Leave Benefits
Leave of Absence

A right granted to officials & employees not to report for work WITH or WITHOUT PAY, for one or more days, with their positions held for them until their return.
Kinds of Leave

• Vacation Leave
  – Granted for personal reasons, the approval of which is contingent upon the necessities of the service.

• Sick Leave
  – Granted only on account of sickness or disability on the part of the employee or any member of his immediate family.
Who are entitled to Leave Benefits?

- Appointive officials & employees (permanent, temporary, casual or co-terminous) on full-time basis
- Employees on part-time basis
- Employees on rotation basis
- Contractual employees
- Local elective officials pursuant to BP 337 & RA 7160 effective May 12, 1983
- Teachers designated to perform non-teaching functions
Characteristics of Vacation Leave and Sick Leave

- Cumulative
- Commutative
- Can be monetized
- Convertible
- Transferable
- Forfeitable (VL only)
Commutation of VL and SL

Ordinary commutation

Commutation upon separation from the service
Monetization of Vacation Leave Credits

- Allowed with 15 days VL balance
- 5 days retained after monetization
- 30 days maximum
Monetization of 50% or more of the accumulated leave credits may be allowed for valid & justifiable reasons such as:

- Health, medical and hospital needs of the employee & the immediate members of the family;
- Financial aid & assistance brought about by force majeure events such as calamities, typhoons, fire, earthquake & accidents that affect the life, limb & property of the employee & his/her family;
• Educational needs of the employee & the immediate members of his/her family;
• Payment of mortgages & loans which were entered into for the benefit or which inured to the benefit of the employee & his/her immediate family;
• 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 & clothing;
• Other analogous cases as may be determined by the Commission.
Issue:

Whether Sec. 23 of the Omnibus Rules on Leave allows an employee to monetize his sick leave credits if he has no available vacation leave credits.

Ruling:

As a general rule what is allowed to be monetized are the accumulated vacation leave credits. Sec. 23, on the other hand is an extraordinary measure to relieve an employee from financial difficulties that may be allowed only for valid and justifiable reasons subject to the discretion of the agency head and availability of funds.
Hence, Sec. 23 should be construed as an exception to the general rule under Sec. 22.

Consequently, for purposes of monetization, vacation leave credits must be exhausted first before sick leave credits may be used. In this regard, since Maslan’s vacation leave credits have already been exhausted, the monetization of fifty percent (50%) of her available 150 sick leave credits may be allowed in accordance with Sec. 23 of CSC Memo. Circular No. 41, s. 1998. [CSC Res. No. 00-0034, d. Jan. 5, 2000; Re: Belen T. Maslan]
Formula (*MC No. 2, s. 2016*)

\[
\frac{12}{365-(104+12)} = \frac{12}{249} = 0.0481927
\]

Where:

365 = Days in a year

104 = Saturdays & Sundays in a year

12 = Legal holidays in a year

(in accordance with RA No. 9849)

12 = Months in a year
• Monetization of leave credits exempted from income tax (CSC MC No. 31 dated July 2, 1991; EO No. 291 dated September 27, 2000)
Conversion Formula
(VL & SL to VSC)

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

Where:

\( Y \) = total no. of service credits

30 = no. of days in a month

69 = 58 days of summer vacation + 11 days Christmas vacation
Transfer from one government agency to another

Options:

- Commutation of accumulated VL & SL
- Transfer to new agency
Forfeiture of VL Credits

• Mandatory annual 5-day vacation leave forfeited if not taken during the year.
Leave Computation

24 days actual service = 1 day VL & 1 day SL

ACTUAL SERVICE
- 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. This includes sick leave without pay.
## Table I – VL & SL Credits Earned on a Monthly Basis

Vacation & Sick Leave Credits Earned on a Monthly Basis

<table>
<thead>
<tr>
<th>NUMBER OF MONTH/S</th>
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<th>SICK LEAVE EARNED</th>
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Table II – VL & SL Credits Earned on a Daily Basis

Vacation & Sick Leave Credits Earned on a Daily Basis
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<th>No. of days present</th>
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</table>
• Public officials and employees ON EXTENDED SERVICE are entitled to VL & SL credits subject to the following:

- Non-commutative
- Non-cumulative
- EO 1077 dtd. Jan. 9, 1986 (mandatory leave) & other laws and rules applicable
Issue:

Whether or not, in the event an employee is exonerated from the criminal charges against him, he may claim salary and other benefits for the duration of his detention, as well as earn leave credits.

Ruling:

No. From all indications, detention in effect is equivalent to an indeterminate preventive suspension. Therefore, there is no basis for the payment of his salary corresponding to the period of his detention. The doctrine on “no work, no pay” applies in this case. Consequently, he could not earn leave credits, considering that his services are suspended for such period. [CSC Res. No. 991879, dated Aug. 23, 1999; Nelda Q. Norona]
Leave Computation

- Employees with irregular work schedule
  - excludes off-duty days
- Employees observing flexible working hours
  - number of hours required to be served for a day but not served (core hours only)
  - compensatory service may be availed to offset non-attendance or undertimes
Leave Computation

• Absence on a regular day with suspension of work
  – deduction equivalent to the time when official working hours start up to the time the suspension of work is announced

• For purpose of granting leave of absence
  \[ \frac{1}{4} \text{ or more but less than } \frac{3}{4} = \frac{1}{2} \text{ day} \]
  \[ \frac{3}{4} \text{ or more } = 1 \text{ day} \]
### Table IV - Conversion of Working Hours/Minutes Into Fractions of a Day

*Based on 8-hour Workday*

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<th>Equivalent Day</th>
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<td>.875</td>
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<tr>
<td>8</td>
<td>1.000</td>
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</tbody>
</table>
• Tardiness
  – failure to arrive at a time set; lack of punctuality

• Undertime
  – working time that is less than the full time or the required minimum; 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.
Policy on Undertime

(*CSC MC No. 16 dtd. Aug 6, 2010*)

• Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) months in a semester or 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.

• Any officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on Habitual Tardiness; and

• Any officer or employee who is absent in the afternoon is considered to have incurred undertime, subject to the provisions on Undertime.
Habitual Tardiness  
(Frequent Unauthorized Tardiness)

- 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.

  1\textsuperscript{st} Offense – Reprimand
  2\textsuperscript{nd} Offense – Suspension for 1 day to 30 days
  3\textsuperscript{rd} Offense – Dismissal
“Frequent unauthorized tardiness” could either be a grave offense under Rule IV, Sec. 52, Par. (A), No. 17, Uniform Rules on Administrative Cases in the Civil Service, or a light offense under Rule IV, Sec. 52, Par. (C), No. 4, of the same Rules, depending on its effects on the government service as defined by the agency head.
• Frequent unauthorized absences, or tardiness in reporting for duty, loafing or frequent unauthorized absences from Duty during regular office hours

1\textsuperscript{st} offense – Suspension (6 mos. & 1 day to 1 year)
2\textsuperscript{nd} offense – Dismissal
• Tardiness and undertime is deducted from vacation leave credits, except if undertime is for health reasons supported by a medical certificate and application for leave.

• Employee ON PROBATION
  – may already avail of leave credits earned.
  – LWOP incurred extends completion of probationary period for the same number of days of such absence.
“xxx for agencies observing Full Flexitime Work Schedule xxx, undertime shall be computed on a weekly 40-hour basis. For instance, as long as the officer or employee renders service during the core working hours & compensates the deficiency from the forty-hour requirement within the week, he/she will not be considered late or undertime. However, if he/she fails to meet the forty hours required during the week, the deficiency shall be correspondingly deducted from his/her vacation leave credits or salary in case all his/her vacation leave credits has been exhausted.
Issue:

What is the computation of the money value of members of the Sangguniang Panlalawigan (SP) paid on per diem basis?

Ruling:

RA No. 6758 (Salary Standardization Law) modified the payment of salary of SP members from per diem to per month basis. As an SP member, he is entitled to a monthly salary. He likewise earns leave credits like appointive employees considering that as an elective official, his time spent during working days may be construed as attendance to the needs and interest of his constituents. Accordingly, any absence of said member in
any or all of the regular sessions to which he is bound to attend, shall have to be charged to his accrued leave credits, if there is any.

Further, under BP 337, otherwise known as the then LGC, now Sec. 47, Chapter 2 of RA 7160 (LGC of 1991), elective officials are entitled to leave credits accorded to appointive officials and employees in the government. The rules applied to appointive employees insofar as leaves and absences, shall now apply to SP members. As such, if the absent member has sufficient leave credits, his absences should be deducted there from and not from his salary.
However, if there are no more leave credits available to him, then deduction from or withholding of salary is allowed. 

[CSC Res. No. 92-302, d. Feb. 20, 1992; Catolico, Benjamin C.]
FILING REQUIREMENTS

- CS Form No. 6 Revised 1984

- When to file
  
  VL - 5 days in advance, whenever possible

  SL - immediately upon employee’s return (with medical certificate in excess of 5 days)

  - in advance, scheduled medical examination or operation or advised to rest in view of ill health
• Approval of Leave Application
  VL – discretionary on agency head
  SL – mandatory provided proof of sickness/disability is attached

• Period to Act on Leave Application
  – Within 5 working days after receipt otherwise deemed approved
Leave of Absence Without Pay

• Not allowed, if with leave credits, except in case of secondment.
• 1 year, maximum period allowable.
• Failure to report after expiration of 1 year LWOP, automatically separated from service.
• In excess of 1 month, requires clearance of the head of agency.
# Formula for Computation of Salary of Employee with LWOP

| Salary | \[
|\text{Sal} & = \frac{\text{No. of Days Paid Status}}{22 \text{ Days}} \times \text{Monthly Salary}\text{.}
\] |

Where number of days paid status refers to 22 days less number of days without pay. 

*(MC No. 08, series of 2014)*
• aggregate of 15 days VLWOP will not interrupt the continuity of 3-year service requirement for the grant of step increment - in excess of 15 days, grant of step increment, delayed for the same number of days on absence without pay

• Employees on approved leave of absence without pay entitled to the grant of productivity incentive bonus (PIB) to an amount PROPORTIONATE to actual services rendered depending on their performance ratings
• Official or employee who incurred an aggregate of not more than 50 days authorized vacation leave without pay within the 10-year period shall be considered as having rendered continuous service for purposes of granting the loyalty award.

Those who incurred an aggregate of not more than twenty five (25) days authorized vacation leave without pay within the 5-year period may qualify for the 5 year milestone loyalty award.
LUNA, Mayumi Juris A.  
[CSC Res. No. 021264, d. Sept. 27, 2002]

Issue:

Whether an employee/official can go on vacation leave with or without pay at the same time accept a consultancy job in a project of another government agency or foreign institution here or abroad.

Ruling:

1. Full-time consultancy job of a government official or employee is not allowable.
2. An employee/officer may become a consultant of another agency, institution, local or foreign, or foreign government under part-time status, provided the following are present:

a. It must not violate the rule against holding multiple positions;

b. He/She must obtain permission or authority from his/her head of agency as the same constitutes a limited private practice of profession;

c. The private practice of profession must not conflict or tend to conflict with his/her official functions and the interest of the Republic of the Philippines; and

d. It must not affect the effective performance of his/her duty.
3. An employee/officer may take a leave of absence, whether with pay or not, to accept a consultancy job, subject to the following rules:

a. leave of absence must be contingent upon the needs of the service, i.e., it must not adversely affect agency operations, thus, the grant of vacation leave shall be at the discretion of the head of the department/agency;

b. Leave without pay shall not exceed one (1) year;

c. Leave without pay shall not be granted whenever an employee has leave with pay to his credit; and
d. It must not violate the rule against holding multiple positions;

e. He/She must obtain permission or authority from his/her head of agency as the same constitutes a limited private practice of profession.

f. The private practice of profession must not conflict or tend to conflict with his/her official functions and the interest of the Republic of the Philippines.
Absence Without Official Leave (AWOL)

- Not entitled to salary but absence not deducted from accumulated leave credits
- AWOL for 30 working days, 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 30 working days 3 times in a semester, such that a pattern is already apparent, dropping from the rolls without prior notice may likewise be justified [CSC MC No. 13, d. July 25, 2007]
• If AWOL for less than 30 working days, written RETURN-TO-WORK ORDER to last known written address on record should be served

*Failure to report, valid ground for dropping from the rolls.*
Issue:

Whether or not an employee who had been arrested & detained in jail may be declared on AWOL.

Ruling:

No. His/her services are automatically suspended during the period of his/her detention, hence, there could be no basis to declare him on AWOL. [CSC Res. No. 991879, dated Aug. 23, 1999; Nelda Q. Norona]
TERMINAL LEAVE

• Applied by official or employee who intends to sever his/her connection with his/her employer-agency.

• Ombudsman clearance not required.

• Claim for payment of TL benefits must be brought within 10 years from time the right of action accrues.
TERMINAL LEAVE

• Based on HIGHEST MONTHLY SALARY received at any time during period of employment in the government service

• Formula:

   \[ TLB = S \times D \times CF \]

where

\( S \) = highest mo. salary received
\( D \) = no. of accumulated VL & SL
\( CF \) = constant factor is \( 0.481927 \)
Specific Circumstances Affecting Leave

• With PENDING administrative case
  – NOT BARRED from enjoying leave privileges.
  – If preventively suspended, the same will be deferred or interrupted in case of maternity of paternity leave is availed of.
Specific Circumstances Affecting Leave

• Effects of Decision in Administrative Case

a) Dismissed from service
   • ENTITLED to terminal leave benefits

b) Exonerated
   • ENTITLED to leave credits for the period he/she had been out of the service
   • mandatory leave NOT CHARGED against leave credits
Effect of suspension on entitlement to step-increment

- The penalty of suspension imposed upon an official or employee is considered as a gap in the service and has effectively interrupted the continuity of the three (3)-year service requirement for the grant of step increment. However, the grant of step increment will only be delayed for the same number of days, which must not exceed three (3) months, that an official or employee was serving the penalty of suspension. [CSC Res. 02-1564, d. Dec. 17, 2002; Traspadillo, John Marlon M.]
Leave of Detailed Employee

• Since mother/parent agency relinquishes administrative supervision over detailed employee to the receiving agency, the latter has responsibility to monitor punctuality & attendance of the employee, approve requests for leave, evaluate performance, etc.

• Prior to effectivity of detail, mother agency furnish a certification of the available sick & vacation leave credits of detailed employee to receiving agency. Copy of approved request for leave submitted to the mother/parent agency.

• Monetization of leave credits of detailed employee still under the jurisdiction of the mother/parent agency.
Other Kinds of Leave

- Maternity Leave
- Paternity Leave
- Rehabilitation Privilege
- Special Leave Privileges
- Study Leave
- Teacher’s Leave
Parental Leave to Solo Parents
(RA 8972; Solo Parents’ Welfare Act of 2000)

Ten-Day Leave Under RA 9262
(Anti-Violence Against Women & Their Children Act of 2004)

Special Leave Benefits for Women Under RA 9710
(An Act Providing for the Magna Carta of Women)
Maternity Leave

• Every woman in the government service who has rendered an aggregate of 2 or more years of service, shall be entitled to maternity leave of 60 calendar days with full pay.

• Those with 1 year or more but less than 2 years of government service = ML pay proportionate to their length of service
Employees with less than 2 years of service may only receive full pay for a number of days based on the ratio of 60 days to 2 years service.

\[
\frac{60}{720} = \frac{x}{y} \\
720x = 60y \\
x = \frac{60y}{720} \\
x = \frac{y}{12}
\]

Where:
- \( y \) = the no. of days in the service
- \( x \) = the no. of days to be paid
- 2 yrs = 720 days
Example:
Employee with 1 year and 6 months of service

Where:

\[ x = \text{no. of days to be paid} \]
\[ y = 1 \text{ year and 6 months (540 days)} \]
\[ x = \frac{y}{12} \]
\[ x = \frac{540}{12} \]
\[ x = 45 \text{ days ML w/pay} \]
\[ 15 \text{ days ML w/out pay} \]
Those with less than 1 year of service, 60 days ML with half pay.

Employee may be allowed to report back to duty before the expiration of her ML, provided she presents a medical certificate that she is physically fit to assume the duties of her position.

- may receive both ML benefits and salary for actual services rendered

**Formula:**

\[
\text{Salary} = \frac{\text{Monthly Salary Rate}}{22 \text{ Days}} \times \text{Actual No. of Days Worked}
\]
Adoptive parents are entitled to ML of absence only once during the whole adoption process, provided the adoptee or the adopted child is below 7 years of age as of:

- the date the child is placed with the adoptive parents thru the Pre-adoptive Placement Authority; or
- the date the application for ML is made
Maternity leave shall be granted in every instance of pregnancy irrespective of its frequency.

Maternity leave with pay may be granted even if delivery occurs just a few days before the termination of employee’s service as her right thereto has already accrued.

A married or unmarried woman employee can still avail of sixty (60) days maternity leave with pay even if she is on an extended leave of absence with out pay.

Every woman employee in the government service is entitled to maternity leave of absence with pay even if she has a pending administrative case.
Filing Requirement:

Attachment to application for ML

a) if ML before the grant of petition for adoption, authenticated copy of Pre-Adoptive Placement Authority issued by the DSWD

b) if availed after the grant of petition, authenticated copy of Decree of Adoption issued by the proper court
Paternity Leave

- Married male employee entitled to paternity leave of 7 working days for the first 4 deliveries of his legitimate spouse with whom he is cohabiting.
  - First of the 4 deliveries, reckoned from the effectivity of the Paternity Leave Act on July 15, 1996
  - non-cumulative
  - non-convertible to cash
  - may be enjoyed either in a continuous or in an intermittent manner by the employee on the days immediately BEFORE, DURING & AFTER the childbirth or miscarriage of his legitimate spouse.
Paternity Leave  
(Filing/Validation Requirements)

• Shall be availed of not later than sixty (60) days after the date of the child’s delivery.  
  *(CSC MC No. 01, s. 2016)*

• Leave application filed w/n reasonable period prior to expected delivery except in cases of miscarriage & abnormal deliveries.
Paternity Leave
(Filing/Validation Requirements)

- May be required to furnish
  - certified true copy of marriage contract
  - birth certificate of newly born child
  - medical certificate with pathology reports in case of miscarriage, signed by attending physician or midwife with date of childbirth/miscarriage.

- Approval, mandatory unless the services are urgently needed to preserve life and property, in w/c case male employee entitled to overtime pay.
Filing Requirement
(Adoptive Parents)

Attachment to application for PL

a) if PL before the grant of petition for adoption, authenticated copy of Pre-Adoptive Placement Authority issued by the DSWD

b) if availed after the grant of petition, authenticated copy of Decree of Adoption issued by the proper court
Rehabilitation Privilege

- Granted for a maximum period of 6 months for wounds &/or injuries sustained while in the performance of official duties
- Performance of duty – situations wherein the official or employee was already at work; may be extended in situations where the official or employee meets an accident while engaged in activities inherent to the performance of duties, including being on official business outside of his/her work station, official travel, authorized overtime, detail order & special assignment orders
Rehabilitation Privilege

- Illness or sickness resulting from or aggravated by working conditions or the environment cannot be a basis for availing of the privilege even if compensable under the law & regulations of ECC.
- Injuries from accidents that occurred while going to work and going home from work are not considered sustained while in the performance of official duties.
- Absence from work during the period not deductible from accumulated sick or vacation leave credits.
Rehabilitation Privilege

- Concerned officials/employees do not earn and accumulate VL and SL credits while on RP.
- Officials & employees availing of RP shall receive salaries & regular benefits (PERA, ACA, Bonus & cash gift)
- Not entitled to benefits & privileges that are enjoyed based on actual performance of duties of positions, like RATA
Rehabilitation Privilege

- Claimants entitled to reimbursement for first-aid expenses, which shall not exceed P5,000.00, unless necessary as certified by medical authorities & approved by head of agency
- First aid – basic medical treatment immediately given to a person hurt in an accident
Procedure

- Application for RP made thru a letter, supported by relevant reports (e.g. police report), if any and medical certificate on the nature of injuries, course of treatment involved & need to undergo rest, recuperation, & rehabilitation

- Application should be made within 1 week from the time of accident except when a longer period is warranted; may be made for the injured official/employee by a member of his/her immediate family

- Written concurrence of government physician relative to recommendation for rehabilitation required if attending physician is a private practitioner, particularly on the duration of the period of rehabilitation
Responsibilities of Agency Head

- Agency head shall determine whether injuries were incurred while in the performance of duties.
- He/she shall be held responsible & personally liable for any false or fraudulent claims and irregular availing of RP.
- He/she, through agency medical staff and/or HRMO, should monitor monthly the medical status of employee undergoing rehabilitation leave.
APOLINARIO, Napoleon M.  

Issues:

a) Whether the Phil. General Hospital (PGH) can include urine examination, to test the presence of prohibited drugs, as one of the requirements for the annual examination in the hospital; to be conducted unannounced or at random to prevent manipulation of result.

b) Whether the PGH is authorized to grant sick leave or vacation leave of absence to its employees for reason of ‘rehabilitation’ (from drug dependency or alcoholism).
Ruling:

1) The CSC in Res. No. 99-1410 dated July 1, 1999 made the following pronouncement:

“xxx, the Commission would like to emphasize that the purpose of requiring drug testing among its employees is for the sole purpose of testing their physical and mental fitness for public service. Thus, government employees who are positive for drugs and who can offer no satisfactory explanation may be subject to dismissal from the service. However, the test results of the said drug test may not be turned over to any other agency, including the Public Prosecutor’s Office and the Ombudsman, without the employee’s written consent.
“xxx, the Commission hereby rules that the MIAA may administer Drug Test on its existing organic personnel as the same is not violative of human rights nor is it an intrusion into one’s privacy.”

The PGH may administer urine examination on its existing personnel to test the presence of prohibited drugs and that the manner by which the urine examination will be conducted is to be determined by the PGH Management.
2) The PGH is authorized to grant sick leave to its employees for reason of treatment, whether from drug dependency or alcoholism, and after exhaustion of sick leave credits, vacation leave credits but not the rehabilitation leave under Memorandum Circular No. 41, s. 1998 (Sec. 55).
Special Leave Privileges

- Personal Milestones
- Parental Obligations
- Filial Obligations
- Domestic Emergencies
- Personal Transactions
- Calamity, Accident or Hospitalization Leave
Special Leave Privileges

- If birthday or wedding anniversary falls on either a Saturday, Sunday or Holiday, employee may avail of SLP either BEFORE or AFTER the occasion
- Proof no longer required to be presented before availment
- Employee can avail of one SLP for 3 days or a combination of any of the leaves for a maximum of 3 days in a given year.
  » NON-CUMULATIVE
  » NON-CONVERTIBLE TO CASH
Study Leave

• a time-off from work not exceeding 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 (not to exceed four (4) months)

• no extension if maximum period is availed
Selection Requirements for Beneficiary

• Completed a bachelor’s degree that requires the passing of the bar or a board licensure examination;

• 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;

• No pending administrative and/or criminal charges;
Selection Requirements for Beneficiary

- With two (2) years of service with at least VS performance for the last 2 rating periods immediately preceding the application;
- No current foreign or local scholarship grant;
- Must have fulfilled the service obligation of any previous training/scholarship/study leave grant;
- With permanent appointment.
Selection Requirements for Beneficiary

• Those with COTERMINOUS appointments may be allowed to avail provided
  a) they meet the first 6 requirements
  b) would be able to fulfill the required service obligation; and
  c) 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.
Service Obligation

PERIOD OF GRANT SERVICE OBLIGATION

1 month       6 months
2 to 3 months  1 year
more than 3 months to 6 months  2 years
• Failure to render service obligation for cause/s within the beneficiary’s control, ground for REFUND of gross amount of salary, allowances and benefits received based on the formula

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

Where

- \( R \) = Refund
- \( TCR \) = Total Compensation Received
- \( SOS \) = Service Obligation Served
- \( SOR \) = Service Obligation Required
• Beneficiaries to inform in writing, through the personnel office, of their failure to take the bar/board examination or to complete their master’s degree

• They shall also refund to the agency the salaries and benefits received

• For causes w/n their control, repetition would bar them from future availment of the study leave and training/scholarship grant whether foreign or local.
• No officer or employee who is on study leave or on secondment shall be considered for promotion during the period of his study leave or secondment. (Sec. 19, Rule XIII, CSC MC#15, s. 1999)

• A female employee on study leave with pay is not entitled to avail of maternity leave benefits [CSC Res. No. 02-0576, d. Apr. 18, 2002; Re: Sacmar-Badiola, Ginalyn]
Teacher’s Leave

• Teachers entitled to proportional vacation pay (PVP) of 70 days summer vacation plus 14 days 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 PVP.
Vacation Service Credits

- Leave credits earned for services rendered on activities during summer or Christmas vacation, as authorized by proper authority.
- 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.

Day Care Workers and all other appointive employees whose work schedule is the same as that of teachers, earn vacation service credits and entitled to PVP.
UPDATED GUIDELINES ON GRANT OF VACATION SERVICE CREDITS TO TEACHERS

[DepEd Order No. 53, d. June 24, 2003, as amended by DepEd Order No. 84, d. Nov. 24, 2003]

• VSC used to offset absences of a teacher due to illness

• Activities Eligible for the Grant of Service Credits
  a. services rendered during registration and elections days as long as these are mandated duties under existing laws;
  b. services rendered during calamity and rehabilitation when schools are used as evacuation centers;
c. services rendered in connection with the conduct of remedial classes during the summer or Christmas vacation or outside of regular school days;

d. services rendered in connection with early opening of the school year;

e. services rendered during school sports competition held outside of regular school days;

f. services rendered by those who train teachers in addition to their normal teaching loads;
g. teaching overload not compensated by honoraria;

h. teaching in non-formal education classes in addition to teaching in formal education classes carrying a normal teaching load;

i. work done during regular school days if these are in addition to the normal teaching load;

j. conduct of testing activities held outside of school days;
k. attendance/participation in special DepEd projects and activities which are short-term in duration such as English, Science and Math Mentors’ Training, curriculum writing workshop, planning workshop, etc., if such are held during the summer vacation or during weekends or during holidays;

l. Conduct of remedial instruction to assist students who perform poorly in periodical and other written tests, in excess of the maximum actual teaching time. [DepEd Order No. 5, d. Feb. 12, 2004]
Procedure in the Grant of Service Credits

1) Head of office/school recommends approval of request to render vacation service

2) Schools Div. Superintendent approves/disapproves request

3) If reason not among those listed, request forwarded to RD for action, if activity is region-wide and to CO, thru RD, if activity is DepEd-wide.
• After completion of vacation service the following shall be submitted:

  a. accomplishment report
  
  b. duly signed DTR/CS Form 48
Other Applicable Rules

a) 1 work day of VSC granted for 1 day of service (8 hrs.)

b) No. of days VSC granted shall not exceed 15 work days in 1 year, except in cases authorized by the Secretary upon recommendation of the RD

c) VSC not granted for services without previous authority
d) Teachers on detail or assigned to non-teaching jobs not entitled to VSC

e) In monetization of teachers leave credits, unused VSC converted to V/SL credits using the following formula:

\[ VL & SL = \frac{30y}{69} \]

Where

30 = no. of days in a month

y = Total no. of teacher’s SC

69 = 58 days of summer vacation + 11 days of Christmas vacation
After monetization the remaining V/SL credits shall be converted back to VSC using the formula:

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

f) Teachers who resigned, retired or separated from the service through no fault of their own on or after Jan. 16, 1986 shall be paid the money value of their unused VSC converted to V/SL credits.
Issue:

Whether COMELEC Res. No. 4434, s. 2001, granting additional five-day leave credits to government employees who served as Board of Election Inspectors (BEIs) during the May 14, 2001 election, is valid.

Ruling:

The CSC holds the view that while COMELEC Res. No. 4434, s. 2001, bears the stamp of regularity, it being promulgated by the COMELEC in the course of its official duties, the matter of five-day additional leave credits espoused therein finds no legal support in existing leave laws and rules. This notwithstanding, the said extra leave credits may be treated in the nature of a compensatory leave. [CSC Res. 02-0489, d. Apr. 4, 2002; Re: Ejar, Evelyn N.]
Parental Leave

• Leave benefits of 7 days granted to a solo parent pursuant to RA 8972 (Solo Parents’ Welfare Act of 2000; 9/22/02) to enable said parent to perform parental duties and responsibilities where physical presence is required.
Who are considered solo parents?

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 1 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
Conditions for Availment

1) must have rendered at least 1 year of government service, either continuous or broken, reckoned at the time of the effectivity of RA 8972 on Sept. 22, 2002; regardless of employment status;

2) may be availed every year & not convertible to cash, unless specifically agreed upon previously; forfeited if not availed within the year;
3) may be availed on staggered or continuous basis, subject to the approval of agency/office head; application to be submitted at least 1 week prior to its availment, except on emergency cases;

4) parental leave may be availed under any of the following:

4.1 attend to personal milestones of a child;
4.2 perform parental obligations;

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.
Condition for Termination of Privileges

1) changes in the status and family situation (marriage or no longer left alone with the responsibility of parenthood); without prejudice to reapplication should circumstances warrant

2) agency head may determine whether granting of parental leave is proper or may conduct the necessary investigation to ascertain if grounds for termination and withdrawal of privilege exist
• if there is an existing policy or CNA, the same shall be credited as PL; if greater than 7 days, the PL Law of 7 days prevails

• Filing requirements

Leave application (CS Form No. 6), supported with certified true copies of the Solo Parent ID (secured from City/Mun. SWDO; renewable yearly) and birth certificate of the child/children or other requirements such as medical certificate.
• Approval of PL application, mandatory provided it is in order

• Non-approval without justifiable reason, ground for appropriate sanction against the concerned official.

Violence Against Women and their Children

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 of 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.

a) physical violence  
b) sexual violence  
c) psychological violence  
d) economic abuse
Who are entitled to 10-day Leave

- Any woman employee in the government service regardless of employment status, who is a victim of violence as defined under Sec. 3 of the Act;

- Any woman employee whose child is a victim of violence as defined therein and whose age is below 18 or above 18 but unable to take care of himself/herself.
When to File; Documentary Requirements

- Application to be filed whenever practicable, before the actual leave or immediately upon the woman employee’s return

- accompanied by any of the following:
  - Barangay Protection Order (BPO)
  - Temporary/Permanent Protection Order (TPO/PPO)
• If no protection order yet, 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

• If no BPO/TPO/PPO or 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
Manner of Availment/
Nature of Leave

• Continuous or intermittent to cover the days she has to attend to medical and legal concerns

• Non-cumulative & non-convertible to cash; leaves not availed of, waived
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.
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.
Guidelines on the Availment of the Special Leave Benefits for Women Under RA 9710
[CSC Res. No. 1000432 d 22 Nov 2010]

• Any female public sector employee, regardless of age and civil status, shall be entitled to a special leave of a maximum of two months with full pay based on her gross monthly compensation, provided she has rendered at least 6 months aggregate service in any or various government agencies for the last 12 months prior to undergoing surgery for gynecological disorders.
GYNECOLOGICAL DISORDERS – refer to disorders that would require surgical procedures such as, but not limited to, dilatation and curettage and those involving female reproductive organs such as the vagina, cervix, uterus, fallopian tubes, ovaries, breast, adnexa and pelvic floor, as certified by a competent physician. For purposes of the Act and the Rules and Regulations, gynecological surgeries shall also include hysterectomy, ovariectomy, and mastectomy. [Item M, Sec. 7, Rule II, IRR of RA 7910]
• Special leave may be availed for every instance of gynecological disorder requiring surgery for a maximum period of 2 months per year

• Availment shall be in accordance with the List of Surgical Operations for Gynecological Disorder, which reflects classification of procedure based on patient’s estimated period of recuperation
Classification of Procedure based on Patient’s Estimated Period of recuperation If without concomitant medical problems

MINOR - Surgical procedures requiring a maximum period of recuperation of two (2) weeks

MAJOR - Surgical procedures requiring a minimum period of recuperation of three (3) weeks to a maximum period of two (2) months
• Other Surgical Operations for Gynecological Disorders not found in the List may be allowed subject to certification of competent medical authority and submission of other requirements

• Earned leave credits may be used for preparatory procedures and/or confinement prior to surgery
• Should period of recuperation after surgery exceed 2 months, female official/employee may use her sick leave credits, then, if exhausted, vacation leave credits

• Special leave benefit, non-cumulative and not convertible to cash
Procedure of Availment

• Application made through Civil Service Form No. 6 [application for leave] approved by proper authorities

• Accompanied by medical certificate filled out by the proper medical authorities, e.g. the attending surgeon accompanied by

  a) a clinical summary reflecting the gynecological disorder which shall be addressed or was addressed by said surgery;
b) the histopathological report;

c) the operative technique used for the surgery;

d) the duration of the surgery including the pre-operative period (period of confinement around surgery); and

e) employee’s estimated period of recuperation for the same
• Application may be applied in advance, at least 5 days prior to date of gynecological surgery; requirements to be attached to the medical certificate upon employee’s return to work

• In case of emergency surgical procedure, leave application shall be filed immediately upon employee’s return
• Upon employee’s return to work, she shall also present a medical certificate signed by attending surgeon that she is physically fit to assume the duties of her position

• Guidelines with retroactive effect: September 15, 2009 or 15 days after the publication of the Magna Carta of Women
• Government officials and employees covered in these Guidelines whose periods of surgery and recuperation due to gynecological disorders after the effectivity of the Magna Carta of Women and before the promulgation of these Guidelines were deducted against their sick or vacation leave credits can have the said leave credits restored and/or appropriate gross compensation paid, as the case may be.
Issue:

Whether Board Res. No. 30, s. 1993 [Authorizing the President of Catanduanes State College to Grant Service Credits to Faculty Members for Actual Teaching Overload in lieu of Honoraria, etc.] is valid.

Ruling:

The same is invalid and without force and effect for being issued in contravention of existing CS policies & intent of RA 8292.

Honorarium cannot be converted to service leave credits. “xxx service leave credits are given in exchange for services rendered by teachers during Saturdays,
Sundays, holidays or during school vacations. It is mandatory on the part of the government to grant the same to teachers who rendered the aforementioned services. However, honoraria is given to officials/employees not as a matter of obligation but in appreciation for services which admit of no compensation in money. Thus, it can be safely concluded that honoraria and service credits belong to different classes of benefits or allowances, hence, they cannot be interchanged nor converted in order to be fully enjoyed by an employee.”
“xxx. It is worth noting that Section 4(a) of Republic Act No. 8292 [An Act Providing for the Uniform Composition and Powers of the Governing Boards, xxx of Chartered SUCs], has clearly stated that the governing board shall only enact rules and regulations not contrary to law. Therefore, if a rule or regulation is enacted contrary to existing laws, the same cannot prosper if it was issued in contravention of the intention of the aforementioned section of RA 8292. [CSC Res, No. 001523, d. June 29, 2000; Tabuzo, Gloria v.]
Thank You