

ASPERILLA, Dominador O.

Re: Special Leave Benefits; Query

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RESOLUTION No. 992456

Dominador O. Asperilla, Officer-In-Charge, Human Resource and Management Department, Bangko Sentral ng Pilipinas, Manila seeks the Commission's ruling on whether or not a government employee who has a pending administrative case can avail of his special leave benefits. Additionally, clarification is requested with respect to Section 21(4), Rule XVI of Civil Service Commission Memorandum Circular No. 41, s. 1998 (Amendments to Rules I and XVI of the Omnibus Rules Implementing Book V of the Revised Administrative Code of 1987 or Executive Order No. 292).

The letter reads as follows:

"For purposes of clarification and uniformity in the application of Civil Service rules and regulations regarding leave matters affecting Bangko Sentral ng Pilipinas (BSP) employees, may we seek your official comment/opinion on whether or not a government employee who has a pending administrative case can avail of any of the special leave privileges, e.g. Birthday Leave, Wedding Anniversary Leave, Enrollment Leave and others.

"May we also be clarified on the intention of statement No. 4 of Section 21 of Rule XVI, amendments to the Omnibus Rules (CSC Res. No. 3142), which states as follows:

*'(4) Special Leave privileges may be availed of by the official/employee when the occasion is **personal to him and that of his immediate family.**'*

Fundamentally granted by the Philippine Constitution is the right to be presumed innocent until proven guilty (**Section 14 (2), Article III, 1987 Philippine Constitution**). This means that an employee who has a pending administrative case filed against him is given the benefit of the doubt and is considered innocent until the contrary is proven. And unless otherwise indicated, he is considered entitled to all the concomitant benefits pertaining to his position including special leave privileges. These are leave benefits granted to an employee to mark personal milestones or to attend to urgent or important filial and domestic responsibilities (*Rule I [p] {13} of the Implementing Rules and Regulations of Book V of the Revised Administrative Code of 1987*)²⁹

In addition, **Section 34 of the New Uniform Rules on Administrative Cases in the Civil Service** specifically states that *the pendency of an administrative case shall not disqualify respondents for promotion or from claiming maternity/paternity benefits.*

All these indicate that a pending administrative case is not a bar to an employee's enjoyment of his official leave benefits.

As regards the interpretation of the phrase "personal to him", the same should be taken to mean that the reason invoked by the employee pertains to him alone like his own birthday, his relocation to another place, or his/his spouse's graduation.

On the other hand, the term "immediate family" refers to the spouse, children, parents, unmarried brothers and sisters and any relative under the same roof and dependent upon the employee for support (**Rule I, No.4, Omnibus Rules on Leave**).

WHEREFORE, the Commission hereby rules and so holds that the granting of special leave privileges to an employee with pending administrative case is allowed. Likewise, the phrase "personal to him and his immediate family" shall mean the employee himself, his spouse and children, including unmarried brothers and sisters or relatives living under the same roof and dependent upon the employee for support.

Quezon City, **NOV 05 1999**

CORAZON ALMA G. DE LEON
Chairman

THELMA P. GAMINDE
Commissioner

JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

ARIEL G. RONQUILLO
Director III