

GARCIA, RAMON Y.

Re: Year-End Bonus, Cash Gift

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RESOLUTION NO. 002368

Ramon Y. Garcia of Phase 4, Block 9, Lot 61, Brahms Street, North Olympus, Zabarte Road, Novaliches, Quezon City inquires on whether or not he is entitled to Year-End Bonus and Cash Gift as Provincial Warden of the Province of Camarines Sur for the year 1998.

Records show that on September 12, 1995, Garcia was permanently appointed as Provincial Warden of Camarines Sur by Governor Luis R. Villafuerte and his appointment was approved by the Civil Service Commission Field Office (CSCFO)-Camarines Sur on November 13, 1995. Garcia represents, however, that in December 1998, he was excluded from the list of recipients for Year-End Bonus and Cash Gift; that according to Fenelia Contreras, Provincial Personnel Officer of Camarines Sur, he is not entitled to the same benefits as he has "accrued leave up to December 31, 1998" . Hence, he brought the matter to this Commission believing that as permanent government employee without pending criminal or civil cases, there is no legal ground to deny him of same benefits.

Based on records, the Personnel Division of that Province certifies that Garcia availed of the following approved leave of absences for the year 1998:

Inclusive Dates	No. of Days	Type of Leave
January 12-16, 19-22, 1998	9 days with pay	Sick Leave (5 days) and Vacation Leave (4 days)
February 2-6, 9-10, 1998	7 days with pay	Sick Leave (5 days) and Vacation Leave (2 days)
March 9-12, 1998	4 days with pay	Sick Leave (4 days)
April 13-17, 20-22, 1998	8 days with pay	Sick Leave (5 days) and Vacation Leave (3 days)
June 1-5, 8-11, 1998	10 days with pay`	Sick Leave (5 days) and Vacation Leave (5 days)
August 1-31, 1998	31 days	Sick Leave (17 days and (w/o pay) Vacation Leave (14 days)
September 1, 1998 to February 12, 1999	165 days without pay	Sick Leave

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In this connection, the same Personnel Division informed this Commission that while Garcia went on sick leave of absence without pay since August 1, 1998, he was not dropped from the rolls nor considered absent without leave (AWOL).

Pertinent portion of Budget Circular No. 7 dated November 2, 1995 (Grant of Year-End Bonus and Cash Gift for FY 1995 and Years Thereafter) provides as follows:

"2.0 COVERAGE

"2.1. All government personnel, whether appointive or elective, under regular, temporary or casual status and contractual personnel whose employment is in the nature of a regular employee, who are still in the service as of October 31, of each year and:

x x x

"2.1.2 are on approved leave without pay but have rendered at least a total of four (4) months of service from January 1 to October 31 of the same year, provided that they are not yet dropped from the rolls; x x x (Underlining Supplied)

Accordingly, the following are the requisites for the entitlement to year-end bonus and cash gift for the year of 1998 under Item 2.1.2 of the same Budget Memorandum:

a government personnel whether appointive or elective, under regular, temporary or casual status and contractual personnel whose employment is in the nature of a regular employee;

who is still in the service as of October 31, 1998;

who is on approved leave without pay;

has at least a total of 4 months of service from January 1, 1998 to October 31, 1998; and

who is not yet dropped from the rolls. 10.

Based on the foregoing, the query is answered in the affirmative.

There is no question that Garcia is an appointive government employee with a regular status of appointment, hence, the first requisite is satisfied.

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To determine whether or not Garcia meets the second, third and fourth requisites, it is imperative to cite the following

provisions of CSC Memorandum Circular (MC) No. 41, s. 1998:

"SEC. 28. Actual service defined. The term "actual service" refers to the period of continuous service since the appointment of the official or employee concerned, including the period or periods covered by any previously approved leave with pay.

"Leave of absence without pay for any reason other than illness shall not be counted as part of the actual service rendered x x x . " (Underlining Supplied)

Hence, "leave of absence previously approved with pay is considered as continuous service." (CSC Resolution No. 991173; Lumban, Corazon). In addition, sick leave without pay is counted as actual service rendered.

Applying these rules to the instant case, Garcia is deemed to have met the second, third and fourth requisites as can be seen in the succeeding discussion.

The leave of absence of Garcia, regardless of whether sick or vacation leave, on January 12-16, 19-22, 1998; February 2-6, 9-10, 1998; March 9-12, 1998; April 13-17, 20-22, 1998; and June 1-5, 8-11, 1998 are all considered actual services within the meaning of CSC MC, s. 1998 because they are periods covered by previously approved leave with pay. Moreover, Garcia's sick leave without pay from August 1, 1998 and beyond shall be counted as part of his actual service pursuant to the 2nd Paragraph, Section 28 of MC 41, s. 1998.

Premised from the foregoing and as Garcia was not dropped from the rolls, he is therefore, still considered to be in the service as of October 31, 1998 for purposes of entitlement of Year-End Bonus and Cash Gift for the year of 1998. Moreover, as can be seen in the preceding discussion, Garcia has met the minimum of 4 months service from January 1, 1998 to October 31, 1998 as required under item 2.1.2 of the Budget Circular No. 7 dated November 2, 1995.

Finally, the 5th requisite is likewise satisfied as Garcia was on authorized sick leave without pay up to February 12, 1999 and therefore, still in the service.

All told, Garcia satisfied all the requisites under Item No. 2.1.2 of the Budget Memorandum No. 1 dated November 9, 1995, hence, he is entitled to Year-End Bonus and Cash Gift for the year 1998.

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WHEREFORE, the Commission rules that Ramon Y. Garcia is entitled to Year-End Bonus and Cash Gift in accordance with Item No. 2.1.2 of the Budget Memorandum No. 1 dated November 9, 1995. Accordingly, the Provincial Government of Camarines Sur is hereby ordered to pay the same benefits to Garcia subject to applicable law, rules and regulations. The Civil Service Commission Regional Office (CSCRO) No. V is likewise directed to report on the implementation of this

Resolution to the Commission.

Let copies of this Resolution be furnished the CSCRO No. V and the Provincial Government of Camarines Sur for their information and appropriate action.

Quezon City. OCT 17, 2000.

CORAZON ALMA G. DE LEON

Chairman

JOSE F. ERESTAIN, JR.

J. WALDEMAR V. VALMORES

Commissioner

Commissioner

Attested by:

ARIEL RONQUILLO

Director III

Rdo/abs/esg/jhun

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