

MALLORCA, Lanie R.

Re: Query; Leave Credits

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RESOLUTION NO. 020791

Lanie R. Mallorca, Utility Worker I, Provincial Budget Office, Romblon, Romblon, requests clarification from the Commission of Section 1, Rule XVI (Leave of Absence) of the Omnibus Rules Implementing Book V of Executive Order No. 292 otherwise known as the Administrative Code of 1987.

In her request, Mallorca represents, as follows:

*"I am an employee of the Romblon Provincial Government, reappointed on February 8, 2001 on a permanent status as Utility Worker I in the Office of the Provincial Budget Officer. Due to inevitable circumstances, I went on sick leave for 3 days particularly on July 9, 10 & 11, 2001. I filed an application for leave, forwarded it to the Office of the Provincial Administrator but, was approved as **leave of absence without pay**, for reasons quoted in the abovementioned Omnibus Rules, Rule XVI, Section 1 which states, 'In general, officers and employees of the government whether permanent or temporary who render work during the prescribed officer hours shall, **after six months of continuous, faithful and satisfactory service, be entitled to 15 days vacation and 15 days sick leave with full pay**, exclusive of Saturdays, Sundays and Public holidays, without limitation as to the number of days of vacation and sick leave that they may accumulate'.*

"I was informed by one of my officemates that there are amendments on certain provisions under Memorandum Circular No. 41, s. 1998 and Memorandum Circular No. 14, s. 1999, particularly on the 'Entitlement on Leave Privileges' of a government employee. The Office of the Provincial Administrator in this agency is hesitant to act on this matter, because said MCs are silent, and do not clarify the required the number of month/s in service before an employee can accumulate such privileges after his/her employment."

The sole issue to be resolved is whether Mallorca is entitled to leave of absence with pay even before the lapse of the first six months of her employment.

The Commission answers in the negative.

It is noted that Mallorca is in a quandary as to whether the Office of the Provincial Administrator of Romblon was

correct in applying the provision of Section 1, Rule XVI of the Omnibus Rules Implementing Book V of EO 292 on her application for sick leave which was approved as absence without pay.

Said provision of the Omnibus Rules reads, as follows:

"In general, officers and employees of the government whether permanent or temporary who render work during the prescribed office hours shall, after six months of continuous, faithful and satisfactory service, be entitled to 15 days vacation and 15 days sick leave annually with full pay, exclusive of Saturdays, Sundays and public holidays without limitation as to the number of days of vacation and sick that they may accumulate."

If the aforequoted provision is still the governing rule and would be applied to Mallorca's sick leave incurred on July 9, 10 and 11, 2001, the Provincial Administrator was thus correct in approving the same as leave of absence without pay considering that Mallorca had not yet satisfied the service requirement of six months at the time said leave was incurred. In other words, Mallorca was not yet entitled to enjoy the said leave privilege during the first six months of her employment.

However, the above rule has already been amended by **CSC Memorandum Circular No. 41, s. 1998 (Revised Omnibus Rules on Leave)**, as further amended by **CSC Memorandum Circular No. 14, s. 1999, specifically Section 1 thereof** which provides, as follows:

"Section 1. Entitlement to leave privileges. – In general, appointive officials up to the level of heads of executive departments, heads of departments, undersecretaries 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."

It is worth stressing that the phrase *"after six months of continuous, faithful and satisfactory service"* as appearing in Section 1 of the old Omnibus Rules was already deleted in Section 1 of CSC MC No. 14, s. 1999. Such being the case, it follows that the six (6)-month continuous, faithful and satisfactory service requirement is no longer a condition *sine qua non* before an employee could file a leave of absence with pay provided he/she had earned leave credits at the time of the filing thereof which shall be deemed accrued from the first day of his/her service in the government.

WHEREFORE, the Commission rules and so holds that Lanie R. Mallorca's application for sick leave covering the period from July 9 to 11, 2001 should be approved as leave of absence with pay pursuant to Section 1 of CSC Memorandum Circular No. 14, s. 1999. This is, however, subject to the condition that she had earned leave credits at the time of the filing thereof.

Quezon City, **JUN 05 2002**

(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

FPG/RTM/X4/Y8/rco(fuji6)
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