

DADIVAS, Rochellir D.

**Re: Query; Leave Entitlement; Secondary
School Teachers of Agricultural Schools**

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RESOLUTION NO. 011757

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Dr. Rochellir D. Dadivas, Ph.D., President of the Panay State Polytechnic College, Mambusao, Capiz, requests a ruling from this Commission relative to the leave entitlement of former secondary school teachers in agricultural schools, who were working on full-time basis prior to the effectivity of the Bureau of Vocational Education (BVE) Circular No. 4, s. 1971, which states the following:

"PLACING SOME POSITIONS ON VACATION AND SICK LEAVE BASIS

"To Superintendents:

- "1. Enclosed is an approved recommendation of the Director of Vocational Education placing some positions in this Bureau on the vacation and sick leave basis effective July 6, 1971.*
- "2. Conformably with this approval, the following should render service from 8:00-12:00 in the morning and 1:00 to 5:00 in the afternoon, Monday to Friday, throughout the year, in accordance with Republic Act No. 1880:*
 - "a. Arts and Trades Department Heads and National Agricultural School Department Heads*
 - "b. Vocational Instruction Supervisors*

- “c. Registrars
- “d. Secondary School Head Teachers (Vocational and Related)
- “e. Senior Librarian, Junior Librarian and Librarian
- “f. Guidance Coordinator
- “g. Public Health Nurse
- “h. Secondary School Teachers (Vocational) of Agricultural and Fishery Schools.”
(underscoring supplied)

In his letter-inquiry, Dr. Dadivas represents, as follows:

"This is to request clarification of the Bureau of Vocational Education Circular No. 4, s. 1971 dated June 17, 1971 a copy herewith attached, whether the Secondary School Teachers teaching in Agricultural Schools will start earning leave credits only effective July 6, 1971 as stipulated in the said Circular even if they have been serving before the mentioned date.

"It may be mentioned that the teachers in agricultural schools in the early 60s were reporting full time from Monday to Friday and one half day on Saturdays. Classes in agricultural schools then is whole year round so that the teachers have to report for work during summer. They also report on Saturday mornings because the students have their practicum every Saturday for one half day.

"This clarification is requested to enable the College to be guided accordingly in the computation of the leave credits of the faculty members who started as Secondary School Teacher in agricultural schools before 1971."

The afore-quoted BVE Circular decreed the rendition of full-time teaching service of certain school personnel under the defunct Bureau of Vocational Education, including secondary school teachers. In return, they were granted sick and vacation leave credits starting July 6, 1971.

However, Dr. Dadivas observes that many of their faculty members started their employment in government as secondary school teachers prior to the effectivity of the circular, and interposes the present request for clarification in order to arrive at the

proper computation of their leave credits.

To resolve the present query, it is necessary to delve back into the pages of history to ascertain or determine the laws or rules obtaining on the matter.

The law then in force (and continues to this very day) relative to the grant of teachers' leave was the **Magna Carta for Public School Teachers (Republic Act No. 4670)**. Its pertinent provision reads:

"Section 24. Study Leave.-- In addition to the leave privileges now enjoyed by teachers in the public schools, they shall be entitled to study leave not exceeding one school year after seven years of service. x x x" (underscoring supplied)

The above-quoted section, aside from granting study leave, also sustained the continuing entitlement of teachers to other leaves granted by other leave laws. One such law was the **Revised Administrative Code of 1917 (Commonwealth Act No. 2711)**, which was the immediate precursor of the present Administrative Code of 1987. Under Section 275 thereof, as amended by Section 3 of Commonwealth Act No. 220, it provided that:

*"**Section 275. Persons in teaching service designated for continuous duty in vacation periods.** For the good of the service, the Director of Public Schools, or, in the case of employees of the University of the Philippines, the President of the University, may, with the approval of the Secretary of the Education, designate persons in the teaching service for continuous duty. Teachers so designated shall be entitled to vacation leave and sick leave prescribed by section two hundred and eighty-five-A of this Act, and shall render same hours of service as other employees entitled to vacation leave and sick leave." (underscoring for emphasis)*

The foregoing provision was then the controlling law on the matter of leave entitlement of public school teachers, including secondary school teachers in agricultural schools, who were designated to teach full-time. It laid down the rule that teachers so designated by the then Director of the Public Schools, with the approval of the Secretary of Education at that time, were to earn sick

and vacation leave, provided they followed the same working hours as what their regular counterparts in other government offices enjoying the same leave privileges observed. Evidently, under the said provision, the leave entitlement of teachers on continuous duty hinged on two factors:

1. a designation for continuous duty duly issued by the Director of Public Schools, and approved by the Education Secretary; and
2. the rendition of the normal working hours prescribed for other regular employees.

Thus, in the case of the teachers alluded to by Dr. Dadivas, their entitlement to leave privileges prior to the BVE Circular is to be considered in the light of the above-mentioned requisites. If they did render full-time teaching pursuant to approved designation, and were required to put in the working hours decreed under Republic Act (RA) No. 1880 or the Forty-Hour Work Week Law, then there is no reason why they could not be entitled to leave privileges even before the BVE Circular came into force and effect. Otherwise, they could only validly claim the leave accruing from the date specified in the above-stated circular.

As to the aggregate amount of leave granted, the number of days of sick and vacation leave was equivalent to fifteen (15) days each for every calendar year of service, pursuant to **Sections 284 and 285-A of the Revised Administrative Code**, as amended, respectively reproduced hereunder, to wit:

"Section 284. After at least six months' continuous, faithful and satisfactory service, the President or proper head of department, or the chief of office in the case of municipal employees may, in his discretion, grant to an employee or laborer, whether permanent or temporary, of the National Government, the provincial government, the government of a chartered city, of a municipality, of a municipal district or of government-owned or controlled corporations, other than those mentioned in Section two hundred sixty-eight, two hundred seventy-one, and two hundred seventy-four hereof, fifteen days vacation leave of absence with full pay, exclusive of Saturdays, Sundays and holidays, for each calendar year of service. (underscoring supplied)

"Section 285-A. In addition to the vacation leave provided in the two preceding sections each

employee or laborer, whether permanent or temporary, of the National Government, the provincial government, the government of a chartered city, of a municipality or municipal district in any regularly and specially organized province, other than those mentioned in Section two hundred sixty-eight, two hundred seventy-one and two hundred seventy-four hereof, shall be entitled to fifteen days of sick leave for each year of service with full pay, exclusive of Saturdays, Sundays and Holidays: Provided, That such sick leave will be granted by the President, Head of Department or independent office concerned or the chief of office in case of municipal employees, only on account of sickness on the part of the employee or laborer concerned or of any member of his immediate family.” (underscoring supplied)

It should be emphasized though that the earned or credited leave was only limited to ten (10) months, as decreed by Section 286 of the same Code, as amended, which stated:

***"Section 286.** When vacation leave and sick leave may be taken.-- Vacation leave and sick leave shall be cumulative and any part thereof which may not be taken within the calendar year in which earned may be carried over to the succeeding years x x x; Provided, that the total vacation leave and sick leave that can accumulate to the credit of any officer or employee shall, in no case, exceed ten months; x x x"*
(underscoring supplied)

Summing it up, secondary school teachers in agricultural schools designated to teach the whole year were accorded leave privileges, comprising of sick and vacation leave of fifteen (15) days each, even before the effectivity of BVE Circular No. 4, s. 1971. It was mandated, nonetheless, that they observed the regular working hours prescribed under R.A. No. 1880. Not being automatic, it must be emphasized that the sick and vacation leave were to accrue only beginning from the issuance of the designation duly approved by the then Secretary of Education. Absent such designation, there is no leave entitlement to speak of.

WHEREFORE, the Commission hereby rules the following:

1. Secondary school teachers in agricultural schools rendering full-time teaching service prior to 1971 may be entitled to sick and vacation leave, provided they could evidence their full-time teaching service with duly

issued designation order bearing the imprimatur of the then Education Secretary; and

2. The leave entitlement shall be for a maximum period of ten (10) months, at least until the enactment of Presidential Decree No. 1077 on January 9, 1986, which removed the limitation on leave entitlement, with the availment thereof subject to Commission on Audit's pertinent accounting and auditing rules and regulations.
3. It should be understood that this ruling only applies to former secondary agricultural teachers so situated, who are still in the government employ.

Quezon City, **October 30, 2001**

(SIGNED)

KARINA CONSTANTINO-DAVID

Chairman

(O.B.)

JOSE F. ERESTAIN, JR.

Commissioner

(SIGNED)

J. WALDEMAR V. VALMORES

Commissioner

Attested by:

(SIGNED)

ARIEL G. RONQUILLO

Director III

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