

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

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MECS O R D E R
No. 68, s. 1986

DEFERMENT OF THE IMPLEMENTATION OF "NO WORK-NO PAY" POLICY

To: Regional Directors
Schools Superintendents
Vocational School Superintendents/Administrators

1. During the early part of this month, the Manila public school teachers went on mass leave purportedly to seek implementation by the City Government of certain statutory obligations prescribed in existing executive issuances which they claim are legally due them. The MPSTA represented that the mass leave was not for the purpose of securing changes in their terms and conditions of employment.
2. As a recognized rule of law, government employees are not allowed to stage any form of mass action relating to their terms and conditions of employment, and any violation of this rule will subject the employees to administrative sanctions consistent with applicable laws. (Sec. 28(c) R.A. No. 2260, as amended - Civil Service Law.)
3. Hence, when a similar mass leave was staged by certain public school teachers in Manila during the past Administration, administrative cases were instituted against the forty (40) teachers which was stayed by the Supreme Court thru an injunction. This case (ACT versus Hon. Laya, et. al. G.R. No. 72253) is still pending resolution on the determination of the "right of government employees, including teachers, to stage mass action" or in industrial labor terms the "right to strike."
4. In view of this pendency on the legality of the mass leave by public school teachers and the provision in the proposed 1986 Constitution on the "right to self organization" as found in Article IX, Section 2 (5) on the Civil Service Commission, the principle of "no work-no pay" although deemed applicable to the recent mass leave is hereby deferred until the Supreme Court shall have resolved the legal issue raised in the above-entitled case or when such right is clearly established in the 1986 Constitution as an incident to the "right of self-organization."
5. Where, however, the Supreme Court resolves or the 1986 Constitution is interpreted that public school teachers have the right to go on mass leaves (a) then all absences incurred because of attention of concerted actions, shall be deemed as actual service; or (b) when ruled otherwise, such absences shall be considered as absences to be deducted from

existing vacation leaves or when leaves have been exhausted, then the "no work-no pay" principle shall apply and, if justified these teachers shall be subject to administrative sanctions.

6. Please be guided accordingly.

(SGD.) LOURDES R. QUISUMBING
Minister

References:

MECS Orders: Nos. 9 and 10, s. 1985

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

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