

**CROW. MELISSA**

Re: Maternity Leave;  
Contractual Employee

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**RESOLUTION NO. 992166**

Ma. Remedios N. Alcera, Officer-in-Charge, Human Resource Management Division (HRMD), Technology and Livelihood Resource Center, Makati City, requests reconsideration of the opinion of Director II Leticia M. Bugtong, Civil Service Commission, National Capital Region (CSC-NCR), DBP-field Office, that Contractual female employees are not entitled to maternity leave benefits.

*Alcera represents, as follows:*

*Ms. Melissa Crow is a contractual employee of the Center who has been rendering continuous government service for 8 years and 5 months as of date.*

*Ms. Crow filed her application for maternity leave on January 4, 1999 to take effect on January 15 for a period of one (1) month. She likewise submitted a certification from her doctor specifying that her expected delivery date is on or before 14 January and advising her to rest starting the said date. She gave birth on January 11.*

*Ms. Crow's action were (sic) in compliance with the Center's policy to have applications for maternity leave filed at least 15 days prior to the expected date of delivery to give enough time for employees to turn over pending assignments and to work on the required clearance.*

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*5. Ms. Crow has complied with the requirement of having rendered an aggregate of more*

*that two-(2) years of government service. Further, the affectivity of her approved application for maternity leave which is January 15, 1999 falls coincidentally with the effectively date of CSC MC no. 41 s. 1998."*

As shown by the records, an earlier request for an opinion relative to the entitlement to maternity leave benefits of contractual employees was made by Gladys Z. Dacanay, Manager, HRMD, Technology and Livelihood Resource Center, to Director II Leticia M. Bugtong, CSC-NCR, DBP-Field Office. In a letter dated February 12, 1999, Director Bugtong opined that:

*"As presented, it appears that the subject contractual employee file her maternity leave on January 15, 1999 a day after CSC Memorandum Circular No. 41, s. 1998 took effect instead of January 11, 1999 the date of here actual period of delivery. Obviously, the intention is for the subject employee to be entitled to maternity benefits in accordance with the provisions of Section 11, of CSC MC No. 41, s. 1998.*

*"In view of the above observation, this Office is of opinion that applicable leave rule in the instant case is Section 12, Rule XVI Omnibus Rules. Implementing Book V of EO No.292 as amended by the CSC Memorandum Circular 8, s. 1995, which reads as follows:*

*'Married women in the government service who have rendered an aggregate of two or more years of service, shall, in addition to the vacation and sick leave granted to them, be entitled to maternity leave for 60 days with full pay.'*

*"Reading of the aforequoted rule shows that the entitlement to maternity leave*

*benefits presupposes that the employee concerned is entitled to vacation and sick leave benefits.*

*"Furthermore, Section 4, Rule XVI provides as follows:*

*'Employees hired on a contractual basis are not entitled to vacation and sick leave benefits. Employment contract shall not provided for such leave benefits.'*"

The management and staff of the said agency were not satisfied with the aforequoted opinion. Hence, this request for reconsideration. Relevant to the matter is **Section 18, Rule XVI, Omnibus Rules on Leave (CSC Memorandum Circular No. 41, s. 1998)**, which provides, as follows:

*"Section 18. Maternity leave of Contractual employees.-Married contractual employees whether or not receiving 20% premium on their salary shall be entitled to maternity leaves benefits like regular employees accordance with the provisions of Section 11 hereof*

The aforecited rule, which took effect on January 15, 1999, is the explicit that married contractual employees ate entitled to maternity leave.

Record shows that the approved applications for maternity leave of Crow took effect on January 15,1999. Evidently, she is entitled to maternity leave benefits to pursuant to the aforequoted rule.

It must be noted that **CSC Resolution No. 98-3142** and **Memorandum Circular No. 41, s. 1998** which embodied the said Omnibus Rules on leave were issued on December 24, 1998, respectively. Hence, while Crow actually gave birth on January 11, 1999, or three (3) days before the affectivity of the Revised Omnibus Rules on Leave, this should not be taken against her considering that as early as December, 1998, the intent to grant maternity leave benefits to contractual employees already existed.

Further, it is confirmed that she filed her application for maternity leave on January 4, 1999 to take effect on January 15, 1999. This proves that no intention was made to cirmcumbent the said Omnibus Rules.

Finally, the Leave Law being a social legislation, must be liberally construed such that any doubt as regards its grant must be resolved in favor of the employee. To rule otherwise, would run counter to the very purpose for which maternity leave benefits are given. Moreover, this is in keeping with the thrust of the Commission to humanize the bureaucracy through the grant of social benefits to ensure a productive workforce.

**WHEREFORE**, the request for reconsideration of Ma. Remedios N. Alcera is hereby granted. Accordingly, Melissa Crow is entitled to maternity leave benefits.

Quezon City, **SEP. 23, 1999**

**CORAZON ALMA G. DE LEON**  
Chairman

**THELMA P. GAMINDE**  
Commissioner

**JOSE F. ERESTAIN, JR**  
Commissioner

Attested by:

**ARIEL G. RONQUILLO**  
Director III