof (April 15, 2004) because it was only upon such date that the prescribed "*standards*" required by the law and the rules were issued for purposes of implementation. Moreover, CSC-DBM Joint Circular No. 1, series of 2004 explicitly provides its prospective application, hence, only the services of barangay officials rendered from April 15, 2004 and thereafter shall earn leave credits subject to the requirements set forth in the said issuance.
2. Barangay officials who rendered services from January 1, 1992 up to April 14, 2004 are not entitled to leave privileges under CSC-DBM Joint Circular No. 1, series of 2004. Pointedly, there were no existing "*standards*" on leave for barangay officials during said period. In addition, while the Local Government Code of 1991 was already effective during said period, Section 80 thereof, however, was not yet implementable for lack of implementing guidelines prescribed by the CSC. Section 80 of the Local Government Code of 1991 is a non-self-executing provision.

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3. Barangay officials are not entitled to terminal leave benefits under CSC-DBM Joint Circular No. 1, series of 2004. Terminal leave refers to the money value of the total accumulated leave credits of an employee upon retirement or separation from the service. Under the joint circular, leave credits earned by *barangay* officials are cumulated up to one year only and the same shall be commuted yearly, hence, the same cannot be subject to any terminal leave benefit. Moreover, terminal leave benefit is not part of the leave benefits provided for under the said joint circular.
4. Barangay officials should file their claims/applications for commutation of their annual cumulated leave credits with the office of barangay treasurer by January 15 of the following year.

Let copies of this Resolution be furnished all Civil Service Commission Regional and Field Offices for their information and dissemination.


Quezon City, JUN 22 2007


KARINA CONSTANTINO-DAVID
Chairman

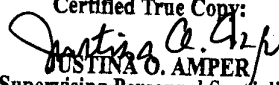
Official Business
CESAR D. BUENAFLOR
Commissioner


MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:


JUDITH D. CHICANO
Director IV
Commission Secretariat and Liaison Office

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