

Republika ng Pilipinas
(Republic of the Philippines)
MINISTRI NG EDUKASYON, KULTURA AT ISPORTS
(MINISTRY OF EDUCATION, CULTURE AND SPORTS)
Maynila

April 29, 1983

MECS O R D E R
No. 17, s. 1983

REISSUANCE OF REGULATIONS ON MASS LEAVE, SICK/VACATION
LEAVE AND TRAVEL OF MECS OFFICIALS AND EMPLOYEES

To: Bureau Directors
Cultural Agency Directors
Regional Directors
Chiefs of Services and Heads of Units
Schools Superintendents
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. In view of the recent incidence of mass leaves taken not only by school teachers, but by other school personnel and employees, this Office deems it necessary to issue a reminder of existing regulations concerning such mass leaves, and other pertinent provisions dealing with violations of such regulations.
2. Inclosed is Memorandum No. 35, s. 1970 which was originally issued on December 24, 1970 by the defunct Bureau of Public Schools, at a time when some teachers in some divisions "abandoned their classes in order to hold marches, dialogues, or rallies to voice their grievances, or otherwise secure what they deem are privileges due them."
3. The stand taken by the then Bureau of Public Schools and the Department of Education on such activities was clearly enunciated in the aforementioned Memorandum. The Ministry of Education, Culture and Sports reiterates this stand on similar activities at present.
4. This Office likewise desires to call attention to the following regulations on leave of absence and travel:

Civil Service Rule XVI. Leave of Absence

a. Application for Leave

Sec. 16. Applications for vacation leave of absence for one full day or more shall be submitted

on the prescribed form for action by the proper chief of agency five days in advance, whenever possible, of the effective date of such leave.

Sec. 19. In every case where action by the President, head of Department, or chief of agency is contingent upon illness of an officer or employee, evidence of illness must be submitted on the prescribed form, except where a teacher applied for permission to render vacation duty to make up for time lost on account of illness. If the illness was due to immoral or vicious habits, intemperance or willful misconduct, favorable action shall not be taken. Any attempt of an employee to mislead or deceive his official superiors, directly or indirectly, in regard to absence on account of alleged sickness shall be ground for disciplinary action.

Sec. 20. Leave of absence for any reason other than serious illness of an officer or employee or of any member of his immediate family must be contingent upon the needs of the service.

Sec. 21. If a violation of the leave laws, rules or regulations, which calls for disciplinary action, is discovered in the course of taking action on an application for leave, the officer concerned may forward said application for executive action; he shall state the reason therefor and follow the procedure provided in Rule XVIII. The procedure referred to need not be followed in case the application for leave is disapproved on account of the exigencies of the service, such action not being considered disciplinary in character, but the application shall be forwarded just the same.

b. Department Order No. 29, s. 1975

1) Leave (field personnel)

a) For a period not exceeding one year - approval of regional director necessary.

- b) For a period in excess of one year and those where commutation is requested - approval of the Minister is required.
- 2) Travel (field personnel)
 - a) within the region - approval of regional director is required.
 - b) outside of respective region - approval of Minister is required.
- c. Memorandum Circular No. 1190 dated June 11, 1980 of the Office of the President of the Philippines:

Travel abroad of government officials and/or employees should be approved by the Office of the President.
- 5. Quoted below for further information and guidance of all concerned is a portion of Article IX, on Discipline, of Presidential Decree No. 807. Paragraph (b), No. (14) of Section 36 of aforementioned Article states:
 - "(b) The following shall be grounds for disciplinary action:
 - "(14) Frequent unauthorized absences or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours;"
- 6. Finally, attention is invited to an opinion rendered by the Commissioner of Civil Service to the effect that an employee who is on leave cannot be employed in another office as it will amount to holding two positions at the same time for the reason that the employee concerned has not yet severed his official relation with the first office.
- 7. This Office enjoins all concerned to implement these regulations more assiduously.
- 8. Immediate dissemination hereof is desired.

(SGD.) ONOFRE D. CORPUZ
Minister

Incl.:
As stated

Reference:
BPS Memorandum: No. 35, s. 1970

Allotment: 1-2-3-4--(D.O. 1-76)

To be indicated in the Perpetual Index
under the following subjects:

EMPLOYEES	RULES & REGULATIONS
LEAVE	TRAVEL
OFFICIALS	

REPUBLIKA NG PILIPINAS
Republic of the Philippines
KAGAWARAN NG EDUKASYON
Department of Education
KAWANIHAN NG PAARALANG BAYAN
Bureau of Public Schools
Maynila

December 24, 1970

MEMORANDUM
No. 35, s. 1970

CLARIFYING PROVISIONS ON LEAVES OF ABSENCE
OF PUBLIC SCHOOL TEACHERS

To Superintendents:

1. It has been noted that school teachers in certain divisions abandon classes en masse in order to hold marches, dialogues or rallies to voice their grievances, or otherwise secure what they deem are privileges due them.
2. The concerted action by teachers of leaving their classes during school hours without due permission from the school superintendent or without prior approval of an application for leave can be considered as a "strike" and is therefore subject to administrative action conformably to the Civil Service Law and its implementing rules and regulations.
3. Attention is invited to Section 28 (o) of Republic Act No. 2260, as amended, which provides as follows:

Limitation on the Right to Strike - The terms and conditions of employment in the Government, including any political subdivision or instrumentality thereof, are governed by law and it is declared to be the policy of the Government that the employees therein shall not strike for the purpose of securing changes in their terms and conditions of employment. Such employees, however, may belong to any labor organization which does not impose the obligation to strike or to join strikes: Provided, That this section shall apply only to employees employed in governmental functions and not to those employed in proprietary functions of the Government including, but not limited to, governmental corporations.
4. Although the rights of public school teachers to join organizations of their choosing and to participate in organization activities

outside of school hours - or within school hours with the consent of proper school authorities - are guaranteed under Section 28 of R.A. 4670, Magna Carta for Public School Teachers, teachers may not go on strikes since they are performing governmental functions.

5. In connection with claims that the group action of leaving classes by teachers is not a strike but "mass leave", it is pointed out that leaves of absence of public school teachers are governed by Civil Service law, rules and regulations. Attention is invited to the following provisions of Civil Service Rule XVI on leave of absence:

Sec. 16. Applications for vacation leave of absence for one full day or more shall be submitted on the prescribed form for action by the proper chief of agency five days in advance, whenever possible, of the effective date of such leave.

Sec. 19. In every case where action by the President, head of Department, or chief of agency is contingent upon illness of an officer or employee, evidence of illness must be submitted on the prescribed form, except where a teacher applied for permission to render vacation duty to make up for time lost on account of illness. If the illness was due to immoral or vicious habits, intemperance or willful misconduct, favorable action shall not be taken. Any attempt of an employee to mislead or deceive his official superiors, directly or indirectly, in regard to absence on account of alleged sickness shall be ground for disciplinary action.

Sec. 20. Leave of absence for any reason other than serious illness of an officer or employee or of any member of his immediate family must be contingent upon the needs of the service.

Sec. 21. If a violation of the leave laws, rules or regulations, which calls for disciplinary action, is discovered in the course of taking action on an application for leave, the officer concerned may forward said application for executive action; he shall state the reason therefor and follow the procedure provided in Rule XVIII. The procedure referred to need not be followed in case the application for leaves is disapproved on account of the exigencies of the service, such action not being considered disciplinary in character, but the application shall be forwarded just the same.

6. The granting of vacation leave for reasons other than illness of the employee is "contingent upon the needs of the service."

In other words, an application for vacation leave may not be granted if the services of the teacher cannot be dispensed with.

7. Considering such provisions on leaves of absence, it is believed that under no circumstances, within existing laws, rules and regulations, can "mass leaves" be justified.

8. Public school teachers are on the teachers-leave basis. If they go on sick leave, such leave may be offset by vacation service credits, if they have any, and they can receive pay corresponding to the period offset by the vacation service credit. Vacation leave of absence for personal reasons, cannot however, be offset by vacation service credits and therefore a teacher on vacation leave or on leave for personal reasons shall not receive pay corresponding to the period of absence. If a teacher goes on vacation leave without prior approval of the division superintendent, he shall be deemed to have abandoned his duty and is therefore subject to administrative disciplinary action in accordance with Civil Service rules and regulations.

9. It is desired that this Memorandum be given the widest publicity possible in the division.

(SGD.) LICERIA BRILLANTES SORIANO
Director of Public Schools

References:

Circulars: Nos. 22, s. 1968 and 6, s. 1970

Allotment: 1--(C. 19-69)

To be indicated in the Perpetual Index under the following subjects:

FORMS (Not B.P.S.)
LEAVE
LEGISLATION
RULES & REGULATIONS
SERVICE
SUPERINTENDENTS
TEACHERS