



MC No. 06, s. 2003

**MEMORANDUM CIRCULAR**

**TO: ALL HEADS OF DEPARTMENTS, BUREAUS, AGENCIES OF NATIONAL AND LOCAL GOVERNMENTS INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS, STATE COLLEGES AND UNIVERSITIES, CIVIL SERVICE COMMISSION REGIONAL OFFICES**

**RE: *Exemption of elective local officials from the mandatory annual five (5) days vacation leave***

**Section 81 of Republic Act No. 7160 (The 1991 Local Government Code)**  
reads:

*“SEC. 81. Compensation of Local Officials and Employees.-x x x*

*“Elective local officials shall be entitled to the same leave privileges as those enjoyed by appointive local officials, including the cumulation and commutation thereof.”*

**Corollary thereto is Article 173 of the Rules and Regulations Implementing the Local Government Code of 1991 which provides, as follows:**

*“Article 173. Leave Privileges. Elective local officials shall be entitled to the 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, as follows:*

*“(a) Vacation Leave- x x x Local government personnel shall be encouraged to take an annual five (5) days vacation leave if he has at least a total of ten (10) days vacation leave credits earned during the year.”*  
(emphasis supplied)

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The Local Government Code, which is a special law applicable to local government concerns, uses the word "encouraged" in the aforementioned provision, thus, it is clear that there is no intent to impose upon or mandate the availment of mandatory annual five (5) days vacation leave privilege by elective local government officials.

The Commission hereby adopts the policy that should local elective government officials wish not to avail of the said privilege, they shall not be deducted the mandatory annual five (5) days vacation leave upon written manifestation addressed to the Human Resource Management Officer (HRMO) of the Local Government Unit (LGU) concerned. In no case shall availment be earlier than this resolution unless previously granted by this Commission.

This Memorandum Circular shall take effect immediately upon approval by the Commission.



**KARINA CONSTANTINO-DAVID**  
Chairman

04 June 2003  
OLA

mvm/kdz/x11/vog(bc)/rco  
mc-exemption