Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT ORDER NO. DO2021-09-0013

OMNIBUS RULES OF PROCEDURE IN THE DISPOSITION OF ADMINISTRATIVE CASES AND SETTLEMENT OF GRIEVANCES INVOLVING PERSONNEL OF THE DEPARTMENT OF ENERGY

WHEREAS, the Civil Service Commission (CSC) issued the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) on 03 July 2017 to promote just, speedy and inexpensive disposition of administrative cases;

WHEREAS, pursuant to CSC Resolution No. 010113 dated January 10, 2001 as implemented through CSC Memorandum No. 02, s. 2001, the Department of Energy (DOE) issued Department Order (DO) N0. DO2005-10-013 entitled *"Establishing the Department of Energy Grievance Committee"*;

WHEREAS, pursuant to Section 7 (5), Chapter 2, Book IV and Section 22, Rule XIV, Book V of Executive Order No. 292, otherwise known as the "*Revised Administrative Code*", the DOE issued DO No. DO2007-03-0002 dated 06 March 2007 entitled *"Creating an Investigation Committee on Disciplinary Cases Involving Employees of the Department of Energy"*;

WHEREAS, pursuant to Republic Act (RA) No. 7877, otherwise known as *"An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and For Other Purposes"* and Section 7 of CSC Resolution No. 01-0940 entitled *"Administrative Disciplinary Rules on Sexual Harassment Cases"*, the DOE issued DO No DO2012-05-0008 entitled *"Creating the Department of Energy-Committee on Decorum and Investigation of Sexual Harassment Cases"*;

WHEREAS, to observe the prescribed professional standards of public employees, the DOE issued DO No. DO2018-04-0007 entitled *"Wearing of Office Uniforms and DOE Identification Cards (ID)"*;

WHEREAS, there is a need to update afore-mentioned DOE issuances to create a comprehensive compilation of rules and procedures concerning disciplinary and non-disciplinary matters involving DOE employees and to harmonize them with the 2017 RACCS.

NOW, THEREFORE, for and in consideration of the aforementioned premises, the Omnibus Rules of Procedures in the Conduct of Investigation of Administrative Cases of DOE Personnel is hereby issued:

Energy Center, Rizal Drive cor. 34th Street, Bonifacio Global City, Taguig City, Philippines 1632
Tel. No. (Trunkline) (632) 479-2900;
Website: http://www.doe.gov.ph; E-mail: dcelsd@doe.gov.ph

GENERAL PROVISIONS

RULE I.
APPLICABILITY AND CONSTRUCTION

SECTION 1. *Short Title.* These Rules shall be known and cited as the *"Omnibus Rules of Procedure in the Disposition of Administrative Cases and Employee Grievances"*.

SECTION 2. *Coverage.* These Rules shall apply to all disciplinary and non-disciplinary administrative cases or matters brought against or involving DOE employees.

SECTION 3. *Policy and Objective.* These Rules shall provide just, speedy and inexpensive disposition of administrative disciplinary cases, sexual harassment cases, habitual absenteeism, tardiness, undertime and non-wearing of prescribed uniforms or DOE identification cards and grievances involving DOE employees.

SECTION 4. *Construction.* These Rules shall be liberally construed in order to promote their objective in obtaining just, speedy and inexpensive disposition of administrative disciplinary and non-disciplinary cases. Administrative disciplinary investigations shall be conducted without strict recourse to technical rules of procedure and evidence applicable to judicial proceedings.

SECTION 5. *Jurisdiction.* The Secretary, as the DOE head, shall be the Disciplining Authority and shall exercise concurrent jurisdiction with the CSC in accordance with Rule 1 Section 4 (j) and Rule 2 Section 9 of the 2017 RACCS except in cases relating to Habitual Absenteeism, Habitual Tardiness, Undertime and Non-Wearing of Prescribed Office Uniforms or DOE Identification Card which cases fall under the authority of the Undersecretary for Administration. Other DOE disciplinary and non-disciplinary committees and their jurisdiction are as follows:

5.1. The **Personnel Administrative Disciplinary Investigation Committee (PADIC)** shall exercise jurisdiction over the investigation of disciplinary cases involving DOE in accordance with this DO, the 2017 RACCS and other applicable laws, rules and regulations.

5.2. The **Committee on Decorum and Investigation of Sexual Harassment (CODISH)** shall exercise jurisdiction over the investigation of sexual harassment cases involving DOE employees in the first and second level positions in the career service in accordance with this DO, RA No. 7877 (An Act Declaring Sexual Harassment Unlawful in Employment, Education or Training Environment, and For Other Purposes), the 2017 RACCS, and other applicable laws, rules and regulations.

5.3. The **Committee on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of Prescribed Office Uniforms or DOE Identification Card (CHATNU)** shall be responsible in the enforcement of the rules on habitual absenteeism, tardiness and wearing of uniforms and identification cards in accordance in accordance with the CSC MCs No. 16, s. 2010[1] and MC No. 01, s. 2017[2] (*copies of which are attached hereto as **Annex "A"***) and with this DO.

5.4. The **Department of Energy Grievance Committee (DOE-GC)** created under Section 9 of this DO shall have the authority in resolving work related issues giving rise to employee dissatisfaction in accordance to Section 6 of CSC MC No. 02, s. 2001[3] (*a copy of which is attached hereto as **Annex "B"***).

RULE II.
DOE ADMINISTRATIVE DISCIPLINARY INVESTIGATION BODIES AND GRIEVANCE COMMITTEE

SECTION 6. ***DOE Personnel Administrative Disciplinary Investigation Committee (PADIC)- Creation and Membership.*** A PADIC in the DOE is hereby created to be composed of the following, to wit:

Chairperson & Presiding Officer	:	A Director, preferably a lawyer (subject to the Secretary's discretion to reorganization or depends on the nature of the case or the employees involved)
Vice Chairperson	:	The Director of Administrative Services
Members	:	The President of the DOE's Employee Association (EA) or its representative
		The Chief, Human Resource Management Division
		The Director of the office where the Respondent is connected, or its assigned representative

[1] Policy on Undertime

[2] Reiteration of the Policy on Government Office Hours; and the Administrative Offenses of Frequent Unauthorized Absences (Habitual Absenteeism); Tardiness in Reporting for Duty; and Loafing from Duty during Regular Office Hours

[3] Revised Policies on the Settlement of Grievances in the Public Sector

SECTION 6.1. ***Functions of the PADIC.*** The PADIC shall conduct formal investigations/hearings of administrative disciplinary cases under its jurisdiction, submit its findings and recommendations to the Secretary, and perform such other functions as may be necessary and incidental to the discharge of their responsibilities.

SECTION 6.2. ***Disqualification of PADIC Members.*** Any member of the PADIC shall be disqualified from participating in the investigation/hearing of the case if:

6.2.1. He/she is related within the fourth degree of affinity or consanguinity to the employee being charged;

6.2.2. He/she is the Immediate Supervisor of any of the parties;

6.2.3. He/she is a party to the case either as a witness, complainant or respondent; or

6.2.4. Upon the approval of a request or petition for the Secretary to disqualify for any other just or valid reason which will render him/her incapable of impartially deciding the case. Disqualification on this ground shall only take effect upon the approval of the Secretary of the request or petition for disqualification;

6.2.5. Members may also voluntarily inhibit in case he/she feels that he/she cannot perform his/her duties impartially; the Committee shall approve the request and, by a vote of majority, shall appoint his/her replacement from among the Bureau/Service Directors/ Assistant Directors.

SECTION 6.3. ***Quorum and Voting.*** A majority of the members of the PADIC shall constitute a quorum to conduct business, and the concurrence of or approval by at least the majority of the quorum shall be necessary for its decisions, orders or any other actions to be valid and binding, provided that, the Chairperson, or in his/her absence, the Vice-Chairperson, shall preside over every hearing or formal investigation of the case.

SECTION 6.4. ***Committee Secretariat.*** The PADIC shall be assisted by a Committee Secretariat consisting of at least three (3) staff of the Human Resource Management Division to be designated by the Director of the Administrative Services.

SECTION 6.5. ***Prosecution.*** The DOE Legal Services-General Legal Services Division (LS-GLSD) lawyers shall act as the prosecutor in the formal investigation of disciplinary cases under the jurisdiction of the PADIC.

SECTION 7. *Committee on Decorum and Investigation of Sexual Harassment (CODISH)- Creation and Membership.* The DOE-CODISH is hereby created, to be composed of the following, to wit:

Chairperson	:	A Director, preferably a lawyer (subject to the Secretary's discretion to reorganization or depends on the nature of the case or the employees involved)
Vice-Chairperson	:	The Director, Administrative Services
Members	:	1st and 2nd Level Employee Representatives, who shall be appointed by the Board of Directors of the DOE EA.

7.1. ***Functions of the CODISH.*** The CODISH shall perform the following duties and responsibilities:

7.1.1 Receive complaints of sexual harassment cases;

7.1.2 Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;

7.1.3 Recommend to the Secretary measures to ensure that the complainant shall not be subjected to further harassment or reprisal by the person alleged to have committed acts of sexual harassment; and

7.1.4 Submit a report of its findings, with the corresponding recommendations to the Secretary for decision.

7.1.5 Adopt and implement programs to increase employees' understanding and awareness about sexual harassment such as counseling, offering professional help/advice and related activities.

7.1.6. Perform such other functions as may be necessary in or incidental to the discharge of the above-mentioned duties and responsibilities.

7.2. *Disqualification of CODISH Members.* Any member of the CODISH shall be disqualified from participating in the investigation/hearing of the case if:

7.2.1. He/she is related within the fourth degree of affinity or consanguinity to the complainant or the employee being charged;

7.2.2. He/she is the Immediate Supervisor of any of the parties;

7.2.3. He/she is a party to the case either as a witness, complainant or respondent; or

7.2.4. Upon the approval of a request or petition for the Secretary to disqualify for any other just or valid reason which will render him/her incapable of impartially deciding the case. Disqualification on this ground shall only take effect upon the approval of the Secretary of the request or petition for disqualification;

7.2.5. Members may also voluntarily inhibit in case he/she feels that he/she cannot perform his/her duties impartially; the Committee shall approve the request and, by a vote of majority, shall appoint his/her replacement from among the Bureau/Service Directors/ Assistant Directors.

7.3. ***Quorum and Voting.*** A majority of the members of the DOE-CODISH shall constitute a quorum to conduct business, and the concurrence or approval of at least the majority of the quorum shall be necessary for its decisions, orders or any other actions to be valid and binding, provided that, the Chairperson, or in his/her absence, the Vice-Chairperson, shall preside over every meeting of or case heard by the DOE-CODISH.

7.4. ***Secretariat.*** The Committee shall have a Secretariat consisting of the Human Resource Management Division (HRMD) Chief and the HRMD Personnel Welfare and Performance Section who shall assist the DOE-CODISH in the performance of its functions.

7.5. ***Prosecution.*** The DOE Legal Services-General Legal Services Division (LS-GLSD) lawyers shall act as the prosecutor in the formal investigation of disciplinary cases under the jurisdiction of the CODISH.

Section 8. ***Committee on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of Prescribed Office Uniforms or DOE Identification Card (CHATNU)- Creation and Membership.*** The CHATNU is hereby created to be composed of the following, to wit:

Chairperson	:	Director of Administrative Services
Members	:	One (1) Attorney from the Legal Services, DOE-EA President or his/her authorized Representative

8.1. ***Functions of CHATNU.*** The CHATNU shall handle cases relating to Habitual Absenteeism, Habitual Tardiness, Simple Misconduct for Incurring Frequent Undertimes and/or Violation of Reasonable Office Rules and Regulations brought about by and Non-Wearing of the Prescribed Office Uniforms or DOE Identification Card.

8.2. ***Disciplining Authority.*** Where the penalty is "Reprimand" or "Suspension," the Undersecretary for Administration shall be the disciplining authority for cases relating to Habitual Absenteeism, Habitual Tardiness, Simple Misconduct for Incurring of Frequent Undertimes and/or Violation of Reasonable Office Rules and Regulations brought about by and Non-Wearing of the Prescribed Office Uniforms or DOE Identification Card. However, where the penalty is "Dismissal," the Secretary remains to be the disciplining authority.

For this purpose, the Secretary of the Department of Energy hereby delegates his disciplining authority to the Undersecretary for Administration for cases where the penalty is "Reprimand" or "Suspension."

8.3. ***Rules on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of Prescribed Uniforms or DOE Identification Cards.*** The rules on habitual absenteeism, tardiness, tardiness, undertime and non-wearing of prescribed uniforms or DOE identification cards are provided under the "*DOE Rules on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of Prescribed Uniforms or DOE Identification Cards*", attached as **Annex "C"** of this DO.

Section 9. ***DOE Grievance Committee (DOE-GC)- Creation and Membership.*** Pursuant to the CSC Resolution No. 010113 dated January 10, 2001 as implemented through CSC Memorandum Circular No. 02, s. 2001 and the CSC – approved Department of Energy Grievance Machinery (DOE-GM), the DOE GC is hereby created, to be composed of the following, to wit:

Undersecretary for Administration

Chief, Human Resource Management Division

Chief, General Legal Services Division

Bilis Aksyon Partner (BAP)[4] duly designated

Representatives from 1st level or 2nd level employees, as the case may be, named by the DOE- EA Board Directors

[4] Bilis Aksyon Partner is the counterpart Action Officer of the Civil Service Commission under the Mamamayan Muna Program in every Agency pursuant to Civil Service Commission pursuant to CSC MC No. 3, S. 1994.

9.1. *Functions of the DOE-GC.* The DOE-GC shall perform the following duties and responsibilities:

9.1.1. Establish its own internal procedures and strategies;

9.1.2. Develop and implement pro-active measures or activities to prevent grievances such as employee assemblies or "talakayan" which shall be conducted at least once every quarter, counseling and other HR interventions;

9.1.3. Conduct continuing information drive on the DOE-GM among officials and employees in collaboration with the HRMD;

9.1.4. Conduct dialogues between and among parties involved as provided or when warranted, investigations and hearings as provided in the DOE-GM;

9.1.5. Document grievances including related agreements reached by parties involved;

9.1.6. Issue Certification on the Final Action on the Grievance (CFAG) which shall contain, among other things, the history and final action taken by the Department on the grievances; and

9.1.7. Submit quarterly reports on Committee accomplishments and status of unresolved grievances to the CSC Regional Office.

RULE III.
COMPLAINT

SECTION 10. *Who May Initiate.* Administrative disciplinary proceedings against a DOE employee may be initiated by the Secretary *motu proprio* or upon complaint by any other person.

SECTION 11. *When and Where to File a Motu Proprio Case / Complaint.* *Motu Proprio* cases may be initiated based on an internal Incident/Security/Information Report referred to/originating from the Office of the Secretary. The Secretary or his/her authorized representative shall file the same with LS for the conduct of preliminary investigation.

Complaint initiated *motu proprio* or by any other person shall be filed in two (2) copies to the LS, copy furnished the HRMD.

In sexual harassment cases, the complaint shall be filed in two (2) copies with the Committee on Decorum and Investigation of Sexual Harassment (CODISH), copy furnished the HRMD.

SECTION 12. ***Requisites of a Valid Complaint.*** No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. In cases initiated by the Secretary or his authorized representative, a show-cause order is sufficient.

The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

A complaint of any other person shall contain the following:

a. Full name and address of the complainant;

b. Full name and address of the person/s complained of as well as his/her/their position/s and office/s;

c. A narration of the relevant and material facts which shows the acts or omissions allegedly committed;

d. Certified or copies of documentary evidence and affidavits of his/her witnesses, if any; and

e. Certification or statement of non-forum shopping.

Non-compliance with any of the aforementioned requirement by the complainant even after having been directed to comply therewith, may cause the dismissal of the complaint without prejudice to its refilling.

RULE IV.
PRELIMINARY INVESTIGATION

SECTION 13. ***Preliminary Investigation; Definition.*** A Preliminary Investigation is a mandatory proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a formal charge/notice of charge in administrative and sexual harassment cases.

SECTION 14. ***Who Shall Conduct.*** The Chief or any of the lawyers of LS-GLSD shall be authorized to conduct Preliminary Investigation.

SECTION 15. ***How Conducted.*** Preliminary investigation may be conducted in any of the following manner:

15.1. Requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance;

15.2. Ex-parte evaluation of the records;

15.3. Clarificatory meeting with the parties to discuss the merits of the case, if deemed necessary;

15.4. When complaint is initiated by the Secretary or his/her authorized representative, he/she or his/her authorized representative shall issue a show-cause order directing the person complained of to explain within the period of five (5) days why no administrative case should be filed against the said person. The failure to submit a comment/counter-affidavit /explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

The right to counsel may be exercised even during the preliminary investigation.

SECTION 16. ***Duration of the Investigation.*** Subject to the requirements of due process, a preliminary investigation shall commence within a non-extendible period of five (5) days upon receipt of the complaint by the Office of the Secretary and shall be terminated within twenty (20) days thereafter. However, the Secretary may extend such periods in meritorious cases.

Section 17. ***Investigation Report.*** – Unless a longer period has been granted by the Secretary, the Investigation Report, with recommendation and the complete records of the case, shall be submitted to the Secretary within five (5) days from the termination of the preliminary investigation.

Section 18. ***Decision or Resolution After Preliminary Investigation.*** – If a *prima facie* case is established during the investigation and the LS recommends the filing of a formal charge, the latter shall attach the proper form to the Investigation/Recommendation Report for signature of the Secretary who may issue either a formal charge or a notice of charge/s to the employee/person complained of, as the case may be.

In the absence of *a prima facie case*, the LS shall prepare the corresponding order dismissing the case for approval and signature of the Secretary.

RULE V.
FORMAL CHARGE

SECTION 19. ***Formal Charge- Form and Contents.*** After finding of a *prima facie* case, the Secretary shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel.

SECTION 20. ***Notice of Charge- Form and Contents.*** In instances where the complaint was initiated by a person other than the Secretary, the Secretary may issue a written notice of the charge(s) against the person complained of to which shall be attached copies of the complaint, sworn statement and other documents submitted. The notice shall contain the charges against the person complained of with a statement that a *prima facie* case exists. It shall also include a directive to answer the charge(s) in writing, under oath in not less three (3) days but not more than ten (10) days from receipt thereof, and a notice that he/she may opt to be assisted by a counsel of his/her choice and may elect to have a formal investigation.

SECTION 21. ***Prohibited Pleadings.*** - The disciplining authority shall not entertain requests for the following:

21.1. Request for clarification;

21.2. Bills of particulars;

21.3. Motions to dismiss or motion to quash or motions for reconsideration and motion for extension of time to file answer.

RULE VI.
PREVENTIVE SUSPENSION

SECTION 22. ***Issuance of Preventive Suspension.*** The issuance of preventive suspension shall be governed by the procedures set forth in Rule 7 of the 2017 RACCS.

RULE VII.
ANSWER

SECTION 23. ***Requisites and Contents.*** – The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including original or certified copies of documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of one's case.

When the Secretary determines that the answer is satisfactory, the case shall be dismissed. Otherwise, the investigation shall proceed.

SECTION 24. ***Failure to File an Answer.*** – If the respondent fails or refuses to file an answer to the formal charge or notice of charge within the given period, he/she shall be considered to have waived his/her right to submit the same and the case shall be decided based on available records.

RULE VIII.
FORMAL INVESTIGATION

SECTION 25. ***Conduct of Formal Investigation; When Held.*** A formal investigation shall be conducted where the merits of the case cannot be decided judiciously by the Secretary without conducting such investigation or when the respondent elects to have one, in which case, the investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer.

Said investigation shall be finished within thirty (30) days from the issuance of the Formal Charge/Notice of Charge unless the period is extended by the Secretary or its authorized representative, in meritorious case.

SECTION 26. ***Submission of Position Paper/Memorandum.*** At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and consider the case submitted for decision without any need for further hearings.

SECTION 27. ***Pre-hearing Conference.*** At the commencement of the formal investigation, a pre-hearing conference shall be conducted for the parties to appear, consider and agree on any of the following:

27.1. Stipulation of the facts;

27.2. Simplification of issues;

27.3. Identification and marking of evidence of the parties;

27.4. Waiver of objections to admissibility of evidence;

27.5. Limiting the number of witnesses, and their names;

27.6. Dates of subsequent hearings; and

27.7. Such other matters as my aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and is binding on both parties unless in the interest of justice, the PADIC/CODISH may allow a deviation from the same. The parties may file their respective pre-hearing briefs, copy furnished the adverse party, before the date of the pre-hearing conference.

The conduct of pre-hearing conference is mandatory. The failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party.

SECTION 28. ***Continuous Hearing Until Terminated; Postponement.*** Hearings shall be conducted on the hearing dates set by the PADIC/CODISH or as agreed upon during the pre-hearing conference.

Each party may be granted one (1) postponement upon oral or written request.

If respondent fail or refuse to appear or not represented by counsel during a particular hearing despite due notice, the investigation shall proceed and the respondents shall be deemed to have waived the right to present evidence.

SECTION 29. ***Preliminary Matters.*** At the start of the hearing, the Chairperson of the PADIC/CODISH shall note the appearances of the parties.

If, after being apprised of the right to counsel, respondents appear without the aid of a counsel, they shall be deemed to have waived the right thereto.

Before taking the testimony, the Chairperson of the PADIC/CODISH shall place the witness under oath and then take the name, address, civil status, age, and complete name and address of employment.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule is without prejudice to clarificatory questions that may be asked during the hearing.

SECTION 30. ***Appearance of Counsel.*** Any counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall manifest orally or in writing his/her appearance, stating his/her full name and complete address, which should not be P.O. box address, where he/she can be served with notices and other pleadings, Professional Tax Receipt (PTR) number, attorney's roll number, Mandatory Continuing Legal Education (MCLE) compliance certificate and IBP dues receipt number. A lawyer/counsel who works for the government is required to present an Authority to Practice Profession from his/her agency head or the agency head's authorized representative.

A lawyer from the LS-GLSD shall act as the counsel de officio of the Complainant, unless the private complainant shall engage a counsel of his/her own choice.

SECTION 31. ***Order of Hearing.*** Unless the PADIC/CODISH directs otherwise, the order of hearing may be as follows:

a. The prosecution shall present its evidence;

b. The respondent shall present evidence in support of his/her defense;

c. There may be rebuttal or sur-rebuttal;

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation Failure to submit the same within the given period shall be considered a waiver thereof.

SECTION 32. ***Objections.*** All objection raised during the hearing shall be resolved by the PADIC/CODISH. However, objections that cannot be ruled upon by the PADIC/CODISH shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The PADIC/CODISH shall admit all evidence formally offered subject to the objection/s interposed against admission.

SECTION 33. ***Markings.*** All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.). If presented by the prosecution and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

SECTION 34. *Issuance of Subpoena.* The PADIC/CODISH may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena *duces tecum*, at least seven (7) days before the scheduled hearing.

If a party desires the attendance of a witness and/or the production of documents, he/she shall make a request for the issuance of the necessary subpoena and *ad testificandum* and/or subpoena *duces tecum*, at least (7) days before the scheduled hearing.

SECTION 35. *Record of Proceedings.* Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording.

SECTION 36. *Filling of Pleadings.* All pleadings filed by the parties shall be copy furnished the other party with proof of service. Failure in this regard shall justify non-receipt or non-action on the pleading. Any pleadings sent by registered mail or private courier pack which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon.

SECTION 37. *Effects of the Pendency of an Administrative Case or Criminal Case.* Except as otherwise provided by law, pendency of an administrative or criminal case shall not disqualify respondent from promotion and other human resource actions or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a formal charge or a notice of charge to the respondent.

The release of the retirement benefits of a person with pending case shall be governed by Republic Act No. 10154 otherwise known as *"An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees"* and its implementing rules.

SECTIONS 38. *Formal Investigation Report.* Within fifteen (15) days after the conclusion of the formal investigation, a formal investigation report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the PADIC/CODISH to the Secretary, unless a longer period has been granted by the Secretary in meritorious cases. The complete records of the case shall be attached to it.

The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss.

RULE IX.
DECISION

SECTION 39. ***When case is decided.*** The Secretary shall decide the case within thirty (30) days from receipt of the Formal Investigation Report.

SECTION 40. ***Finality of Decisions***. A decision rendered by the Secretary whereby a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review with the CSC when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration with the Secretary or an appeal with the CSC and no such pleading has been filed.

RULE X.
REMEDIES

SECTION 41. ***Settlement in Administrative Cases-Applicability***. The settlement of purely personal matters in administrative cases shall be governed by the guidelines set forth in Rule 11 of the 2017 RACCS.

SECTION 42. ***Motion for Reconsideration in Disciplinary Cases.*** The filing of Motion for Reconsideration shall be governed by the guidelines set forth in Rule 12 of the 2017 RACCS.

SECTION 43. ***Appeal in Disciplinary Cases.*** The filing of an appeal in disciplinary cases shall be governed by the guidelines set forth in Rule 13 of the 2017 RACCS.

RULE XI.
SCHEDULE OF PENALTIES (RACCS)

SECTION 49. ***Penalties.*** The administrative offenses shall now be governed by the penalties as set forth in Rule 10 of the 2017 RACCS. The Classification of Offenses and Schedule of Penalties is attached hereto as **Annex "D"** for reference.

RULE XII.
MISCELLANEOUS PROVISIONS

SECTION 50. ***Funding.*** All expenses to be incurred and all emoluments to which the Investigation Committee is entitled shall be sourced form funds available to the DOE subject to the usual government accounting and auditing requirements.

SECTION 51. ***Suppletory Clause.*** The provisions of the 2017 RACCS, insofar as applicable, shall have suppletory application to these Rules.

SECTION 52. ***Separability Clause.*** If for any reason or reasons, any part of this Department Order be declared unconstitutional or invalid, the other parts or provisions hereof not affected shall remain in full force and effect.

SECTION 53. ***Repealing Clause.*** All other orders or issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 54. ***Effectivity.*** This Department Order shall take effect immediately and shall remain in effect unless revoked or modified accordingly.

Fort Bonifacio, Taguig City, SEP 13 2021.

ALFONSO G. CUSI
Secretary

Republic of the Philippines
DEPARTMENT OF ENERGY
IN REPLYING PLS. CITE:
DOE-AGC-21005403

Republic of the Philippines
CIVIL SERVICE COMMISSION

ANNEX "A"

MC No. 01, s. 2017

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Reiteration of the Policy on Government Office Hours; and the Administrative Offenses of Frequent Unauthorized Absences (Habitual Absenteeism); Tardiness in Reporting for Duty; and Loafing from Duty during Regular Office Hours

The Constitution mandates that public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and lead modest lives[1]. Part of this accountability is the observance of the prescribed office hours in a given working day.

It has come to the attention of the Commission that there are government officials and employees who are not observing the prescribed office hours and are not recording their daily attendance in the proper form. Likewise, unauthorized absences, tardiness and loafing from duty during regular office hours are detrimental to public service.

The Commission hereby reiterates the following policy on government office hours, including the aforementioned administrative offenses and their corresponding penalties.

1) On Government Office Hours. **Sections 1 to 5, Rule XVII, Omnibus Rules Implementing Book V of Executive Order No. 292** provide:

"SECTION 1. It shall be the duty of each head of department or agency to require all officers and employees under him to strictly observe the prescribed office hours.

[1]Section 1, Article XI, 1987 Constitution.

CSC Building, IBP Road, Constitution Hills, 1126 Quezon City 931-7935/931-7939/931-8092 cscphil@webmail.csc.gov.ph www.csc.gov.ph

"SEC. 2. Each head of department or agency shall require a daily record of attendance of all the officers and employees under him including those serving in the field or on the water, to be kept on the proper form and, whenever possible, registered on the bundy clock.

"Service 'in the field' shall refer to service rendered outside the office proper and service 'on the water' shall refer to service rendered on board a vessel which is the usual place of work.

"SEC. 3. Chiefs and Assistant Chiefs of agencies who are appointed by the President, officers who rank higher than these chiefs in the three branches of the government, and other presidential appointees need not punch in the bundy clock, but attendance and all absences of such officers must be recorded.

"SEC. 4. Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable without prejudice to criminal prosecution as the circumstances warrant.

"SEC. 5. Officers and employees of all departments and agencies except those covered by special laws shall render not less than eight hours of work a day for five days a week or a total of forty hours a week, exclusive of time for lunch. As a general rule, such hours shall be from eight o'clock in the morning to twelve o' clock noon and from one o' clock to five o' clock in the afternoon on all days except Saturdays, Sundays and Holidays.

2) On Frequent Unauthorized Absences (Habitual Absenteeism). Tardiness in Reporting for Duty and Loafing from Duty during Regular Office Hours. **Section 22, Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292** provides:

xxx

"An officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

"In case of claim of ill-health, heads of departments or agencies are encouraged to verify the validity of such claim, if not satisfied with the reason given, should disapprove the application for sick leave. On the other hand, in cases where an employee absents himself from work before approval of the application, said application should be disapproved.

"In the discretion of the Head of any department, agency, or office, any government physician may be authorized to do a spot check on employees who are supposed to be on sick leave.

Further, **Section 46 (B) (5), Revised Rules on Administrative Cases in the Civil Service (RRACCS)** provides that Frequent Unauthorized Absences (Habitual Absenteeism), Tardiness in Reporting for Duty, and Loafing from Duty during Regular Office Hours are grave offenses punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.

On the other hand, under **Section 46 (F) (4), RRACCS**, Frequent Unauthorized Tardiness (Habitual Tardiness) is a light offense punishable by reprimand for the first offense, suspension of one (1) to thirty (30) days for the second offense, and dismissal from the service for the third offense. It is committed when an official or employee incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.

The classification of Habitual Tardiness as either a grave offense or a light offense would depend on the frequency or regularity of its commission and its effects on the government service.

For strict compliance.

ALICIA dela ROSA-BALA
Chairperson

31 JAN 2017

Republic of the Philippines
Civil Service Commission
Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City

ANNEX "B"

~~109 Years of Service;~~
~~Civil Service at Its Best~~
Mamamayan Muna

CSC MC No. 16, s. 2010

MEMORANDUM CIRCULAR

TO : **ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER**

SUBJECT : *Policy on Undertime*

Pursuant to **CSC Resolution No. 10-1357*** dated July 6, 2010, the Commission resolves that undertime is not classified as tardiness. However, due to the inimical effect of undertime to public service, which cannot be countenanced, the following guidelines on Undertime is hereby promulgated, as follows:

1. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two months in a semester shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be; and

2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) consecutive months during the year shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be.

FRANCISCO T. DUQUE III, MD, MSc
Chairman

06 AUG 2010

AGR/Y47 (d16)/mpm10-usb
MC Policy on Undertime

* CSC Res. No. 10-1357 was published in the Philippine Daily Inquirer on July 28, 2010.

Republic of the Philippines
Civil Service Commission
Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City

109 Years of Service;
Civil Service at Its Best
Mamamayan Muna

Re: Policy on Undertime
x----------x

RESOLUTION NO. 101357

WHEREAS, Section 1, Article XI of the 1987 Constitution, states that *"Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives"*;

WHEREAS, part of such accountability, responsibility and efficiency of public officers and employees is the observance of the prescribed eight-hour work schedule in a given working day or 40-hour work per week;

WHEREAS, by incurring undertime, an officer or employee fails to observe the prescribed eight-hour work in a day;

WHEREAS, in the case of **Yadao-Guno, Carmelita P. (CSC Resolution No. 00-0970 dated April 7, 2000)**, the Commission defined undertime as *"working time that is less than the full time or the required minimum. This is usually incurred by an officer or employee who leaves or quits from work earlier than the usual eight-hour work schedule in a given working day;*

WHEREAS, undertime is not considered as an administrative offense;

WHEREAS, it is the present practice to classify undertime as tardiness, thus, penalized under the offense of Habitual Tardiness;

WHEREAS, in the case of **Caballes, Zenaida Z. (CSC Resolution No. 08-1198 dated June 23, 2008)**, citing the case of **Yadao-Guno, Carmelita P.**, the Commission ruled that respondent is not liable for Habitual Tardiness because the *"number of undertime that the respondent incurred cannot be classified as tardiness"*;

WHEREAS, while undertime is not classified as tardiness and is not considered as an administrative offense, there is a need to set the limit as to the number of times an officer or employee is allowed to go on undertime;

WHEREAS, undertime for more than that allowed shall be considered as falling under the administrative offenses of Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service;

Certified True Copy:

SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office

NOW, THEREFORE, the Civil Service Commission, as the central human resource institution of the government, resolves to promulgate the following guidelines on Undertime, as follows:

1. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two months in a semester shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be; and

2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) consecutive months during the year shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be.

RESOLVED FURTHER that these guidelines shall be prospective in application and shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Quezon City. 06 JUL 2010

FRANCISCO T. DUQUE III
Chairman

CESAR D. BUENAFLOR
Commissioner

MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:

DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

AGR/Y47/mpm10-usb
CSC Policy Reso on Undertime

Certified True Copy:

SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office

ANNEX "B"

Republic of the Philippines
CIVIL SERVICE COMMISSION

Serbisyo Sibil: Isang Daang Taong Paglilingkod

MC NO. 02, s. 2001

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS,BUREAUS, OFFICES, AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING STATE UNIVERSITIES AND COLLEGES AND GOVERNMENT-OWNED-AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER

SUBJECT : Revised Policies on the Settlement of Grievances in the Public Sector

Pursuant to CSC Resolution No. 010113 dated January 10, 2001, the Commission adopts the Revised Policies on Grievance Machinery which seeks to promote harmony in the workplace, thereby foster the productivity of each member of the organization. These policies, developed and refined in consultation with employee associations and other sectors of the government, are as follows:

1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of positions.

2. All agencies shall establish a grievance machinery that is the best way to address grievance between or among government officials and employees.

3. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.

4. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.

5. A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his or her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

6. Grievance refers to work related issues giving rise to employee dissatisfaction. The following cases shall be acted upon through the grievance machinery:

a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions;

b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them;

c. Physical working conditions;

d. Interpersonal relationships and linkages;

e. Protest on appointment and other personnel actions; and

f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated in Item No. 6.

7. The following cases shall not be acted upon through the grievance machinery:

a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;

b. Sexual harassment cases as provided for in RA 7877; and

c. Union-related issues and concerns.

8. Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

9. Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition is as follows:

a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the Chief or Head of Administrative Division;

b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;

c. Two (2) members from the rank-and-file who shall serve for a term of two (2) years and chosen through a general assembly or any other mode of selection to be conducted for the purpose; one from the first level and another from the second level. In offices where there are accredited or recognized employee unions, the rank-and-file representatives shall be those named by the employee union. The first level representative shall participate in the resolution of the grievance of first level employees while the second level representative shall participate in the resolution of grievance of second level employees; and

d. The Bilis Aksyon Partner (BAP) duly designated.

In the case of Local Government Units, the Local Chief Executive or his or her duly designated representative shall be appointed as member of the grievance committee.

10. The agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

11. The agency grievance committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling, HRD interventions and other similar activities.

12. The personnel unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.

13. The grievance committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.

14. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification on the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain, among other things, the following information: history and final action taken by the agency on the grievance.

15. The personnel unit of the agency shall extend secretariat services to the grievance committee.

16. The grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties.

17. The grievance committee shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office.

18. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations.

19. The agency Grievance Machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval. Subsequent amendments shall be subject to CSC approval and shall take effect immediately.

This circular repeals the provisions of CSC Memorandum Circular No. 45, s. 1989 and other issuances on Grievance Machinery which are inconsistent herewith.

Please be guided by the enclosed model in the preparation of your Agency Grievance Machinery which shall be submitted to the Civil Service Commission Regional Office concerned not later than June 30, 2001.

CORAZON ALMA G. DE LEON
Chairman

Gm-resol:gm-_mc.doc
26 January 2001
OAC-A

AGENCY

GRIEVANCE MACHINERY

(A Model)

In line with the Revised Policies on the Settlement of Grievance in the Public Sector contained in CSC Resolution No. 010113, dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, s. 2001, the Agency hereby adopts the herein Grievance Machinery.

I. BASIC POLICIES

1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of positions.

2. All agencies shall establish a grievance machinery that is the best way to address grievance between or among government officials and employees.

3. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.

4. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.

5. A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his or her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

6. Grievance refers to work related issues giving rise to employee dissatisfaction. The following cases shall be acted upon through the grievance machinery:

a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions;

b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them;

c. Physical working conditions;

d. Interpersonal relationships and linkages;

e. Protest on appointments; and

f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated in Item No. 6.

7. The following cases shall not be acted upon through the grievance machinery:

a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;

b. Sexual harassment cases as provided for in RA 7877; and

c. Union-related issues and concerns.

8. Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

9. Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition is as follows:

a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the Chief or Head of Administrative Division;

b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;

c. Two (2) members from the rank-and-file who shall serve for a term of two (2) years and chosen through a general assembly or any other mode of selection to be conducted for the purpose; one from the first level and another from the second level. In offices where there are accredited or recognized employee unions, the rank-and-file representatives shall be those named by the employee union. The first level representative shall participate in the resolution of the grievance of first level employees while the second level representative shall participate in the resolution of grievance of second level employees; and

d. The Bilis Aksyon Partner (BAP) duly designated.

In the case of Local Government Units, the Local Chief Executive or his or her duly designated representative shall be appointed as member of the grievance committee.

10. The agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

11. The agency grievance committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling, HRD interventions and other similar activities.

12. The personnel unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.

13. The grievance committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.

14. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification on the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain, among other things, the following information: history and final action taken by the agency on the grievance.

15. The personnel unit of the agency shall extend secretariat services to the grievance committee.

16. The grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties.

17. The grievance committee shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office.

18. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations.

19. The agency grievance machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval. Subsequent amendments shall be subject to CSC approval and shall take effect immediately.

II. OBJECTIVES

1. General

   Create a work atmosphere conducive to good supervisor-employee relations and improved employee morale.

2. Specific

   2.1 Activate and strengthen agency's existing grievance machinery;

   2.2 Settle grievances at the lowest possible level in the organization; and

   2.3 Serve as a catalyst for the development of capabilities of personnel on dispute settlement, especially among supervisors in the agency.

III. SCOPE

The Grievance Machinery applies to all levels of officials and employees in the agency. It may also apply to non-career employees whenever applicable.

IV. DEFINITION OF TERMS

Accredited or Recognized Employee Union – an employee union accredited pursuant to Executive Order No. 180 and its implementing rules and regulations.

Bilis Aksyon Partner – is the counterpart Action Officer of the Civil Service Commission under the Mamamayan Muna Program in every agency pursuant to CSC MC No. 3, s. 1994.

Grievance – a work-related discontentment or dissatisfaction which had been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without due consideration.

Grievance Machinery – a system or method of determining and finding the best way to address the specific cause or causes of a grievance.

Public Sector Labor-Management Council (PSLMC)- the Council responsible for the promulgation, implementation and administration of the guidelines for the exercise of the right of government employees to organize pursuant to Executive Order No. 180.

V. APPLICATION OF GRIEVANCE MACHINERY

The following instances shall be acted upon through the grievance machinery:

a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law, including salaries, incentives, working hours, leave benefits such as delay in the processing of overtime pay, unreasonable withholding of salaries and inaction on application for leave;

b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them such as failure to observe selection process in appointment, and undue delay in the processing of retirement papers;

c. Inadequate physical working conditions such as lack of proper ventilation in the workplace, and insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;

d. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;

e. Protest on appointments; and

f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

The following cases shall not be acted upon through the grievance machinery:

a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;

b. Sexual harassment cases as provided for in RA 7877; and

c. Union-related issues and concerns.

VI. GRIEVANCE PROCEDURES

The procedures for seeking redress of grievances shall be as follows:

1. **Discussion with Immediate Supervisor.** At the first instance, a grievance shall be presented verbally or in writing by the aggrieved party to his or her immediate supervisor.

The supervisor shall inform the aggrieved party of the corresponding action within three (3) working days from the date of presentation.

Provided, however, that where the object of the grievance is the immediate supervisor, the aggrieved party may bring the grievance to the next higher supervisor.

2. **Appeal to the Higher Supervisor**. If the aggrieved party is not satisfied with the verbal decision, he or she may submit the grievance in writing, within five (5) days to the next higher supervisor who shall render his or her decision within (5) working days from receipt of the grievance.

3. **Appeal to the Grievance Committee**. The decision of the next higher supervisor may be elevated to the grievance committee within five (5) working days from receipt of the decision of the next higher supervisor.

The grievance committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management

4. Appeal to Top Management. If the aggrieved party is not satisfied with the decision of the grievance committee, he or she may elevate his or her grievance within five (5) working days from receipt of the decision through the committee to top management who shall make the decision within ten (10) working days after the receipt of the grievance. Provided, however, that where the object of the grievance is the top management, the aggrieved party may bring his or her grievance directly to the Civil Service Commission Regional Office.

5. Appeal to the Civil Service Commission Regional Office. If the aggrieved party is not satisfied with the decision of top management, he or she may appeal or elevate his or her grievance to the Civil Service Commission Regional Office concerned within fifteen (15) working days from the receipt of such decision. Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance (CFAG). The Civil Service Commission Regional Office shall rule on the appeal in accordance with existing civil service law, rules and regulations.

VII. GRIEVANCE COMMITTEE

Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition and responsibilities are as follows:

Composition

Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

The agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the Chief or Head of Administrative Division;

b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;

c. Two (2) members from the rank-and-file who shall serve for a term of two (2) years and chosen through a general assembly or any other mode of selection to be conducted for the purpose; one from the first level and another from the second level. In offices where there are accredited or recognized employee unions, the rank-and-file representatives shall be those named by the employee union. The first level representative shall participate in the resolution of the grievance of first level employees while the second level representative shall participate in the resolution of grievance of second level employees; and

d. The Bilis Aksyon Partner (BAP) duly designated.

In the case of Local Government Units, the Local Chief Executive or his or her duly designated representative shall be appointed as member of the grievance committee.

The personnel unit of the agency shall extend secretariat services to the grievance committee.

Responsibilities

In addition to finding the best way to address specific grievance, the committee shall have the following responsibilities:

1. Establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties;

2. Develop and implement pro-active measures or activities to prevent grievance such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling and other HRD interventions. Minutes of the proceedings of these activities shall be documented for audit purposes;

3. Conduct continuing information drive on Grievance Machinery among officials and employees in collaboration with the personnel unit;

4. Conduct dialogue between and among the parties involved;

5. Conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management;

6. Direct the documentation of the grievance including the preparation and signing of written agreements reached by the parties involved;

7. Issue Certification on the Final Action on the Grievance (CFAG) which shall contain, among other things, the following information: history and final action taken by the agency on the grievance; and

8. Submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office concerned.

VIII. GRIEVANCE FORMS

The following forms shall be used:

1. Grievance Form

GRIEVANCE FORM

(Date Filed)

Name of Aggrieved Party

Section/Division/Office

Position Title/Designation (if any)

Aggrieved Party's Higher Supervisor

Nature/Subject of Grievance:

Action Desired

Signature of Aggrieved Party

2. Grievance Agreement Form

GRIEVANCE AGREEMENT FORM

Name of Parties to a Grievance
Nature of the Grievance
Steps toward Settlement
Agreements Reached

We promise to abide by the above-stated agreement.

Aggrieved Party

Chairman Grievance Committee

Subject of Grievance

3. Certificate of Final Action on the Grievance

CERTIFICATE OF FINAL ACTION ON THE GRIEVANCE

This certifies that the grievance filed by
(Aggrieved Party)
on has been acted upon by this Committee on

Final Action Taken:

Chairman
Grievance Committee

Date

ANNEX "C"

DOE Rules on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of the Prescribed Office Uniforms or DOE Identification Card

Under Section 5, Rule XVII of the Omnibus Rules Implementing Book V of Executive Order No. 292, all government officials and employees are required to render eight (8) working hours a day for five (5) days a week, or a total of 40 hours a week excluding time for lunch. The normal working hours shall be from 8:00 AM to 12:00 NN, and 1:00 PM to 5:00 PM.

Moreover, Section 6 of the same Rule allows the adoption of flexible working hours or 'flexi-time'. Civil Service Commission (CSC) Memorandum Circular (MC) No. 14, s. 1989 prescribed that the flexi-time should not start earlier than 7:00 AM and not end later than 7:00 PM. In no case shall the flexi-time arrangement be occasionally changed by the employee at his or her convenience. As such, in the case of a half-day, the employee needs to render either four (4) hours in the morning or four (4) hours in the afternoon.

On the other hand, all employees of the DOE shall wear the prescribed office uniforms or observe the Dress Code during days when there is no prescribed office uniform; and wear the DOE Identification Cards at all times while in the DOE premises. This is pursuant to CSC MC Nos. 19, s. 2000 and 20, s. 2014; and Department Order No. 2019-02-0006 on the Revised Dress Code Prescribed for All Government Officials and Employees in the Workplace, Clarification on the Practice of Wearing Hijabs for Female Muslims in Government Institutions, and Prescribing the Wearing of Office Uniforms for CY2019 and DOE Identification (ID) Cards, respectively.

Those who fail to observe the 40-hour workweek and eight/ten-hour workday through consistent unauthorized absences, tardiness, undertime, and those who continuously disregard the wearing of prescribed office uniforms and observance of the Dress Code or wearing of the DOE ID's, loafing from duty during office hours may be administratively charged and penalized with reprimand, suspension or dismissal from service pursuant to civil service law, rules, and regulations.

In consideration hereof, the Department of Energy (DOE) hereby issues the DOE Rules on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of the Prescribed Office Uniforms or DOE Identification Card.

Leave of Absence and Government Office Hours

All DOE employees shall render mandatory of eight (8) hours a day, exclusive of one (1) hour lunch break, Monday to Friday, or a total of forty (40) hours a week.

Those who will be unable to report for work for a particular workday, shall file the appropriate leave of absence on the prescribed leave application form and during the prescribed period of filing.

The DOE has the following flexi-time schedule:

Monday	: 7:00-8:00 AM to 4:00-5:00 PM
Tuesday to Friday	: 7:00-9:00 AM to 4:00-6:00 PM

All officials and employees are required to attend the Flag Raising Ceremony, every Monday at 8:00 AM.

Employees who provide frontline service or those who perform such types of work that require them to be in office for a fixed time daily, such as drivers/chauffeurs, are not covered by the flexible working schedule.

Those personnel, through their supervisors, are required to submit to the Human Resource Management Division (HRMD) the schedule of their personnel as follows:

7:00 AM to 12:00 NN – 1:00 PM to 4:00 PM
7:30 AM to 12:00 NN – 1:00 PM to 4:30 PM
8:00 AM to 12:00 NN – 1:00 PM to 5:00 PM
8:30 AM to 12:00 NN – 1:00 PM to 5:30 PM

There shall be no off-setting of tardiness or absences by working for an employee for an equivalent number of minutes or hours by which an employee has been tardy or absent, beyond the regular working hours of the employees concerned.

Wearing of Prescribed Office Uniforms and DOE Identification (IDs) Cards

All employees of the Department of Energy shall wear the complete prescribed office uniforms pursuant to Department Order No. DO2019-02-0006 and thereafter the succeeding Department Orders which will be issued on the wearing of prescribed office uniforms in the DOE.

On those days when there is no prescribed office uniform, employees, both male and female, shall strictly observe the Dress Code pursuant to Civil Service Commission (CSC) Memorandum Circular Nos. 20, s. 2014 and 19, s. 2000. They shall be guided by the following:

1. Gauzy, transparent or net-like shirt or blouse; sando, strapless or spaghetti-strap; tank tops, blouse with over-plunging necklines; micro-miniskirts, walking shorts, cycling shorts, leggings, tights and jogging pants are prohibited.

2. The wearing of rubber sandals, rubber slippers, bakya, is also not allowed.

3. Also prohibited is the ostentatious display of jewelry and wearing of heavy or theatrical make-up, except during official special occasions and celebrations.

4. The wearing of "maong" pants, although, generally prohibited, may be considered as appropriate attire when paired with a collared polo/shirt (for male employees), or any appropriate blouse or shirt (for female employees).

5. The following are exempted from wearing the prescribed office uniforms:

   5.1 Those on field work whether within or outside Metro Manila;

   5.2 Those on official business outside the office;

   5.3 Those who are mourning (allowed for one [1] year);

   5.4 Pregnant women;

   5.5 Those who are engaged in work which entails the soiling or dirtying of clothes (mechanics, maintenance and laboratory personnel) are allowed to change their uniforms to a more comfortable or appropriate outfit during the performance of said tasks;

   5.6 Those hired without employee-employer relationships and funded from non-Personal Service appropriations/budgets; and

   5.7 All employees during the summer months of March and April.

6. The wearing of "hijab" (headscarves) among Muslim women shall be allowed in government offices.

Likewise, DOE employees shall wear the DOE Identification (ID) Cards at all times while in DOE premises.

General Procedures

The HRMD shall issue a Memorandum of Warning to employees who have incurred the following unauthorized absences, tardiness or undertimes and non-wearing of prescribed office uniforms or DOE IDs:

1. Three (3) days of unauthorized absences in a month in order to serve as a reminder to employees of a possible offense should they incur the same number of unauthorized absences, i. e., exceeded the allowable 2.5 monthly leave credits (or equivalent to 3 days or more) for at least three (3) months in a semester; or at least three (3) consecutive months during the year.

2. Ten (10) or more tardiness or undertime in a month in order to serve as a reminder to employees of a possible offense should they incur the same number of tardiness or undertime for two (2) months in a semester or two (2) consecutive months during the year.

3. Ten (10) or more times of non-wearing of prescribed office uniforms or DOE IDs in a month in order to serve as a reminder to employees of a possible offense should they incur the same number of non-wearing of prescribed office uniforms or DOE IDs for two (2) months in a semester or two (2) consecutive months during the year.

The HRMD shall issue a "show-cause" order or a Memorandum of Explanation to employees who have been found to be habitually absent; habitually tardy; habitually incurring undertimes; and habitually not wearing the prescribed office uniforms or DOE IDs.

Concerned employee shall, within seventy-two (72) hours upon receipt of said "show-cause" order or a Memorandum of Explanation, submit an answer/explanation, which is in writing and under oath, together with original or certified true copies of any documentary evidence, sworn statements covering testimonies of witnesses, if any, as to why he/she should not be charged with the offense of Habitual Absenteeism, Habitual Tardiness, Simple Misconduct and/or Violation of Reasonable Office Rules and Regulations.

If the employee fails or refuses to file an answer to the "show-cause" order or a Memorandum of Explanation within the given period, he/she shall be considered to have waived his/her right to submit the same and the case shall be decided based on the available records.

The HRMD shall then submit the answer/explanation of the concerned employee, along with other pertinent documents, to the **Committee on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of Prescribed Office Uniforms or DOE Identification Card (CHATNU)**. The CHATNU shall evaluate the merits of the answer/explanation together with the documents submitted with it.

The CHATNU, may, as necessary, and based on its evaluation, summon the employee, other persons or documents, who/which may clarify/verify claims stated in the answer/explanation of the employee.

The CHATNU's action shall commence within a non-extendible period of five (5) days upon receipt of the answer/explanation from the HRMD, and shall make a recommendation to the disciplining authority within twenty (20) days thereafter.

The **Committee on Habitual Absenteeism, Tardiness, Undertime and Non-Wearing of Prescribed Office Uniforms or DOE Identification Card (CHATNU)** will be composed of the following:

Chair	:	Director for Administrative Service
Members	:	One (1) Attorney from the Legal Services
		DOE-EA President or his/her Authorized Representative

The said Committee will handle cases relating to Habitual Absenteeism, Habitual Tardiness, Simple Misconduct for Incurring Frequent Undertimes and/or Violation of Reasonable Office Rules and Regulations brought about by and Non-Wearing of the Prescribed Office Uniforms or DOE Identification Card.

When the CHATNU determines that the answer/explanation is satisfactory, it shall recommend to the disciplining authority the dismissal of the case.

The **Undersecretary for Administration shall be the disciplining authority** for cases relating to Habitual Absenteeism, Habitual Tardiness, Simple Misconduct for Incurring of Frequent Undertimes and/or Violation of Reasonable Office Rules and Regulations brought about by and Non-Wearing of the Prescribed Office Uniforms or DOE Identification Card.

For this purpose, the Secretary of the Department of Energy hereby delegates his disciplining authority to the Undersecretary for Administration.

The Undersecretary for Administration shall decide the case within thirty (30) days from receipt of the recommendation of the CHATNU

When the Undersecretary for Administration determines that the answer/explanation is satisfactory, the case shall be dismissed.

A decision rendered by the Undersecretary for Administration whereby a penalty of reprimand, or suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (30) days' salary is imposed, shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration with the Undersecretary for Administration or an appeal with the CSC and no such pleading has been filed.

The process for the filing of Motion for Reconsideration or Appeal as indicated in Sections 48 and 49, hereof of the Department Order on Omnibus Rules of Procedure in the Disposition of Administrative Cases and Settlement of Grievances Involving Personnel of the Department of Energy, shall be allowed.

<u>On Unauthorized Absences</u>

Services rendered less than two (2) hours in a day is considered a whole day absence.

No time-in and time-out transactions in a day without official supporting document (such as Travel Authority, Travel Order, Pass Slip, Application for Leave, among others) is considered unauthorized absence. Said official documents must be submitted to the Human Resource Management Division (HRMD) on prescribed time and in the proper form.

Unauthorized absences exceeding the allowable 2.5 monthly leave credits (or equivalent to 3 days or more) for at least three (3) months in a semester; or at least three (3) consecutive months during the year shall constitute an offense Frequent Unauthorized Absences (Habitual Absenteeism).

Such offense shall have the following penalties pursuant to CSC rules:

1st offense	-	Suspension of six (6) months and one (1) day to one (1) year
2nd offense	-	Dismissal

On Tardiness and Undertime

Counting of tardiness commences at 8:01 AM during Mondays and 9:01 AM on Tuesdays to Fridays. Leaving the Office before 4:00 PM or before completing eight (8) hours of work in a day, reckoned from the time-in, is considered undertime. A half-day, not filed as a leave of absence, is considered as either tardiness or undertime. An employee who is absent in the morning is considered to be tardy while the employee who is absent in the afternoon is considered to have incurred undertime.

The HRMD shall regularly monitor the frequency of tardiness and undertime of employees.

Ten (10) or more tardiness incurred for two (2) consecutive months during a year or two (2) months in a semester shall constitute an offense of Habitual Tardiness. Likewise, ten (10) or more undertimes, regardless of the number of minutes, incurred for two (2) consecutive months during a year or two (2) months in a semester shall constitute an offense of Simple Misconduct.

Habitual Tardiness shall have the following penalties pursuant to CSC rules:

1st offense	-	Reprimand
2nd offense	-	Suspension for one (1) day to thirty (30) days
3rd offense	-	Dismissal

While Simple Misconduct for Frequent Incurring of Undertimes shall have the following penalties pursuant to CSC rules:

1st offense	-	Suspension of one (1) month and one (1) day to six (6) months
2nd offense	-	Dismissal

On Non-Wearing of the Prescribed Office Uniforms and DOE Identification Card

Upon entrance in the DOE premises, all employees shall wear the complete prescribed office uniforms, strictly observe the Dress Code and wear the DOE Identification Card at all times while in the DOE premises in compliance to the above-cited CSC Circulars and DOE Department Order.

ANNEX "C"

Ten (10) or more times of non-wearing of the prescribed office uniforms and DOE identification card, whether partial or complete, for two (2) consecutive months during a year or two (2) months in a semester shall constitute an offense of Violation of Reasonable Office Rules and Regulations. Such offense shall have the following penalties pursuant to CSC rules:

1st offense	-	Reprimand
2nd offense	-	Suspension for one (1) day to thirty (30) days
3rd offense	-	Dismissal

Republic of the Philippines
DEPARTMENT OF ENERGY

Department Order No. DO2005-09-012

GUIDELINES TO IMPLEMENT A FULL FLEXI-TIME SCHEDULE IN THE DEPARTMENT OF ENERGY

WHEREAS, Section 6, Rule XVII of the Omnibus Rules Implementing Book V of Executive Order No. 292 otherwise known as the "Administrative Code of 1987" provides that "flexible working hours may be allowed subject to the discretion of the head of the department or agency" and that "in no case shall the weekly working hours be reduced in the event the department or agency adopts the flexi-time schedule in reporting for work;"

WHEREAS, under Section I, Article XIV of the Collective Negotiation Agreement entered into by and between the Department of Energy (DOE) and Department of Energy-Employees Association (DOE-EA) on July 20, 2005, it is stipulated that the DOE, conformably with government regulations, shall observe flexi-time work schedule;

WHEREAS, adopting a flexi-time schedule is in line with the DOE's continuing efforts to improve the working conditions and benefits at the DOE and to promote harmonious and better employee-management practices towards effectiveness and efficiency in the delivery of services to the public;

NOW, THEREFORE, for and in consideration of the foregoing premises, the following guidelines to implement a full flexi-time work schedule are hereby issued:

SECTION 1. **COVERAGE**

1.1 All DOE employees, including casual and contractual employees with appointments approved by the Civil Service Commission (CSC), shall have the option to adopt flexible working hours subject to the guidelines, rules and regulations provided herein.

1.2 DOE Field Offices in the Visayas and Mindanao may adopt flexible working hours, in accordance with these guidelines, provided that their Directors certify the adequacy and reliability of administrative processes to meet the requirements of this Order.

1.3 Employees who provide frontline services or those who perform such types of work that require them to be in the office for a fixed time daily, such as drivers / chauffeurs, etc., are not covered by the flexible working schedule provided herein. They shall observe a fixed time schedule which shall be required by their respective

supervisors, but still subject to the minimum eight (8) hours each work day and to the rules and regulations and policies on overtime work, among others. The supervisors are in turn required to submit to the Human Resource Management Division (HRMD) the time schedules of these personnel.

SECTION 2. **BASIC GUIDELINES/POLICIES**

2.1 Flexi-time shall mean employees can report for work / time in anytime between 7:00 a.m. and 9:00 a.m., and leave / time out anytime between 4:00 p.m. and 6:00 p.m. provided that the required period of eight (8) hours of work in one (1) day has been rendered, except on Mondays when employees shall report to the office only between 7:00 a.m. and 8:00 a.m. to enable them to attend the flag-raising ceremony at 8:00 a.m.

2.2 Flexi-time hours defined above shall not be prejudicial to the prompt and efficient delivery of services and shall not in any way disrupt the daily operations of the DOE.

2.3 In general, official work hours in the DOE shall be from 7:00 am to 6:00 pm.

2.4 The Supervisors (Undersecretaries, Assistant Secretaries, Directors, Division Chiefs and Heads of Units) may require an employee to report to the office at a specific time for a specific work assignment / meeting or extend working hours in the exigencies of the service.

2.5 Employees who report for work at 9:01 a.m. (or 8:01 a.m. on Mondays) or later shall be considered tardy.

2.6 Employees who leave before 4:00 pm shall be considered undertime. Employees who render work / service for less than 8 hours service shall also be considered as having incurred undertime for that day.

2.7 Employees are entitled to a lunch break of one hour, from 12:00 noon to 1:00 pm.

2.8 Hours of work rendered in excess of eight (8) hours in a day may be considered overtime services only when such are authorized by the proper officials and subject to DOE as well as COA requirements on overtime pay.

2.9 A Pass Slip shall be properly accomplished whenever an employee leaves office premises either on an official or personal business. The Pass Slip shall be approved by the Division Chief/ Bureau/Service Director or Head of Office or Unit before the employee leaves the office. The original copy of the Pass Slip shall be duly submitted to the Guard-on- Duty and the duplicate copy to the HRMD for the employee's record.

For proper monitoring, the Guard-on-Duty shall then submit the Pass Slip to the HRMD immediately at the close of office hours.

Employees who are authorized to proceed directly to the place of assignment shall have their Pass Slips accomplished and submitted to the Guard-on-Duty one (1) day in advance.

SECTION 3. **SANCTIONS**

An employee who is found guilty, after due notice and hearing of non-compliance with the abovestated guidelines shall be considered in violation of reasonable office rules and regulations, and shall be given the following penalties:

1st Offense	-	Reprimand
2nd Offense	-	Suspension for one (1) to thirty (30) days
3rd Offense	-	Dismissal

SECTION 4. **EFFECTIVITY**

This Department Order shall take effect **October 1, 2005.**

SECTION 5. **AMENDMENTS**

This Department Order shall be reviewed six (6) months from its effectivity and may be amended, as deemed necessary.

Fort Bonifacio, Taguig City, ~~September 26~~, 2005.

RAPHAEL P. M. LOTILLA
Secretary

Omnibus Rules on Leave

Rule XVI of the Omnibus Rules Implementing Book V of EO 292

Publications and Media Relations Division
PUBLIC ASSISTANCE AND INFORMATION OFFICE
Civil Service Commission
Batasan Hills, Quezon City

CIVIL SERVICE COMMISSION
December 2009

FOREWORD

The past few years have seen rapid, sometimes radical developments in a broad range of social, political and economic issues which mirror both our social and political consciousness.

These welcome developments are best manifest in the laws of the land and the administrative issuances which lay the ground rules for an ever growing number of concerns in both the public and private sector. Thus, recent years have seen the passage of such laws as the Paternity Leave Act of 1996 and the Anti-Sexual Harassment Law. Similarly, the Civil Service Commission issued directives granting special leave privileges to all government employees. Earlier, policies such as forced leave and monetization of leave credits were adopted for the well-being and benefit of government employees.

The Omnibus Rules on Leave does not merely consolidate all laws and administrative issuances relative to leave administration in the government sector. Whenever possible within the bounds of existing law, the Omnibus Rules on Leave updates all implementing rules and regulations on leave administration to make them more relevant and responsive to current realities and concerns. The Omnibus Rules on Leave also harmonizes the various rules when needed in the interest of equity and fairness. For example, married contractual female employees can now enjoy maternity leave benefits, correcting the inequitable situation relative to their regular counterparts and the anomalous situation relative to their spouses who, if they happen to be government contractual employees, started receiving Paternity Leave benefits since 1996.

This Omnibus will be a perfect complement to the CSC's thrust of humanizing the bureaucracy.

The CSC hopes that with these Omnibus Rules on Leave, the unresolved issues and gray areas relative to leave administration will be clarified and thus enhance the efficiency of the government personnel administration system. Ultimately, the final result will be a highly productive, energetic and professional public service.

Table of Contents

	Page
Definition of terms	1
Entitlement to leave privileges	3
Leave of absence of part-time employees	3
Leave of absence of employees on rotation basis	3
Leave of contractual employees	3
Leave credits of local elective officials	3
Teachers' leave	4
Other employees under teachers' leave basis	4
Teachers who are designated to perform non-teaching functions	4
Vacation service credits of teachers	4
Leave credits of officials & employees covered by special leave law	4
Conditions for the grant of maternity leave	5
Formula for the computation of maternity leave	5
Every woman, married or unmarried, may be granted maternity leave more than once a year	6
Every married or unmarried woman may go on maternity leave for less than sixty (60) days	7
Maternity leave with pay may be granted even if delivery occurs just a few days after the termination of employee's service	7
Maternity leave of employees on extended leave of absence without pay	7
Maternity leave of female employee with pending administrative case	7
Maternity leave of contractual employees	8
Conditions for the grant of paternity leave	8
Paternity Leave non-cumulative/non-commutative	8
Special leave privileges	8
Monetization of leave credits	9
Monetization of 50% or more of vacation/sick leave credits	9
Computation of leave monetization	10
Five days forced/mandatory leave	11
Accumulation of vacation & sick leave	11
Computation of vacation leave & sick leave	12
Actual service defined	16
Computation of leave for employees with irregular work schedule	16
Computation of leave for employees observing flexible working hours	16
Commutation of salary prior to leave	17
Absence on a regular day for which suspension of work is announced	17
Leave of absence without pay on a day immediately preceding or succeeding Saturday, Sunday or Holiday	17
Tardiness and undertime are deducted against vacation leave credits	17
Terminal leave	17
Approval of terminal leave	18
Payment of terminal leave	18
Period within which to claim terminal leave pay	18

	Page
Basis of computation of terminal leave	18
Computation of terminal leave	18
Official/Employee on terminal leave does not earn leave credits	19
Leave of public officials & employees on extended service	19
Basis for computation of salary during leave with pay	20
Leave during probationary period	20
Conversion of vacation service credits of teachers to vacation and sick leave credits and vice-versa; payment thereof	20
Transfer from teaching to non-teaching service during summer vacation/ entitlement to proportional vacation pay	21
Transfer of leave credits	21
Period within which to act on leave application	22
Effect of unauthorized leave	22
Application for vacation leave	22
Application for sick leave	22
Rehabilitation leave for job-related injuries	23
Leave without pay	23
When leave without pay is not allowable	24
Effect of pending administrative case against an official or employee	24
Effect of absences without approved leave	25
Effect of decision in administrative case	25
Effect of exoneration from criminal/administrative case	25
Cause for disciplinary action	25
Study leave	26
Annexes	
Supplemental Policy on Leave Without Pay (MC No. 24, s. 1999)	29
Guidelines on the grant of parental leave to solo parents (MC No. 8, s. 2006)	30
Guidelines on the availment of the 10-day leave under R.A. 9262 (Anti-Violence Against Women & Their Children Act of 2004)	35
Guidelines for Availing of the Rehabilitation Privilege	38
Clarification on the Grant of Leave Benefits to Barangay Officials (MC No. 12, s. 2007)	41
Amendment to Section 63, Rule XVI of the Omnibus Rules on Leave, CSC Memorandum Circular Nos. 41 and 14, Series of 1998 and 1999, Respectively (MC No. 13, s. 2007)	43
Interim Guidelines on the Use of Leave Credits for Absence Due to Self-Quarantine and/or Treatment Relative to the Influenza A (H1N1) Global Pandemic (MC No. 29, s. 2009)	45

RULE I

(from the Omnibus Rules Implementing Book V of Executive Order No. 292 [The Revised Administrative Code of 1987])

(p.) The following terms used in Rule XVI shall be construed as follows:

1. *Leave of absence* is generally defined as a right granted to officials and employees not to report for work with or without pay as may be provided by law and as the rules prescribe in Rule XVI hereof.

2. *Commutation of leave credits* refers to conversion of unused leave credits to their corresponding money value.

3. *Cumulation of leave credits* refers to incremental acquisition of unused leave credits by an official or employee.

4. *Immediate family* refers to the spouse, children, parents, unmarried brothers and sisters and any relative living under the same roof or dependent upon the employee for support. *(Amended by CSC MC 6, s. 1999)*

5. *Sick leave* refers to leave of absence granted only on account of sickness or disability on the part of the employee concerned or any member of his immediate family.

6. *Vacation leave* refers to leave of absence granted to officials and employees for personal reasons, the approval of which is contingent upon the necessities of the service.

7. *Monetization* refers to payment in advance under prescribed limits and subject to specified terms and conditions of the money value of leave credits of an employee upon his request without actually going on leave.

8. *Pregnancy* refers to the period between conception and delivery or birth of a child. For purposes of maternity leave, miscarriage is within the period of pregnancy.

Maternity leave refers to leave of absence granted to female government employees legally entitled thereto in addition to vacation and sick leave. The primary intent or purpose of granting maternity leave is to extend working mothers some measure of financial help and to provide her a period of rest and recuperation in connection with her pregnancy.

10. *Paternity leave* refers to the privilege granted to a married male employee allowing him not to report for work for seven (7) days while continuing to earn the compensation therefor, on the condition that his legitimate spouse has delivered a child or suffered a miscarriage, for purposes of enabling him to effectively lend care and support to his wife before, during and after childbirth as the case may be and assist in caring for his newborn child.

11. *Vacation Service Credits* refers to the leave credits earned by public school teachers for services rendered during activities authorized by proper authorities during long and Christmas vacation. These credits are used to offset their absences due to illness or to offset proportional deduction in vacation salary due to absences for personal reasons or late appointment.

12. *Terminal leave* refers to money value of the total accumulated leave credits of an employee based on the highest salary rate received prior to, or upon retirement date/voluntary separation.

13. *Special leave privileges* refer to leave of absence which officials and employees may avail of for a maximum of three (3) days annually over and above the vacation, sick, maternity and paternity leaves to mark personal milestones and/or attend to filial and domestic responsibilities.

14. *Relocation leave* refers to a special leave privilege granted to official/employee whenever he/she transfers residence.

N.B. These definitions were not part of the original Rule XVI of the Omnibus Rules Implementing Book V of Executive Order No. 292 (The Revised Administrative Code of 1987) but are part of CSC MC No. 41, s. 1998.

RULE XVI

(of the Omnibus Rules Implementing Book V of Executive Order No. 292)

LEAVE OF ABSENCE

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. *(Amended by CSC MC Nos. 41, s. 1998 and 14 s. 1999)*

Sec. 2. *Leave of absence of part-time employees.* — Employees rendering services on part-time basis are entitled to vacation and sick leave benefits proportionate to the number of work hours rendered. A part-time employee who renders four (4) hours of work five (5) days a week or a total of 20 hours a week is entitled to 7.5 days vacation leave and 7.5 days sick leave annually with full pay. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 3. *Leave of absence of employees on rotation basis.* — Employees on rotation basis shall be entitled to vacation and sick leave corresponding to the periods of service rendered by them. If an employee has been allowed to work in two or more shifts or rotation, the periods of actual service covered by each shift or rotation should be added together to determine the number of years, months and days during which leave is earned. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 4. *Leave of contractual employees.* — Contractual employees are likewise entitled to vacation and sick leave credits as well as special leave privileges provided in Section 21 hereof. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 5. *Leave credits of local elective officials.* — Local elective officials are entitled to leave privileges effective May 12, 1983 pursuant to Batas Pambansa 337 and Local Government Code of 1991 (RA 7160). Said leave credits shall be commutative and cumulative. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 6. *Teacher's leave.* — Teachers shall not be entitled to the usual vacation and sick leave credits but to proportional vacation pay (PVP) of 70 days of summer vacation plus 14 days of Christmas vacation. A teacher who has rendered continuous service in a school year without incurring absences without pay of not more than 1 ½ days is entitled to 84 days of proportional vacation pay.

Other leave benefits of teachers such as study leave and indefinite sick leave are covered by Section 24 and 25 of RA 4670 (Magna Carta for Public School Teachers). *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 7. *Other employees under teacher's leave basis.* — Day Care Workers and all other appointive employees whose work schedule is the same as that of teachers, earn leave credits in accordance with Sections 6 and 9 hereof. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 8. *Teachers who are designated to perform non-teaching functions.* — Teachers who are designated to perform non-teaching functions and who render the same hours of service as other employees shall be entitled to vacation and sick leave. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 9. *Vacation service credits of teachers.* — Teachers' vacation service credits refer to the leave credits earned for services rendered on activities—during summer or Christmas vacation, as authorized by proper authority. These vacation service credits are used to offset absences of a teacher due to illness or to offset proportional deduction in vacation salary due to absences for personal reasons or late appointment. The manner by which service credits may be earned by teachers is subject to the guidelines issued by the Department of Education, Culture and Sports (DECS)*. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 10. *Leave credits of officials and employees covered by special leave law.* — The leave credits of the following officials and employees are covered by special laws:

(a) Justices of the Supreme Court, Court of Appeals and Sandiganbayan;
(b) Judges of Regional Trial Courts, Municipal Trial Courts, Metropolitan Trial Courts, Court of Tax Appeals and Shari'a Circuit Court; and Shari'a District Court.

*Department of Education (DepEd)

(c) Chairmen and Commissioners of Constitutional Commissions;
(d) Filipino officers and employees in the Foreign Service;
(e) Faculty members of state universities and colleges pursuant to section 4 (h) of the Higher Education Modernization Act of 1997 (RA 8292). However, in the absence of such specific provisions, the general leave law and these rules shall be applicable; *(Amended by CSC MC No. 14, s. 1999)*
(f) Other officials and employees covered by special laws.

Hence, members of the judiciary and other government officials and employees covered by special laws should promulgate their own implementing rules relative thereto. Said implementing rules should be submitted to the Civil Service Commission for record purposes. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 11. *Conditions for the grant of maternity leave.* — Every woman in the government service who has rendered an aggregate of two (2) or more years of service, shall, in addition to the vacation and sick leave granted to her, be entitled to maternity leave of sixty (60) calendar days with full pay.

In the case of those in the teaching profession, maternity benefits can be availed of even if the period of delivery occurs during the long vacation, in which case, both the maternity benefits and the proportional vacation pay shall be received by the teacher concerned.

Maternity leave of those who have rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service, provided, that those who have served for less than one (1) year shall be entitled to 60-day maternity leave with half pay.

It is understood that enjoyment of maternity leave cannot be deferred but it should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding 60 calendar days.

(Amended by CSC Resolution No. 040740 published July 13, 2004 in Today newspaper)

Sec. 12. *Formula for the computation of maternity leave.* — Employees who have rendered less than two (2) years of service may only receive full pay for a number of days based on the ratio of 60 days to two years of service.

Where: y = the no. of days in the service
x = the no . of days to be paid
two years = 720 days

$$\frac{60}{720} = \frac{x}{y}$$

$$720x = 60y$$

$$x = \frac{60y}{720}$$

$$x = \frac{y}{12}$$

For example, an employee has rendered one year and six months of service:

Where x = number of days to be paid
y = 1 year and 6 months (540 days)

$$x = \frac{y}{12}$$

$$x = \frac{540}{12}$$

$$x = 45 \text{ days}$$

(Provided under CSC MC No. 41, s. 1998)

Sec. 13. *Every woman, married or unmarried, may be granted maternity leave more than once a year.* — Maternity leave shall be granted to female employees in every instance of pregnancy irrespective of its frequency. *(As amended by CSC Resolution No. 021420 published Nov. 1, 2002 in Today)*

Sec. 14. *Every married or unmarried woman may go on maternity leave for less than sixty (60) days.* — When a female employee wants to report back to duty before the expiration of her maternity leave, she may be allowed to do so provided she presents a medical certificate that she is physically fit to assume the duties of her position.

The commuted money value of the unexpired portion of the leave need not be refunded and that when the employee returns to work before the expiration of her maternity leave, she may receive both the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports for work.

(As amended by CSC Resolution No. 021420 published Nov. 1, 2002 in Today)

The formula of computation for this purpose is as follows:

$$\text{SALARY} = \frac{\text{Monthly Salary Rate}}{\text{22 Days}} \times \text{Actual No. of Days Worked}$$

(Provided under CSC MC No. 14, s. 1999)

Sec. 15. *Maternity leave with pay may be granted even if delivery occurs just a few days after the termination of an employee's service.* — Maternity leave with pay may be granted even if the delivery occurs not more than 15 calendar days after the termination of an employee's service as her right thereto has already accrued. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 16. *Maternity leave of an employee on extended leave of absence without pay.* — If already entitled, a woman employee can still avail of sixty (60) days maternity leave with pay even if she is on extended leave of absence without pay. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 17. *Maternity leave of a female employee with pending administrative case.* — Every woman employee in the government service is entitled to maternity leave of absence with pay even if she has a pending administrative case. *(As amended by CSC Resolution No. 021420 published Nov. 1, 2002 in Today)*

Sec. 18. *Maternity leave of contractual employees.* — All contractual female employees whether or not receiving 20% premium on their salary shall be entitled to maternity leave benefits like regular employees in accordance with the provisions of Section 11 hereof. *(As amended by CSC Resolution No. 021420 published Nov. 1, 2002 in Today)*

Sec. 19. *Conditions for the grant of paternity leave.* — Every married male employee is entitled to paternity leave of seven (7) working days for the first four (4) deliveries of his legitimate spouse with whom he is cohabiting.

The first of the four deliveries shall be reckoned from the effectivity of the Paternity Leave Act on July 15, 1996.

Married male employee with more than one (1) legal spouse shall be entitled to avail of paternity leave for an absolute maximum of four deliveries regardless of whichever spouse gives birth. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 20. *Paternity Leave non-cumulative/non-commutative.* — Paternity leave of seven (7) days shall be non-cumulative and strictly non-convertible to cash. The same may be enjoyed either in a continuous or in an intermittent manner by the employee on the days immediately before, during and after the childbirth or miscarriage of his legitimate spouse. *(Provided for under CSC MC No. 41, s. 1998 and amended by CSC MC no. 14, s. 1999)*

Sec. 21. *Special leave privileges.* — In addition to the vacation, sick, maternity and paternity leave, officials and employees with or without existing or approved Collective Negotiation Agreement (CNA), except teachers and those covered by special leave laws, are granted the following special leave privileges subject to the conditions hereunder stated:

a) Personal milestones such as birthdays/wedding/wedding anniversary celebrations and other similar milestones, including death anniversaries.
b) Parental obligations such as attendance in school programs, PTA meetings, graduations, first communion, medical needs, among others, where a child of the government employee is involved.
c) Filial obligations to cover the employee's moral obligation toward his parents and siblings for their medical and social needs.
d) Domestic emergencies such as sudden urgent repairs needed at home, sudden absence of a *yaya* or maid, and the like.

e) Personal transactions to cover the entire range of transactions an individual does with government and private offices such as paying taxes, court appearances, arranging a housing loan, etc.
f) Calamity, accident, hospitalization leave pertain to *force majeure* events that affect the life, limb, and property of the employee or his immediate family.

1. An employee can still avail of his birthday or wedding anniversary leave if such occasion falls on either a Saturday, Sunday or Holiday, either before or after the occasion.
2. Employees applying for special privilege leaves shall no longer be required to present proof that they are entitled to avail of such leaves.
3. Three-day limit for a given year shall be strictly observed: an employee can avail of one special privilege leave for three (3) days or a combination of any of the leaves for maximum of three days in a given year. Special leave privileges are non-cumulative and strictly non-convertible to cash.
4. Immediate family in Rule I (Definition of Terms) refers to spouse, children, parents, unmarried brothers and sisters or any relative living under the same roof or dependent upon the employee for support.

(Provided under CSC MC No. 41, s. 1998 and further amended by CSC MC No. 6, s. 1999)

Sec. 22. *Monetization of leave credits.* — Officials and employees in the career and non-career service whether permanent, temporary, casual, or coterminous, who have accumulated fifteen (15) days of vacation leave credits shall be allowed to monetize a minimum of ten (10) days: Provided, that at least five (5) days is retained after monetization and provided further that a maximum of thirty (30) days may be monetized in a given year. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 23. *Monetization of 50% or more of vacation/sick leave credits.* — Monetization of fifty percent (50%) or more of the accumulated leave credits may be allowed for valid and justifiable reasons such as:

a. Health, medical and hospital needs of the employee and the immediate members of his/her family;

b. Financial aid and assistance brought about by force *majeure* events such as calamities, typhoons, fire, earthquake and accidents that affect the life, limb and property of the employee and his/her immediate family;
c. Educational needs of the employee and the immediate members of his/her family;
d. Payment of mortgages and loans which were entered into for the benefit or which inured to the benefit of the employee and his/her immediate family;
e. In cases of extreme financial needs of the employee or his/her immediate family where the present sources of income are not enough to fulfill basic needs such as food, shelter and clothing;
f. Other analogous cases as may be determined by the Commission.

The monetization of 50% or more of the accumulated leave credits shall be upon the favorable recommendation of the agency head and subject to availability of funds.

Immediate family is used herein as defined in Rule I (Definition of Terms) of the Omnibus Rules Implementing the Administrative Code of 1987.

(As amended by CSC Resolution No. 020731 published June 7, 2002 in Today)

Sec. 24.* *Computation of Leave Monetization.* — Either of the following formula shall be used for the computation of Monetization of Leave Credits:

$$\text{Monthly salary} \times \text{No. of days to be monetized} \times \text{C F (.0478087)*} = \text{Money value of the monetized leave}$$

OR

$$\frac{\text{Monthly Salary}}{\text{20.916667**}} \times \text{No. of days to be Monetized} = \text{Money value of the monetized leave}$$

*Constant Factor based on Section 40 of CSC MC No. 14, s. 1999
**Equivalent number of days in a month for computation of MLC based on the total number of working days per year (251) [Section 40 of CSC MC No. 14, s. 1999] divided by the number of months in a year (12).

**As amended by CSC MC No. 8, s. 2003*

Also, the Commission further reiterates its policy on Maternity Leave as follows:

Salaries for the actual services rendered within the unexpired portion of the maternity leave shall be computed based on the daily wage rate. Pursuant to R.A. 6758 (Salary Standardization Law), the daily wage rate shall be determined by dividing the monthly salary by 22 working days in a month.

Sec. 25. *Five days forced/mandatory leave.* — All officials and employees with 10 days or more vacation leave credits shall be required to go on vacation leave whether continuous or intermittent for a minimum of five (5) working days annually under the following conditions:

(a) The head of agency shall, upon prior consultation with the employees, prepare a staggered schedule of the mandatory five-day vacation leave of officials and employees, provided that he may, in the exigency of the service, cancel any previously scheduled leave.
(b) The mandatory annual five-day vacation leave shall be forfeited if not taken during the year. However, in cases where the scheduled leave has been cancelled in the exigency of the service by the head of the agency, the scheduled leave not enjoyed shall no longer be deducted from the total accumulated vacation leave.
(c) Retirement and resignation from the service in a particular year without completing the calendar year do not warrant forfeiture of the corresponding leave credits if concerned employees opted not to avail of the required five-day mandatory vacation leave.
(d) Those with accumulated vacation leave of less than ten (10) days shall have the option to go on forced leave or not. However, officials and employees with accumulated vacation leave of 15 days who availed of monetization for 10 days, under Section 22 hereof, shall still be required to go on forced leave. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 26. *Accumulation of vacation and sick leave.* — Vacation and sick leave shall be cumulative and any part thereof which may not be taken within the calendar year may be carried over to the succeeding years. Whenever any official or employee retires, voluntarily resigns, or is allowed to resign or is separated from the service through no fault of his own, he shall be entitled

to the commutation of all the accumulated vacation and/or sick leave to his credit, exclusive of Saturdays, Sundays, and holidays, without limitation as to the number of days of vacation and sick leave that he may accumulate provided his leave benefits are not covered by special law.

When a person whose leaves have been commuted following his separation from the service is reemployed in the government before the expiration of the leave commuted, he shall no longer refund the money value of the unexpired portion of the said leave. Insofar as his leave credits are concerned, he shall start from zero balance. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 27. *Computation of vacation leave and sick leave.* — Computation of vacation leave and sick leave shall be made on the basis of one day vacation leave and one day sick leave for every 24 days of actual service using the tables of computations as follows: *(Provided for under CSC MC No. 41, s. 1998 and further amended by CSC MC No. 14, s. 1999)*

Table I
VACATION AND SICK LEAVE CREDITS EARNED ON A MONTHLY BASIS

NUMBER OF MONTH/S	VACATION LEAVE EARNED	SICK LEAVE EARNED
1	1.25	1.25
2	2.50	2.50
3	3.75	3.75
4	5.00	5.00
5	6.25	6.25
6	7.50	7.50
7	8.75	8.75
8	10.00	10.00
9	11.25	11.25
10	12.50	12.50
11	13.75	13.75
12	15.00	15.00

Table II
VACATION AND SICK LEAVE CREDITS EARNED ON A DAILY BASIS

NUMBER OF DAYS	VACATION LEAVE EARNED	SICK LEAVE EARNED
1	.042	.042
2	.083	.083
3	.125	.125
4	.167	.167
5	.208	.208
6	.250	.250
7	.292	.292
8	.333	.333
9	.375	.375
10	.417	.417
11	.458	.458
12	.500	.500
13	.542	.542
14	.583	.583
15	.625	.625
16	.667	.667
17	.708	.708
18	.750	.750
19	.792	.792
20	.833	.833
21	.875	.875
22	.917	.917
23	.958	.958
24	1.000	1.000
25	1.042	1.042
26	1.083	1.083
27	1.125	1.125
28	1.167	1.167
29	1.208	1.208
30	1.250	1.250

Table III
LEAVE CREDITS EARNED IN A MONTH BY OFFICIAL/EMPLOYEE WITHOUT ANY VACATION LEAVE CREDIT LEFT

NO. OF DAYS PRESENT	NO. OF DAYS ON LEAVE WITHOUT PAY	LEAVE CREDITS EARNED	NO. OF DAYS PRESENT	NO. OF DAYS ON LEAVE WITHOUT PAY	LEAVE CREDITS EARNED
30.00	0.00	1.250	14.50	15.50	0.604
29.50	0.50	1.229	14.00	16.00	0.583
29.00	1.00	1.208	13.50	16.50	0.562
28.50	1.50	1.188	13.00	17.00	0.542
28.00	2.00	1.167	12.50	17.50	0.521
27.50	2.50	1.146	12.00	18.00	0.500
27.00	3.00	1.125	11.50	18.50	0.479
26.50	3.50	1.104	11.00	19.00	0.458
26.00	4.00	1.083	10.50	19.50	0.437
25.50	4.50	1.063	10.00	20.00	0.417
25.00	5.00	1.042	9.50	20.50	0.396
24.50	5.50	1.021	9.00	21.00	0.375
24.00	6.00	1.000	8.50	21.50	0.354
23.50	6.50	0.979	8.00	22.00	0.333
23.00	7.00	0.958	7.50	22.50	0.312
22.50	7.50	0.938	7.00	23.00	0.292
22.00	8.00	0.917	6.50	23.50	0.271
21.50	8.50	0.896	6.00	24.00	0.250
21.00	9.00	0.875	5.50	24.50	0.229
20.50	9.50	0.854	5.00	25.00	0.208
20.00	10.00	0.833	4.50	25.50	0.187
19.50	10.50	0.813	4.00	26.00	0.167
19.00	11.00	0.792	3.50	26.50	0.146
18.50	11.50	0.771	3.00	27.00	0.125
18.00	12.00	0.750	2.50	27.50	0.104
17.50	12.50	0.729	2.00	28.00	0.083
17.00	13.00	0.708	1.50	28.50	0.062
16.50	13.50	0.687	1.00	29.00	0.042
16.00	14.00	0.667	0.50	29.50	0.021
15.50	14.50	0.646	0.00	30.00	0.000
15.00	15.00	0.625			

Table IV
CONVERSION OF WORKING HOURS/MINUTES INTO FRACTIONS OF A DAY

Based on 8-Hour Workday

HOURS	EQUIVALENT DAY
1	.125
2	.250
3	.375
4	.500
5	.625
6	.750
7	.875
8	1.000

MINUTES	EQUIV. DAY	MINUTES	EQUIV. DAY
1	.002	31	.065
2	.004	32	.067
3	.006	33	.069
4	.008	34	.071
5	.010	35	.073
6	.012	36	.075
7	.015	37	.077
8	.017	38	.079
9	.019	39	.081
10	.021	40	.083
11	.023	41	.085
12	.025	42	.087
13	.027	43	.090
14	.029	44	.092
15	.031	45	.094
16	.033	46	.096
17	.035	47	.098
18	.037	48	.100
19	.040	49	.102
20	.042	50	.104
21	.044	51	.106
22	.046	52	.108
23	.048	53	.110
24	.050	54	.112
25	.052	55	.115
26	.054	56	.117
27	.056	57	.119
28	.058	58	.121
29	.060	59	.123
30	.062	60	.125

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: Provided, that in computing the length of service of an employee paid on the daily wage basis, Saturdays, Sundays or holidays occurring within a period of service shall be considered as service although he did not receive pay on those days inasmuch as his service was not then required.

A fraction of one-fourth or more but less than three-fourth shall be considered as one-half day and a fraction of three-fourths or more shall be counted as one full day for purposes of granting leave of absence. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 29. *Computation of leave for employees with irregular work schedule.* — Employees, including, among others, hospital personnel, whose work schedules are irregular and at times include Saturdays, Sundays, and legal holidays and are instead off-duty on other days, their off-duty days regardless or whether they fall on Saturdays, Sundays, or holidays during the period of their leave, are to be excluded in the computation of vacation and sick leave. In other words, if an employee is off-duty, say for two (2) days falling on Saturdays, Sundays, or holidays, these days occurring within the period of authorized leave are to be excluded in the deduction of the number of leave from the earned leave credits of the employee. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 30. *Computation of leave for employees observing flexible working hours.* — Employees observing flexible working hours who render less than the usual eight (8) hours of work per day but complete the forty (40) hours of work in a week, shall be deducted from their leave credits only the number of hours required to be served for a day but which was not served. Any absence incurred must be charged in proportion to the number of hours required for a day's work. The number of hours to be served for a day refers not to the eight (8) regular hours but to the number of hours covered by the corehours prescribed in the agency concerned.

Compensatory service may be availed of outside of the regular working hours, except Sundays, to offset non-attendance or undertimes during the regular office hours subject to the written approval of the agency's proper official. Each government office shall formulate its own internal regulations for this purpose. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 31. *Commutation of salary prior to leave.* — The proper head of department, local government unit, and government-owned or controlled corporation with original charter may, in his discretion, authorize the commutation of the salary that would be received during the period of vacation and sick leave of any appointive official and employee and direct its payment at the beginning of such leave from the fund out of which the salary would have been paid. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 32. *Absence on a regular day for which suspension of work is announced.* — Where an official or an employee fails to report for work on a regular day for which suspension of work is declared after the start of regular working hours, he shall not be considered absent for the whole day. Instead, he shall only be deducted leave credits or the amount corresponding to the time when official working hours start up to the time the suspension of work is announced. *(Provided for under CSC MC No. 41, s. 1998 and further amended by CSC MC No. 14, s. 1999)*

Sec. 33. *Leave of absence without pay on a day immediately preceding or succeeding Saturday, Sunday or Holiday.* — When an employee, regardless of whether he has leave credits or not is absent on a day immediately preceding or succeeding a Saturday, Sunday or Holiday whether such absence is continuous or not, he shall not be considered absent on said Saturdays, Sundays, and Holidays and shall not be deducted leave credits. He shall neither receive salary for those days. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 34. *Tardiness and undertime are deducted against vacation leave credits.* — Tardiness and undertime are deducted from vacation leave credits and shall not be charged against sick leave credits, unless the undertime is for health reasons supported by medical certificate and application for leave. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 35. *Terminal leave.* — Terminal leave is applied for by an official or an employee who intends to sever his connection with his employer. Accord-

ingly, the filing of application for terminal leave requires as a condition *sine qua non*, the employee's resignation, retirement or separation from the service. It must be shown first that public employment ceased by any of the said modes of severances. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 36. *Approval of terminal leave.* — Application for commutation of vacation and sick leave in connection with separation through no fault of an official or employee shall be sent to the head of department concerned for approval. In this connection, clearance from the Ombudsman is no longer required for processing and payment of terminal leave as such clearance is needed only for payment of retirement benefits. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 37. *Payment of terminal leave.* — Any official/employee of the government who retires, voluntarily resigns, or is separated from the service and who is not otherwise covered by special law, shall be entitled to the commutation of his leave credits exclusive of Saturdays, Sundays and Holidays without limitation and regardless of the period when the credits were earned. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 38. *Period within which to claim terminal leave pay.* — Request for payment of terminal leave benefits must be brought within ten (10) years from the time the right of action accrues upon an obligation created by law. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 39. *Basis of computation of terminal leave.* — Payment of terminal leave for purposes of retirement or voluntary resignation shall be based on the highest monthly salary received at any time during his period of employment in the government service and not on his latest salary, unless the latter is the highest received by the retiree. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 40. *Computation of terminal leave.* — The terminal leave benefits shall be computed as follows:

$$TLB = S \times D \times CF$$

Where: TLB = Terminal leave benefits
S = Highest monthly salary received
D = No. of accumulated vacation and sick leave credits
CF = Constant factor is .0478087

The constant factor was derived from this formula:

365 = Days in a year
104 = Saturdays & Sundays in a year
10 = Legal holidays (provided by EO 292) in a year
12 = Months in a year

$$\frac{12}{365 - (104 + 10)} = \frac{12}{251} = .0478087$$

This formula shall take effect on January 15, 1999. *(Provided for under CSC MC No. 41, s. 1998 and further amended by CSC MC No. 14, s. 1999)*

Sec. 41. *Official/Employee on terminal leave does not earn leave credits.* — The official/employee who is on terminal leave does not earn any leave credit as he is already out of the service. While on terminal leave, he merely enjoys the benefits derived during the time of such employment. Consequently, he is no longer entitled to the benefits or salary increases that may be granted thereafter. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 42.* Public officials and employees on extended service are entitled to fifteen (15) days vacation and fifteen (15) days sick leave annually subject to the following guidelines:

a. Leave credits earned on extended service are non-commutative. Thus, unused leave credits may not be converted to their corresponding money value;
b. Leave credits earned on extended service are non-cumulative, hence, unused leave credits within the calendar year may not be carried over to the succeeding years;
c. Executive Order No. 1077 dated January 9, 1986 and other laws and rules on leave are applicable to officials and employees on extended service insofar as they are not inconsistent with the preceding guidelines.

**As amended by CSC Resolution No. 04-0229 published March 15, 2004 in the Manila Standard.*

A person appointed to a coterminous/primarily confidential position who reaches the age of 65 years is considered automatically extended in the service until the expiry date of his/her appointment or until his/her services are earlier terminated. Thus, a coterminous/primarily confidential employee is also entitled to the sick and vacation leave credits subject to the rules provided herein.

Sec. 43. *Basis for computation of salary during leave with pay.* — An official or employee who applies for vacation or sick leave shall be granted leave with pay at the salary he is currently receiving. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 44. *Leave during probationary period.* — An employee still on probation may already avail of whatever leave credits he has earned during said period. Accordingly, any leave of absence without pay incurred during the period of probation shall extend the completion thereof for the same number of days of such absence. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 45. *Conversion of vacation service credits of teachers to vacation and sick leave credits and vice-versa; payment thereof.* — Teachers and other school personnel on the teachers' leave basis who resigned, retired, or are separated from the service through no fault of their own on or after January 16, 1986 shall be paid the money value of their unused vacation service credits converted to vacation and sick leave using the formula:

Vacation and Sick Leave* = 30Y/69

Where: 30 = Number of days in a month

Y = Total number of teacher's service credits

69 = 58 days of summer vacation plus
11 days Christmas vacation

*No. of days derived shall be divided equally into vacation and sick leave.

Formula in obtaining 69 days

84 Total number of days of summer/Christmas vacation
- 15 (12 days Saturdays/Sundays during summer vacation
--- days-Christmas Day, Rizal Day, News Year's Day)
69 days

Conversely, the formula in the conversion of sick and vacation leave credits to vacation service credits of teachers is as follows:

$$Y = \frac{VL + SL}{30} \times 69$$

(Provided for under CSC MC No. 41, s. 1998 and further amended by CSC MC No. 14, s. 1999)

Sec. 46. *Transfer from teaching to non-teaching service during summer vacation/entitlement to proportional vacation pay.* — A teacher who transferred to the non-teaching service or who resigned from government service ten (10) days before the close of the school year, is entitled to proportional vacation pay inasmuch as his right thereto has already accrued; Provided further that the service will not be prejudiced and provided further that he fulfills his responsibilities and obligations. *(Provided for under CSC MC No. 41, s. 1998 and further amended by CSC MC No. 14, s. 1999)*

Sec. 47. *Transfer of leave credits.* — When an official or employee transfers from one government agency to another, he can either have his accumulated vacation and/or sick leave credits commuted or transferred to his new agency.

The second option can be exercised as a matter of right only by an employee who does not have gaps in his service. However, a gap of not more than one month may be allowed provided same is not due to his fault.

The option to transfer accumulated leave credits can be exercised within one (1) year only from the employee's transfer to the new agency.

This provision is not applicable to transfer of leave credits of uniformed personnel from the military to the civilian service. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 48. *Remedy when transfer of leave credits is denied.* — An official or employee who failed to transfer his leave credits to the new office in line with the provisions in the preceding section may claim the money value of such leave credits from the office where earned. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 49. *Period within which to act on leave application.* — Whenever the application for leave of absence, including terminal leave, is not acted upon by the head of agency or his duly authorized representative within five (5) working days after receipt thereof, the application for leave of absence shall be deemed approved. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 50. *Effect of unauthorized leave.* — An official/employee who is absent without approved leave shall not be entitled to receive his salary corresponding to the period of his unauthorized leave of absence. It is understood, however that his absence shall no longer be deducted from his accumulated leave credits, if there are any. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 51. *Application for vacation leave.* — All applications for vacation leave of absence for one (1) full day or more shall be submitted on the prescribed form for action by the proper head of agency five (5) days in advance, whenever possible, of the effective date of such leave. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 52. *Approval of vacation leave.* — Leave of absence for any reason other than illness of an official or employee or of any member of his immediate family must be contingent upon the needs of the service. Hence, the grant of vacation leave shall be at the discretion of the head of department/agency. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 53. *Application for sick leave.* — All applications for sick leave of absence for one full day or more shall be made on the prescribed form and shall be filed immediately upon employee's return from such leave. Notice of absence, however, should be sent to the immediate supervisor and/or to the agency head. Application for sick leave in excess of five (5) successive days shall be accompanied by a proper medical certificate.

Sick leave may be applied for in advance in cases where the official or employee will undergo medical examination or operation or advised to rest in view of ill health duly supported by a medical certificate.

In ordinary application for sick leave already taken not exceeding five days, the head of department or agency concerned may duly determine whether or not granting of sick leave is proper under the circumstances. In case of doubt, a medical certificate may be required. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 54. *Approval of sick leave.* — Sick leave shall be granted only on account of sickness or disability on the part of the employee concerned or of any member of his immediate family.

Approval of sick leave, whether with pay or without pay, is mandatory provided proof of sickness or disability is attached to the application in accordance with the requirements prescribed under the preceding section. Unreasonable delay in the approval thereof or non-approval without justifiable reason shall be a ground for appropriate sanction against the official concerned. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 55. *Rehabilitation leave for job-related injuries.** — Applications of officials and employees for leave of absence on account of wounds or injuries incurred in the performance of duty must be made on the prescribed form, supported by the proper medical certificate and evidence showing that the wounds or injuries were incurred in the performance of duty. The head of department/agency concerned shall direct that absence of an employee during his period of disability thus occasioned shall be on full pay, but not to exceed six (6) months. He shall also authorize the payment of medical attendance, necessary transportation, subsistence and hospital fees of the injured person. Absence in the case contemplated shall not be charged against sick leave or vacation leave, if there are any. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 56. *Leave without pay.* — All absences of an official or employee in excess of his accumulated vacation or sick leave credits earned shall be without pay. To compute the salary of employees who incur LWOP in a given month, use the following formula:

$$\text{Salary} = \text{Monthly Salary} - \left(\frac{\text{Monthly Salary}}{\text{Calendar days}} \right) \times \text{No. of days of LWOP}$$

When an employee had already exhausted his sick leave credits, he can use his vacation leave credits but not vice versa. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

**See also Guidelines for Availing of the Rehabilitation Privilege (CSC-DBM Joint Circular No. 1, s. 2006)*

Sec. 57. *Limit of leave without pay.* — Leave without pay not exceeding one year may be granted, in addition to the vacation and/or sick leave earned. Leave without pay in excess of one month shall require the clearance of the proper head of department or agency. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 58. *When leave without pay is not allowable.* — Leave without pay shall not be granted whenever an employee has leave with pay to his credit except in the case of secondment. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 59. *Seconded employee on leave without pay from his mother agency.* — The seconded employee shall be on leave without pay from his mother agency for the duration of his secondment, and during such period, he may earn leave credits which is commutable immediately thereafter at and payable by the receiving agency. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 60. *Effect of vacation leave without pay on the grant of length of service step increment.* — For purposes of computing the length of service for the grant of step increment, approved vacation leave without pay for an aggregate of fifteen (15) days shall not interrupt the continuity of the three-year service requirement for the grant of step increment. However, if the total number of authorized vacation leave without pay included within the three-year period exceeds fifteen (15) days, the grant of one-step increment will only be delayed for the same number of days that an official or employee was absent without pay. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 61. *Effect of pending administrative case against an official or employee.* — An official or an employee with pending administrative case/s is not barred from enjoying leave privileges. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 62. *Effect of failure to report for duty after expiration of one year leave.* — If an official or an employee who is on leave without pay pursuant to Section 57 hereof, fails to report for work at the expiration of one year from the date of such leave, he shall be considered automatically separated from the service. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 63.* *Effect of absences without approved leave.* — An official or an employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. However, when it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty working (3) days 3 x in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work Order shall be served to him at his last known address on record. Failure on his part to report for work within the period stated in the Order shall be a valid ground to drop him from the rolls. *(Amended by CSC Resolution No. 070631)*

Sec. 64. *Status of the position of an official or employee on vacation or sick leave.* — While the incumbent is on vacation or sick leave with or without pay, his position is not vacant. During the period of such leave therefore, only substitute appointment can be made to such position. *(Provided for under CSC MC No. 41, s. 1998)*

Sec. 65. *Effect of decision in administrative case.* — An official or employee who has been penalized with dismissal from the service is likewise not barred from entitlement to his terminal leave benefits. *(Amended by CSC MC Nos. 41, s. 1998 and 14, s. 1999)*

Sec. 66. *Effect of exoneration from criminal/administrative case.* — In general, officials and employees who have been dismissed from the service but who were later exonerated and thereafter reinstated, are entitled to the leave credits during the period they were out of the service. *(Amended by CSC MC No. 41, s. 1998)*

Sec. 67. *Cause for disciplinary action.* — Any violation of the leave laws, rules or regulations, or any misrepresentation or deception in connection with an application for leave, shall be a ground for disciplinary action. *(Amended by CSC MC No. 41, s. 1998)*

**As amended by CSC Resolution No. 070631 published May 10, 2007 in The Manila Times.*

Sec. 68.* *Study leave.* — Officials and employees, excluding those in the teaching profession who are covered by different provisions of law, may apply for study leave subject to the following conditions:

I. The study leave is a time-off from work not exceeding six (6) months with pay for qualified officials and employees to help them prepare for their bar or board examinations or complete their master's degree. For completion of master's degree, the study leave shall not exceed four (4) months.

The leave shall be covered by a contract between the agency head or authorized representative and the employee concerned. No extension shall be allowed if the officials or employees avail of the maximum period of leave allowed herein. If they need more time to complete their studies, they may file a leave of absence chargeable against their vacation leave credits.

II. The beneficiary of such leave shall be selected based on the following requirements:

1. The official/employee must have a bachelor's degree that requires the passing of the bar or a board licensure examination for the practice of profession;
2. The profession or field of study to be pursued must be relevant to the agency's mandate, or to the duties and responsibilities of the concerned official or employee, as determined by the agency head;
3. The employee must have rendered at least two (2) years of service with at least very satisfactory performance for the last two rating periods immediately preceding the application;
4. The employee must have no pending administrative and/or criminal charges;
5. The employee must not have any current foreign or local scholarship grant;
6. The employee must have fulfilled the service obligation of any previous training/scholarship/study leave grant; and

**As amended by CSC Resolution No. 041016 (CSC MC No. 21, s. 2004) published Sept. 17, 2004 in TODAY.*

7. The employee must have a permanent appointment. However, as the purpose of granting study leave is to develop a critical mass of competent and efficient employees which will redound to the improvement of the agency's delivery of public services, employees with coterminous appointment may be allowed to avail of the study leave provided that they:

a) Meet the requirements under items II.1 to II.6;
b) Would be able to fulfill the required service obligation; and
c) Are not related to the head of agency or to any member of a collegial body or board, in case of constitutional offices and similar agencies, within the 4th degree of affinity or consanguinity.

III. The service obligation to the agency shall be as follows:

Period of Grant	Service Obligation
One (1) month	Six (6) months
Two (2) to three (3) months	One (1) year
More than three (3) months to six (6) months	Two (2) years

Should the official or employee fail to render in full the service obligation referred to in the contract on account of voluntary resignation, optional retirement, expiration of term of appointment for coterminous employees, separation from the service through one's own fault, or other causes within one's control, the official or employee shall refund the gross amount of salary, allowances and other benefits received while on study leave proportionate to the balance of the service obligation required based on the following formula:

$$R = \frac{(SOR - SOS)}{SOR} \times TCR$$

Where: R = Refund

TCR = Total Compensation Received

(gross salary, allowances and other benefits received while on study leave)

SOS = Service Obligation Served

SOR = Service Obligation Required

IV. The beneficiaries of the study leave shall inform their respective agencies in writing, through the personnel office, of their failure to take the bar/board examination or to complete their master's degree for which they were granted the study leave. They shall also refund to the agency all the salaries and benefits received during the study leave. Further, for causes within their control, they shall be warned that a repeat of the same would bar them from future availment of the study leave and training/scholarship grant whether foreign or local.

V. The agency shall formulate its own internal rules of procedure for an equitable and rational availment of the study leave for its own officials and employees, subject to the general guidelines stated herein.

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, AGENCIES AND INSTRUMENTALITIES OF THE NATIONAL GOVERNMENT, LOCAL GOVERNMENT UNITS, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : **Supplemental Policy on Leave Without Pay**

In line with CSC Resolution No. 99-2502, the last sentence of Section 33, CSC Memorandum Circular No. 14, s. 1999 has been deleted and is reconstructed to form part of the penultimate paragraph of Section 56 of the said MC. The same reads as follows:

x x x

"However, in case of continuous absence for over ten (10) working days, the divisor in the above formula shall be the actual number of working days instead of calendar days."

It is informed that CSC MC 14, s. 1999 was publised in the Manila Standard on September 11, 1999 and the same took effect on September 27, 1999.

(Sgd.) **CORAZON ALMA G. DE LEON**
Chairman

11 November 1999

MC No. 8, s. 2004

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER; AND STATE COLLEGES AND UNIVERSITIES

SUBJECT : **Guidelines on the Grant of Parental Leave to Solo Parents**

Pursuant to CSC Resolution No. 040284* dated March 22, 2004, the following guidelines on the grant of parental leave to solo parents are hereby prescribed for the guidance of all concerned:

I. OBJECTIVES

1. To identify employees considered solo parents;
2. To clarify the scope and conditions on the grant of parental leave; and
3. To provide uniform interpretation and implementation of the Rules on the grant of parental leave.

II. DEFINITION OF TERMS

As defined in Section 6, Article III of the Implementing Rules and Regulations (IRR) of Republic Act 8972, the following terms shall mean as follows:

1. Children - shall refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and below eighteen (18) years of age, or eighteen (18) years and above but are incapable of self-support and/or mentally and/or physically challenged;
2. Family - shall refer to the Solo Parent and his/her child/children; Provided, however, that the family member referred to in Section 3, paragraph (a) (10) of RA 8972 and Article III, Section 6, paragraph (b) (10) of the IRR shall include any relative by consanguinity up to the fourth civil degree. These persons shall include, but are not limited to, any uncle, aunt, grandfather, grandmother, niece, nephew, or cousin;
3. Parental leave - shall refer to leave benefits granted to a solo parent to enable said parent to perform parental duties and responsibilities where physical presence is required;

4. Parental responsibility - with respect to minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines", and hereunder enumerated as follows:
   - 4.1 To keep them in their company, to support, educate and instruct them by right precept and good example and provide for their upbringing in keeping with their means;
   - 4.2 To give them love and affection, advice, counsel, companionship and understanding;
   - 4.3 To provide them with moral and spiritual guidance; inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift; stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
   - 4.4 To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
   - 4.5 To represent them in all matters affecting their interest;
   - 4.6 To demand from them respect and obedience;
   - 4.7 To impose discipline on them as may be required under the circumstances; and
   - 4.8 To perform such other duties as imposed by law and upon parents and guardians.

III. COVERAGE

Any individual in the government service who falls under any of the following categories shall be considered a Solo Parent for the availment of Parental Leave.

1. A woman who gives birth as a result of rape and other crimes against chastity, even without a final conviction of the offender: Provided, That the mother keeps and raises the child;
2. Parent left solo or alone with the responsibility of parenthood due to any of the following circumstances:
   - 2.1 death of spouse;
   - 2.2 detention of the spouse or serving sentence for a criminal conviction for at least one (1) year;
   - 2.3 physical/mental incapacity of spouse as certified by a public medical practitioner;
   - 2.4 legal separation or de facto separation from spouse for at least one year provided he/she has custody of the children;
   - 2.5 declaration of nullity or annulment of marriage as decreed by a court or by a church, provided, he/she has custody of the children; and

2.6 abandonment of spouse for at least one year;

3. Unmarried person who has preferred to keep and rear the children instead of having others care for them or give them up to a welfare institution;
4. Any other person who solely provides parental care and support to a child or children provided said person is duly licensed as a foster parent by the DSWD or duly appointed legal guardian by the court;
5. Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent: Provided, that such abandonment, disappearance, or absence lasts for at least one (1) year.

IV. CONDITIONS FOR AVAILING OF PARENTAL LEAVE

The parental leave of seven (7) days in addition to existing leave privileges shall be granted to any solo parent employee subject to the following conditions:

1. The solo parent must have rendered government service for at least one (1) year, whether continuous or broken, reckoned at the time of the effectivity of R.A. 8972 on September 22, 2002 and regardless of employment status.
2. The parental leave shall be availed of every year and shall not be convertible to cash unless specifically agreed upon previously. If not availed of within the calendar year, said privilege shall be forfeited within the same year.
3. The parental leave shall be availed of on a staggered or continuous basis, subject to the approval of the head of agency/office. In this regard, the solo parent shall submit the application for parental leave at least one (1) week prior to its availment, except on emergency cases.
4. The solo parent employee may avail of parental leave under any of the following circumstances:
   - 4.1 attend to personal milestones of a child such as birthdays, first communion, graduations and other similar events;
   - 4.2 perform parental obligations such as enrollment and attendance in school programs, PTA meetings and the like;
   - 4.3 attend to medical, social, spiritual and recreational needs of the child; and
   - 4.4 other similar circumstances necessary in the performance of parental duties and responsibilities, where physical presence of a parent is required.

V. CONDITION FOR TERMINATION OF PARENTAL LEAVE PRIVILEGES

1. Changes in the status and family situation of a solo parent such as marriage or the concerned parent is no longer left alone with the responsibility of parenthood shall lead to termination of parental leave privileges. However, the termination shall be without prejudice to re-application should circumstances warrant.
2. The head of agency/office concerned may determine whether granting of parental leave is proper or may conduct the necessary investigation to ascertain if grounds for termination and withdrawal of the privilege exist.

VI. CREDITING OF EXISTING LEAVE BENEFIT

1. If there is an existing or similar benefit under an agency/office policy or Collective Negotiation Agreement (CNA), the same shall be credited as such. If the same is greater than the seven (7) days provided for in these guidelines, the parental leave law of seven (7) days shall prevail.
2. Contingency or emergency leave provided under an agency/office policy or CNA, as well as the three (3) days Special Leave privileges provided for under Section 21, Rule XVI of CSC Memorandum Circular No. 41, s. 1998, shall not be credited as compliance with the parental leave provided for under these guidelines.

VII. PROCEDURES IN AVAILING OF PARENTAL LEAVE

A solo parent employee who applies for parental leave shall comply with the following requirements:

1. Secure a Solo Parent Identification Card from the City/Municipal Social Welfare and Development Office. The Identification Card is valid for one year from issuance but renewable yearly. Failure to renew the card means that his/her status as a solo parent has ceased or has changed.
2. Submit the accomplished application form (CS Form No. 6) duly supported with certified true copies of the Solo Parent ID and birth certificate of the child/children or other requirements such as medical certificate, if necessary.

VIII. RESPONSIBILITY/OBLIGATION

1. ***Solo Parent Employee*** submits the application for parental leave duly supported with the necessary requirements.

Falsification of supporting documents or any misrepresentation in the application of parental leave will render the solo parent employee administratively liable without prejudice to criminal liability.

2. ***Immediate Supervisor/Division Chief*** recommends approval/disapproval of the application based on the supporting documents submitted.

3. ***Head of Agency/Office*** approves/disapproves the application.

Approval of parental leave application is mandatory provided it is in order. Non-approval without justifiable reason shall be a ground for appropriate sanction against the official concerned.

4. ***Human Resource Management Officer/Personnel Officer*** shall:

4.1 Evaluate the application for parental leave;
4.2 Verify the authenticity of the documents submitted;
4.3 Monitor the status of the solo parent and conduct the necessary investigation to determine if ground for termination and withdrawal of the benefit exist;
4.4 Ensure the proper implementation of the guidelines; and
4.5 Record availment of parental leave.

Please be guided accordingly.

This shall take effect fifteen (15) days after publication of CSC Resolution 04-0284* dated March 22, 2004 in a newspaper of general circulation.

(Sgd.) **KARINA CONSTANTINO-DAVID**
Chairperson

24 March 2004

**CSC Resolution No. 040284 was published March 24, 2004 in Today.*

GUIDELINES ON THE AVAILMENT OF THE TEN-DAY LEAVE UNDER R.A. 9262 (ANTI - VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004)
x————————————————x

RESOLUTION NO. 051206*

WHEREAS, Section 11, Article II of the 1987 Constitution declares that the State values the dignity of every human being and guarantees full respect for human rights;

WHEREAS, Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004", reiterates this state policy for women and children as well as recognizes the need to protect the family and its members particularly women and children from violence and threats to their personal safety and security;

WHEREAS, Section 12 (2), Chapter 3, Title I (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission as the central personnel agency of the government 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 39 of RA 9262 established the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) composed of the Department of Social Welfare and Development (DSWD); National Commission on the Role of Filipino Women (NCRFW); Civil Service Commission (CSC); Commission on Human Rights (CHR); Council for the Welfare of Children (CWC); Department of Justice (DOJ); Department of the Interior and Local Government (DILG); Philippine National Police (PNP); Department of Health (DOH); Department of Education (DepEd); Department of Labor and Employment (DOLE); and National Bureau of Investigation (NBI) to formulate programs and projects to eliminate Violence Against Women (VAW) based on their mandates, develop capability programs for their employees to become more sensitive to the needs of their clients, and serve as the monitoring body with regard to VAW initiatives;

WHEREAS, Section 43 of the said Act entitles the woman employee-victim of VAW to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations, extendible when necessity arises as specified in the protection order;

WHEREAS, the Implementing Rules and Regulations of RA 9262 makes it the duty of the Civil Service Commission to revise policies and regulations so as to

incorporate the ten-day paid leave of absence for victim-survivor pursuant to the provisions of the law;

WHEREAS, to implement the objectives of the law, the Commission deems it fit to issue guidelines for acting on requests for availment by government employees of the ten-day paid leave of absence under the Act;

NOW, THEREFORE, the Commission hereby **RESOLVES** to adopt and prescribe the following guidelines on the availment of the ten-day paid leave of absence under Republic Act No. 9262:

1. **Definition of Violence Against Women and Their Children.** - As used in the Act, the phrase "violence against women and their children" shall refer to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats or such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the acts enumerated in Section 3 of the Act.

2. **Who are Entitled to a Ten-Day Leave.** - The following shall be entitled to a paid leave of absence not exceeding ten (10) days, except as provided under Section 43 of RA 9262:

   a. Any woman employee in the government service regardless of employment status, who is a victim of violence as defined under Section 3 of the Act.
   b. Any woman employee whose child is a victim of violence as defined therein and whose age is below eighteen (18) or above eighteen (18) but unable to take care of himself/herself.

3. **When to File; Submission of Supporting Document.** – The application for leave shall be filed, whenever practicable, before the actual leave of absence or immediately upon the woman employee's return from such leave. It shall be accompanied by any of the following supporting documents:

   a. Barangay Protection Order (BPO) obtained from the barangay;
   b. Temporary/Permanent Protection Order (TPO/PPO) obtained from the court;

   c. If the protection order is not yet issued by the barangay or the court, a certification issued by the Punong Barangay/Kagawad or Prosecutor or the Clerk of Court that the application for the BPO, TPO or PPO has been filed with the said office shall be sufficient to support the application for the ten-day leave; or
   d. In the absence of the BPO/TPO/PPO or the certification, a police report specifying the details of the occurrence of violence on the victim and a medical certificate may be considered, at the discretion of the immediate supervisor of the woman employee concerned.

4. **Manner of Availment.** - The woman employee who applies for ten-day leave may avail of the same in a continuous or intermittent manner to cover the days that she has to attend to medical and legal concerns.
5. **Nature of Ten-Day Leave.** - It is non-cumulative and not convertible to cash. Leaves not availed of are considered waived.
6. **When Leave May Be Extended.** - When necessity arises as specified in the Protection Order, the woman employee may apply for extension and, for this purpose, use the other leave benefits provided under civil service rules and regulations.
7. **Administrative Liability.** - The official who denies the application for leave of a woman employee-victim of VAW, despite submission of the BPO/TPO/PPO, shall be held liable for conduct prejudicial to the best interest of the service.

This Resolution shall take effect after fifteen (15) days from the date of its publication in a newspaper of general circulation.

Quezon City, August 26, 2005.

(Sgd.) **KARINA CONSTANTINO-DAVID**
Chairman

(Sgd.) **J. WALDEMAR V. VALMORES**
Commissioner

(Sgd.) **CESAR D. BUENAFLOR**
Commissioner

Attested by:

(Sgd.) **REBECCA A. FERNANDEZ**
Director IV
Commission Secretariat and Liaison Office

**CSC Resolution No. 051206 was published Oct. 4, 2005 in The Daily Tribune.*

Republic of the Philippines

CIVIL SERVICE COMMISSION
DEPARTMENT OF BUDGET AND MANAGEMENT
Joint Circular No. 01, s. 2006

TO : HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS; BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT; STATE UNIVERSITIES AND COLLEGES; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; AND LOCAL GOVERNMENT UNITS

SUBJECT : **Guidelines for Availing of the Rehabilitation Privilege**

1.0 Purpose

This Joint Circular provides the guidelines for availing of the Rehabilitation Privilege in accordance with humane, employee-friendly policies of government; clarifies certain issues; ensures uniform policy interpretation; and forestalls the misuse of the privilege.

2.0 Coverage

All personnel with permanent, temporary, casual or contractual appointments, including those with fixed terms of office, may avail themselves of the Rehabilitation Privilege during their employment with their agency and in accordance with these guidelines. Consultants and those hired under contract of service or job order cannot avail themselves of the privilege because they are not government employees.

3.0 Guidelines

3.1 Officials and employees may be entitled to the Rehabilitation Privilege for a maximum period of six (6) months for wounds and/or injuries sustained while in the performance of official duties. The duration, frequency and terms of availing of the privilege shall be based on the recommendation of medical authority. Hence, availing of the privilege may be for less than six (6) months, or may be on a half-time basis or an intermittent schedule as determined by medical authorities provided that the cumulative total period of availing of the privilege will not exceed six (6) months.

Illness or sickness resulting from or aggravated by working conditions or the environment cannot be a basis for availing of the Rehabilitation

Privilege even if the same may be compensable under the law and regulations of the Employees Compensation Commission (ECC).

3.2 For availing oneself of the Rehabilitation Privilege, performance of duty means situations wherein the official or employee was already at work. The same privilege may be extended to officials and employees in situations where the official or employee meets an accident while engaged in activities inherent to the performance of his/her duties, including being on Official Business outside of his/her work station, Official Travel, authorized Overtime, Detail Order, and Special Assignment Orders.

Injuries from accidents that occurred while the official or employee was going to work and going home at work are not considered sustained while in the performance of official duties.

3.3 Absence from work during the period of Rehabilitation Privilege shall not be deducted from the accumulated sick or vacation leave credits of the official or employee.

However, officials and employees while on Rehabilitation Privilege do not earn and accumulate vacation leave and sick leave credits.

3.4 Officials and employees availing of the Rehabilitation Privilege shall receive their salaries and regular benefits such as Personnel Economic Relief Allowance (PERA), Additional Compensation (AdCom), year-end bonus, and cash gift mandated by law.

They are not entitled however to benefits and privileges that are enjoyed based on the actual performance of duties of positions entitled to these benefits such as Representation and Transportation Allowances.

3.5 Claimants of Rehabilitation Privilege benefits are entitled to reimbursement by their agency for first-aid expenses, preferably in government facilities. Reimbursement is subject to the availability of funds and shall not exceed P5,000.00 unless expenditures beyond said amount are necessary as certified by medical authorities and approved by head of agency.

For this purpose, first aid refers to the basic medical treatment immediately given to a person hurt in an accident.

4.0 Procedure

4.1 Application for Rehabilitation Privilege shall be made through a letter, supported by relevant reports such as the police report, if any, and medical certificate on the nature of the injuries, the course of treatment

involved, and the need to undergo rest, recuperation, and rehabilitation, as the case may be.

Application should be made within one (1) week from the time of the accident except when a longer period is warranted. Applications may be made for the injured official or employee by a member of his/her immediate family.

4.2 Written concurrence of a government physician should be obtained relative to the recommendation for rehabilitation if the attending physician is a private practitioner, particularly on the duration of the period of rehabilitation.

5.0 **Responsibilities of the Agency Head**

5.1 The agency head shall determine whether the injuries were incurred while in the performance of duties.
5.2 The agency head shall be held responsible and personally liable for any false or fraudulent claims and irregular availing of the privilege.
5.3 The agency head, through the agency medical staff and/or the HRMO, should monitor monthly the medical status of the employee undergoing rehabilitation.

6.0 **Repealing Clause**

6.1 Section 55 of CSC MC No. 41, s. 1998 and other Civil Service Commission (CSC) issuances that are inconsistent herewith are hereby repealed or amended.

7.0 **Effectivity**

This Circular shall take effect immediately.

(Sgd.) **KARINA CONSTANTINO-DAVID**
Chairman
Civil Service Commission

(Sgd) **ROLANDO G. ANDAYA, JR.**
Secretary
Department of Budget
and Management

April 27, 2006

**CSC-DBM Joint Circular No. 1, s. 2006 was published on June 2, 2006 in Manila Standard Today.*

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 COLLEGES

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

Pursuant to Section 80 of the Local Government Code of 1991 (Republic Act No. 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 5, 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 service 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 the Barangay Treasurer by January 15 of the following year.

(Sgd.) **KARINA CONSTANTINO-DAVID**
Chairperson

24 July 2007

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS; BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : **Amendment to Section 63, Rule XVI of the Omnibus Rules on Leave, CSC Memorandum Circular Nos. 41 and 14, Series of 1998 and 1999, Respectively**

Section 63, Rule XVI of the Omnibus Rules on Leave (CSC MC Nos. 41 and 14, s. 1998 and 1999, respectively) provides that an official/employee can be dropped from the rolls "only" if he/she incurs 30 working days of continued absence without official leave. However, there are instances wherein officials/employees knowingly circumvent the rule by reporting back to work for brief periods after incurring prolonged unauthorized absences just to break the continuity of their non-attendance.

In order to curb such practice, to promote efficiency and effective personnel administration in government and to obviate any prejudice to the service, the Civil Service Commission, pursuant to CSC Resolution No. 07-0631 dated April 10, 2007* hereby amends the abovementioned rule to read as follows:

> "Sec. 63. Effect of absences without approved leave. An official or employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. ***However, when it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty working (30) days 3x in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.***

"If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work Order shall be served to him at his last known address on record. Failure on his part to report for work within the period stated in the Order shall be a valid ground to drop him from the rolls."

(Sgd.) **KARINA CONSTANTINO-DAVID**
Chairperson

25 July 2007

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS

SUBJECT : **Interim Guidelines on the Use of Leave Credits for Absence Due to Self-Quarantine and/or Treatment relative to the Influenza A(H1N1) Global Pandemic**

Pursuant to CSC Resolution No. 090920 dated June 26, 2009, the following interim guidelines on the use of vacation and sick leave credits for self-quarantine after travel due to the Influenza A (H1N1) global pandemic are hereby prescribed for the guidance of all concerned:

1.0 **Purpose**

The Circular provides the guidelines for the procedure of availment of leave privileges for absences incurred in relation to self-quarantine for public sector officials and employees who have recently traveled or are planning/scheduled to travel to other countries affected by the Influenza A (H1N1) global pandemic.

The said Circular also seeks to provide procedures upon returning to work after exhibiting flu-like symptoms, or after actually being treated for the Influenza A (H1N1) virus, as applicable.

Moreoever, said guidelines seek to ensure that precautionary measures are employed in government agencies to avoid the spread of the said flu infection in the public sector workplace.

The set of guidelines is applicable for the duration of the Influenza A (H1N1) global pandemic until the said medical situation has been lifted by the proper health authorities.

2.0 Scope and Coverage

These guidelines apply to all public sector employees and officials, regardless of status of appointment.

For those professions covered by special leave laws, the following or an analogous set of guidelines to be promulgated by the proper authorities for the purpose may also apply taking into consideration the best interest of the service.

3.0 Guidelines

3.1 It is the responsibility of each government official/employee or any individual serving the public sector to ensure that he/she employs the necessary measures to prevent the spread of the Influenza A (H1N1) infection in the public sector workplace.

One who feels sick with Influenza-like symptoms[1] or have been exposed to the Influenza A (H1N1) virus must immediately inform his/her supervisor; voluntarily seek immediate medical attention and/or go on self-quarantine, as deemed necessary upon the advice and certification of a licensed government/private physician. This is in order to avert the possible spread of the infection in the workplace.

3.2 All officials and employees in the public sector who have a history of travel to other countries affected by the Influenza A (H1N1) global pandemic per the WHO/DOH advisories starting two weeks prior to the promulgation of these guidelines shall ensure that upon their return to the Philippines, they shall have submitted themselves to "self-quarantine" in their homes or any appropriate health facility, as applicable.

As provided in the DOH health advisories, those who have a history of travel as reflected in these guidelines must "self-quarantine" for ten (10) calendar days upon arrival in this country.

[1] Source: According to the A (H1N1) flu infection information leaflet distributed by the Quezon City Epidemiology and Surveillance Unit of the QC Health Department, *"a persons infected with the new H1N1 virus will have influenza like illness i.e. fever associated with coughs/cold, muscle aches, fatigue, loss of appetite, nausea/vomiting and diarrhea."*

Officials and employees who have a history of travel abroad as qualified in this guidelines who may or may not exhibit flu-like systems (influenza-like illness i.e. fever associated with coughs/colds; muscle aches; fatigue; loss of appetite, nausea, vomiting and diarrhea), should not report back to work unless the said self-quarantine period has elapsed and/or they have been treated, and cleared as being fit to go back to work by the proper health authorities.

3.3. Absence from work due to the self-quarantine period and/or treatment of the A(H1N1) flu infection, as applicable, may be on official time or charged against one's leave credits, as follows:

Government Official/Employee's Circumstances	Nature of Absence from Work; Applicable Leave of Absence	Procedure Upon Return to Work
Individual has a history of travel abroad as qualified in these guidelines and whose travel is on Official Business/ Official Time due to a study grant, a study leave whose period of study is spent abroad, scholarship, training/HR intervention, seminar, conference, fora, or other analogous circumstances	Absence from work for ten (10) calendar days to ensure self-quarantine shall continue to be on official time. Should one eventually exhibit flu-like symptoms beyond the self-quarantine period and/or is treated for Influenza A(H1N1) infection after the aforecited 10-day period has elapsed, the prescribed period of observation and treatment shall be deducted from one's sick leave credits.	For those who have not exhibited flu-like symptoms: A Medical Certificate to be submitted to the agency's HR unit issued by any government/private physician that one has voluntarily self-quarantined him/herself for 10 days upon arrival from the country and has exhibited no flu-like symptoms and is cleared to report back to work.
Individual has a history of travel abroad as qualified in these guidelines and whose travel is due to personal reasons	Being a precautionary measure, absence from work for ten (10) calendar days to ensure self-quarantine shall be charged against one's accumulated sick leave credits.	For those who have exhibited flu-like symptoms but were not infected by the Influenza A(H1N1) virus:

Government Official/Employee's Circumstances	Nature of Absence from Work; Applicable Leave of Absence	Procedure Upon Return to Work
	For employees or officials who have already exhausted his/her sick leave credits, Section 56 of the Omnibus Rules on Leave shall apply, as follows: *"Sec. 56 x x x When an employee had already exhausted his sick leave credits, he can use his vacation leave credits but not vice versa."* Should one eventually exhibit flu-like symsptons during the quarantine period and/or is treated for Influenza A(H1N1) infection, the prescribed period of observation and treatment shall be deducted from one's appropriate leave credits as qualified above.	A Medical Certificate to be submitted to the agency's HR unit issued by any government/private physician that one has been treated of his/her flu and is cleared to report back to work. For those who were infected by the Influenza A(H1N1) virus: A Medical Certificate to be submitted to the agency's HR unit issued by the government health facility responsible for the treatment of the said infection indicating that one has been treated and is cleared as being fit to report back to work. Said health facilities, called Referral Centers for Emerging and Re-Emerging Infectous Diseases may be referred to in the DOH website, www.doh.gov.ph.

Government Official/Employee's Circumstances	Nature of Absence from Work; Applicable Leave of Absence	Procedure Upon Return to Work
		A list of the said health facilities is also attached to these guidelines, for reference **(Please see Annex A)**
	One who has been exposed to the said virus must also submit himself/herself to a period of quarantine as prescribed by the proper health authorities. Said period shall be charged to his/her sick leave credits in addition to the period of sick leave of absence spent while taking care of the sick family member/relative.	A Medical Certificate to be submitted to the agency's HR unit issued by any government/private physician that one has self-quarantined him/herself for the appropriate number of days and has not exhibited flu-like symptoms and is cleared to report back to work. The procedure upon return to work of one who has been infected by the virus may be referred to in the above matrix.
Individual has contracted the Influenza A(H1N1) virus from sources other than having recent travel abroad (whether OB or personal) or from taking care of family members who have contracted the same	Leave of Absence shall be deducted against one's accumulated Sick Leave Credits. Section 56 of the Omnibus Rules on Leave shall also apply.	A Medical Certificate to be submitted to the agency's HR unit issued by government health facilities **(Please See Annex A)** responsible for the treatment of the said infection indicating that one has been treated of the Influenza A(H1N1) virus and is cleared as being fit to report back to work.

3.4. Those who serve in the public sector on job order basis, contracts of service, or through consultancy services are also refrained from reporting to work after a history of recent travel abroad as qualified in these guidelines and/or exposure to or treatment from the Influenza A(H1N1) virus. The procedures upon return to work as provided in Item 3.3 of these guidelines shall also apply to individuals serving the public sector in the aforecited capacities.

Agency heads who employ the services of job order contractors or consultants through Contracts of Services may amend or adjust the contract duration to consider the number of days or person-hours lost for not being able to report for work as a result of one's being on self-quarantine and/or period of observation/treatment for exposure/being infected with the Influenza A(H1N1) virus.

3.5 The applicable provisions of the aforecited guidelines, as well as the corresponding procedures upon returning to work of one who has a forthcoming travel abroad (as qualified in these guidelines) on official business/official time, whether on scholarship, on study grant, on study leave whose period of study is speng abroad; on training/HR intervention, seminar, conference, fora, or other analogous circumstances, shall be incorporated in the study leave contracts, office orders, and similar documents of concerned officials and employees to ensure proper enforcement of the same.

3.6 Those who have forthcoming travel abroad due to personal reasons as defined in this guidelines shall, upon application for vacation leave of absence, be oriented by their immediate supervisors/approving authorities of the prescribed procedure for return to work and the deduction of the appropriate leave credits for one's self-quarantine period and/or period of treatment while the Influenza A(H1N1) global pandemic is enforced.

3.7 Office heads shall also ensure that the efficiency and productivity standards of work units are met in such cases where periods of absence of concerned officials and staff may bring about setbacks in the delivery of public service.

3.8 Whenever necessary, the agency head, upon proper clearance from the Department of Health (DOH), may declare the suspension of office work to allow the DOH to investigate, make recommendations, and assist the Agency in containing the infection through measures such as the decontamination for the workplace and the self-quarantine of agency personnel.

Upon DOH's situational assessment and recommendation, the agency may declare whether the office suspension shall affect the entire work populace or only certain segments of it.

In such cases, internal measures shall be instituted in the said government agencies to compensate for the period of disruption of service delivery.

Suspension of office work in the aforecited instance shall not be charged against the official or employee's leave credits. However, they may be required to render services to compensate for the period of office suspension as soon as normal office operations resume.

4.0 Responsibilities of the Agency Head

4.1 The agency head shall ensure that the aforecited guidelines are enforced in one's agency as a precautionary measure to avert the possible threat of the Influenza A(H1N1) infection in the public sector workplace.

4.2 The agency shall also ensure that other proactive measure/s such as information campaign and health advisories are disseminated to its officials and employees as well as clientele to keep them informed of the basic how-to's (**please see Annex A and DOH's Health Advisory**) in preventing the spread of the virus.

4.3 The agency head shall ensure that the workers providing essential services such as health workers, first responders, frontline service providers, and the like who may have potential contacts with the viral agents causing the said flu are given priority health intervention/s (prophylaxis) as enunciated in Item III of DOH's Interim Guidelines No. 1 (Clinical Management and the Use of Anti-Virals for Influenza A (H1N1) Virus Infection.

4.4 The agency head shall ensure the immediate promulgation of internal rules and regulations taking off from this set of general interim guidelines that will take into consideration the best interests of service and the over-all efficiency and effectivity of work units within their respective agencies.

5.0 Effectivity

This Circular shall take effect immediately. A succeeding issuance shall be promulgated upon the declaration of proper health authorities of the end of the Influenza A H1N1 global pandemic.

However, government employees, officials and other public servants covered in these Guidelines whose periods of self-quarantine after recent[2] travel abroad on Official Business/Official Time were deducted against their leave credits prior to the issuance of these Guidelines can have the said leave credits restored through their respective agencies Human Resource/Personnel Office/s/Units.

(Sgd.) **RICARDO L. SALUDO**
Chairman

26 June 2009

[2] Recent travel abroad as defined in these Guidelines pertains to the period since the start of the spread of the Influenza A(H1N1) virus in April 2009.

ANNEX "D"

SCHEDULE OF PENALTIES
2017 RACCS

Section 50. *Classification of Offenses*. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

1. Serious Dishonesty;

2. Gross Neglect of Duty;

3. Grave Misconduct;

4. Being Notoriously Undesirable;

5. Conviction of a crime involving moral turpitude;

6. Falsification of official document;

7. Physical or mental incapacity or disability due to immoral or vicious habits;

8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;

9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;

10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;

11. Nepotism; and

12. Disloyalty to the Republic of the Philippines and to the Filipino people.

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

1. Less serious dishonesty;

2. Oppression;

3. Disgraceful and immoral conduct;

4. Inefficiency and incompetence in the performance of official duties;

5. Frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours;

6. Habitual tardiness in reporting for duty causing prejudice to the operations of the office;

7. Loafing from Duty During Regular Office Hours;

8. Refusal to Perform Official Duty;

9. Gross Insubordination;

10. Conduct Prejudicial to the Best Interest of the Service;

11. Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

12. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his/her office, unless expressly allowed by law;

13. Disclosing or misusing confidential or classified information officially known to him/her by reason of his/her office and not made available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest;

14. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and

15. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his/her office.

C. The grave offense of Inefficiency and Incompetence in the performance of official duties is punishable by Demotion. In this case, the guilty person shall suffer diminution in salary corresponding to the next lower salary grade with the same salary step.

D. The following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense:

1. Simple Neglect of Duty;

2. Simple Misconduct;

3. Discourtesy in the course of official duties;

4. Violation of existing Civil Service Law and rules of serious nature;

5. Insubordination;

6. Habitual Drunkenness;

7. Unfair discrimination in rendering public service due to party affiliation or preference;

8. Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in their households;

9. Failure to resign from his/her position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and

10. Engaging directly or indirectly in partisan political activities by one holding non-political office.

E. The less grave offense of Simple Dishonesty is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense.

F. The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

1. Simple discourtesy in the course of Official Duties;

2. Improper or unauthorized solicitation of contributions from subordinate employees and in the case of teachers or school officials from school children;

3. Violation of Reasonable Office Rules and Regulations;

4. Habitual Tardiness;

5. Gambling prohibited by Law;

6. Refusal to Render Overtime Service;

7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the service;

8. Borrowing Money by Superior Officers from Subordinates;

9. Willful failure to pay just debts or willful failure to pay taxes due to the government;

The term "just debts" shall apply only to:

a. Claims adjudicated by a court of law, or

b. Claims the existence and justness of which are admitted by the debtor.

10. Lobbying for personal interest or gain in legislative halls and offices without authority;

11. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority;

12. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;

13. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;

14. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;

15. Engaging in private practice of his/her profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his/her official functions; and

16. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations.

Section 51. ***Other Specific Offenses.*** The following acts also constitute administrative offenses.

A. The Offense of Sexual Harassment.

I. Grave Offenses punishable by dismissal from the service shall include, but are not limited to:

a. Unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);

b. Sexual assault;
c. Malicious touching;
d. Requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
e. Other analogous cases.

II. Less Grave Offenses shall include, but are not limited to:

a. Unwanted touching or brushing against a victim's body;
b. Pinching not failing under grave offenses;
c. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
d. Verbal abuse with sexual overtones; and
e. Other analogous cases.

III. Light Offenses shall include, but are not limited to:

a. Surreptitiously looking at a person's private part or worn undergarments;
b. Making sexists statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
c. Malicious leering or ogling;
d. Display of sexually offensive pictures, materials or graffiti;
e. Unwelcome inquiries or comments about a person's sex life;
f. Unwelcome sexual flirtation, advances, propositions;
g. Making offensive hand or body gestures at an employee;
h. Persistent unwanted attention with sexual overtones;
i. Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
j. Other analogous cases.

IV. For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:

a. Work-related sexual harassment is committed under the following circumstances:

1. Submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other human resource action) affecting the applicant/employee; or

2. The act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or
3. The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or word of the person complained of.

b. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

1. Submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to , the giving of a grade, the granting of honors or scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration; or
2. The act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
3. The act or series of acts might reasonably be expected to cause humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.

c. The offense may also take place in the following instances:

1. In the premises of the workplace or office or of the school or training institution;
2. In any place where the parties were found as a result of work or education or training responsibilities or relations;
3. At work or education or training-related social functions;
4. While on official business outside the office or school or training institution or during work or school or training-related travel;
5. At official conferences, for a, symposia or training sessions; or
6. By telephone, cellular phone, fax machine or electronic mail.

V. Persons Liable for Sexual Harassment. Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

a. Directly participates in the execution of any act of sexual harassment as defined by these Rules;
b. Induces or directs another or other to commit sexual harassment as defined by these Rules;
c. Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

ANNEX "D"

B. Violations of Republic Act No. 9485 or Anti-Red Tape Act of 2007.

I. Grave Offense:

Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage shall be penalized by Dismissal and perpetual disqualification from public service.

II. Light Offenses:

a. Refusal to accept application and /or request within the prescribed period or any document being submitted by a client;
b. Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirements within prescribed period;
c. Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;
d. Failure to render frontline services within the prescribed period on any application and/or request without due cause;
e. Failure to give the client a written notice on the disapproval of an application or request: and
f. Imposition of additional irrelevant requirements other than those listed in the first notice.
g. The foregoing light offenses shall be penalized as follows:

First Offense	- Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;
Second Offense	- Three months suspension without pay;
Third Offense	- Dismissal and perpetual disqualification from public service