



BALMEO, Vivian
ORDUNA, Myla
Re: Overtime
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RESOLUTION NO. 991231

Daniel T. Fariñas, Vice Mayor, Baguio City, requests a definitive ruling on the overtime services rendered by two (2) Sangguniang Panlungsod staff, Vivian C. Balmeo and Myla Leah L. Orduña, on July 4, 1998. The pertinent portion of the request dated January 11, 1999 reads as follows:

"In connection with the attached opinion of Atty. Myrna V. Macatangay, Director III, CSC-CAR on the letter, dated July 22, 1998 of Hon. Nicasio S. Palaganas, SP Member II, Baguio re: Overtime Services of Ms. Vivian C. Balmeo and Ms. Myla Leah L. Orduña on July 4, 1998, may we seek further clarification on the matter for the guidance of all concerned considering that during one of the seminars of the Administrative Staff, it was mentioned that person/s must have rendered 40 hours of service/week before they be allowed to render overtime."

This case arose from the request for payment of overtime services of Balmeo and Orduña, both staff of Nicasio S. Palaganas, Sangguniang Panlungsod member. Their request was denied by Vice Mayor Fariñas on the ground that while they claim overtime for July 4, a Saturday, they were not able to complete the forty hour work-week requirement for the week immediately prior to their overtime (June 29-July 3) because both incurred tardiness on July 3, 1998 in the case of Balmeo, and July 2, 1998 in the case of Orduña.

Sangguniang Panlungsod Member Palaganas took exception to the denial of the claim on the ground that: *"While it may be true that Mrs. Balmeo has incurred 14 minutes tardiness and Mrs. Orduña, 13 minutes on July 3 and 2, respectively, it would appear that if this undertime is deducted from their overtime they will still have rendered, in the case of Mrs. Balmeo 46 hours and 46 minutes and in the case of Ms. Orduña 46 hours and 47 minutes during the week, which excess should be paid as OVERTIME to them".*

In an opinion dated October 20, 1998, rendered by the Civil Service Commission - Cordillera Administrative Region (CSC-CAR), Section 285 (c) of the Government Accounting and Auditing Manual was cited as basis for the grant of overtime pay, as follows:

"c. An employee who has not rendered the minimum working hours for the week may be allowed to claim overtime pay provided he has sufficient leave credits."

The issue for resolution is whether or not an employee who has rendered less than forty hours for the whole work-week may be paid for overtime services rendered on a weekend.

The pertinent rule on overtime services is found in Section 10, Rule XVII of the Omnibus Rules Implementing Book V of E.O. 292, as follows:

"SEC. 10. When the interest of public service so requires, the daily hours of work for officers and employees may be extended by the head of the agency concerned, which extension shall be fixed in accordance with the nature of the work. Provided, That work in excess of eight (8) hours must be properly compensated." (Underlining supplied)

While Section 10 of the Omnibus Rules states that work in excess of eight (8) hours must be properly compensated, the eight-hour work per day requirement should be taken in relation to the forty-hour work-week prescribed under the law. Work in excess of eight hours per day will be compensated provided the employee has first completed the forty-hour weekly requirement.

The abovequoted rule, taken together with Section 285 (c) of the GAAM (quoted above), provides the basis for the grant of overtime pay. The requirement in the GAAM that the employee claiming overtime pay has sufficient leave credits is to enable the agency to correspondingly deduct from the leave credits the tardiness and undertime of the employee concerned. In that way, an employee who renders less than forty hours from Monday to Friday, in case he is required to work on a weekend, will be paid for overtime for the weekend. The government will not be prejudiced since the employee's tardiness and undertime will be deducted from his leave credits.

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Based on the foregoing, an employee does not have to complete the forty (40) hours work per week required by law before he can be paid overtime for services rendered on a weekend, provided, that he has leave credits against which the lacking hours will be deducted from.

WHEREFORE, foregoing premises considered, the Commission hereby rules that Vivian C. Balmeo and Myla Leah L. Orduña are entitled to overtime pay for services rendered on July 4, 1998 provided the same are authorized. The number of minutes that they were tardy shall, however, be deducted from their leave credits.

Quezon City, **JUN 21 1998**


CORAZON ALMA G. DE LEON
Chairman


THELMA P. GAMINDE
Commissioner

DID NOT PARTICIPATE
JOSE F. ERESTAIN, JR.
Commissioner

Attested by:


ARIEL G. RONQUILLO
Director III

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/balmeo'r