

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

September 19, 1988

DECS O R D E R
No. 87, s. 1988

MATERNITY LEAVE OF TEACHERS ON THE TEACHERS' LEAVE
BASIS WHO GIVE BIRTH DURING THE VACATION PERIOD

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

1. Inclosed is a copy of the letter of this Office to the Chairman, Civil Service Commission, dated May 17, 1988 requesting information on the manner of granting maternity leave to teachers who give birth during the Christmas or long vacation period, in view of an opinion of the Chairman, Civil Service Commission in a letter dated July 30, 1987, copy inclosed therewith, on the case of a public school teacher. Also inclosed is a copy of the letter of the Chairman, Civil Service Commission, dated August 25, 1988 to the Chairman, Commission on Audit, which states that "a married school teacher can simultaneously enjoy the full money benefits of both the maternity leave and teachers long vacation benefits."
2. Conformably thereto, a teacher who gives birth during the Christmas or long vacation period should be granted 60 days' maternity leave with full pay or half pay, as the case may be, effective on the date she delivers her child, as well as the proportional vacation pay earned during the school year. However, the teacher should not be allowed to return to duty from maternity leave until after the expiration of the 60 - day maternity leave granted her. Attention is invited to the last sentence of the aforesaid letter of the Civil Service Commission dated August 25, 1988 that the manner of implementation shall be applied prospectively or after July 30, 1987, and not earlier thereto.
3. All rules and regulations inconsistent with this Order are deemed superseded.

4. This Order should be given wide dissemination for the information and guidance of all concerned.

(SGD.) CLEDUALDO B. PEREZ, JR.
Undersecretary
Officer-In-Charge

Incls.:
As stated

References:
BPS Circular: No. 29, s. 1960
BPS General Letter: (No. 182, dated November 25, 1960)

Allotment: 1-2-3--(M.O. 1-87)

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

LEAVE
RULES & REGULATIONS
TEACHERS

(Inclosure No. 1 to DECS Order No. 87, s. 1987)

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

May 17, 1988

The Honorable Chairman
Civil Service Commission
Quezon City

S i r :

This has reference to the letter dated July 30, 1987, copy attached, regarding the opinion of that Office that the maternity leave privileges extended to married women in the civil service has general application and applies equally to all married women in the government service including those in the teaching profession.

In this connection, it may be stated that teachers of this Department who are on the teachers' leave basis are entitled to 14 days Christmas vacation and 70 days long vacation for services rendered during a school year. Married women teachers on this leave basis who go on maternity leave are granted the 60-day maternity leave in addition to the proportional vacation pay earned during the year. Also attached is a copy of General Letter No. 182 dated November 25, 1960 of the defunct Bureau of Public Schools on the manner of granting maternity leave to teachers who give birth during the Christmas or long vacation period. The guidelines given in the said General Letter are still followed. However, in view of the opinion of that Office to the effect that "the enjoyment of maternity leave privileges on delayed or on a protracted basis should no longer be allowed for lack of legal basis," information is requested as to the manner of granting maternity leave to teachers who give birth during the Christmas or long vacation period.

It would be appreciated if preferential attention could be given this matter in order that this Office may be guided properly.

Very truly yours

For the Secretary:

(SGD.) MARCIAL A. SALVATIERRA
Assistant Secretary

Incls.:

1. CSC letter dated July 30, 1987
2. General Letter No. 182 dated November 25, 1960 of the defunct Bureau of Public Schools

Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Lungsod ng Quezon

RUIZ, Eleuteria R.
Re: Maternity Leave of
60 Days - Teachers
x - - - - - x

July 30, 1987

Eleuteria R. Ruiz
State Auditor IV
(City Auditor)
Commission on Audit
Office of the City Auditor
M a n i l a

S i r :

This refers to the issue you raised in a 5th Indorsement dated June 3, 1987, relative to the regularity of the manner or mode of enjoyment of maternity leave of a city school teacher, Mrs. Lucita F. Cielo.

It is represented that Mrs. Cielo enjoyed her 60-Day maternity leave of absence in two (2) phases: the first for twenty (20) days and the second for forty (40) days, with a gap of more or less seventy (70) days in-between, so much so that she was already past beyond her state of maternity when she actually made use of said leave.

It appears that this procedure of interpreting and applying the law on maternity leave privilege was initially referred to the Auditor of the Department of Education, Culture and Sports for clarification, who in turn furnished that Office a xerox copy of a Letter-Directive dated November 25, 1960, issued by the then Director of Public Schools Benigno Aldana, showing that the manner of enjoying the maternity leave of absence by subject teacher in accord with Item and Example No. 5 therein. Quoted below is the pertinent provision of said directive:

"5. When a teacher goes on maternity leave at the beginning of the Christmas vacation, or of the long vacation, she should be granted first the Christmas vacation pay or the long vacation pay, then the 60-day maternity leave".

RUIZ, Eleuteria R.

X-----X

As a concrete example, the directive prescribes the manner of implementation as shown below:

"5. A permanent teacher who rendered service from June 3, 1960 to February 28, 1961, applies for maternity leave effective March 1, 1961. Her application for maternity leave should be approved as follows:

25 days' maternity leave with full pay, covering March 1 to 25, 1961;

70 days' vacation with pay, covering March 26 to June 3, 1961;

35 days' maternity leave with full pay, covering June 4 to July 8, 1961".

Commonwealth Act No. 647, as amended, grants 60-day maternity leave of absence to married women in the service of the government in case of pregnancy. Rule XVI of the Revised Civil Service Rules implements the law on maternity leave privileges extended to married women in the civil service. It appears, therefore, that insofar as maternity leave is concerned, it has general application. It applies equally to all married women in the government service including those in the teaching profession.

The obvious purpose of this law is to provide working mothers ample period of rest and recuperation after delivery. In many instances, the Commission as a matter of policy, has ruled that being a social legislation, provisions on maternity leave should be accorded liberal interpretation. Hence, in case of doubt, this should be resolved in favor of those whom the law intends to be benefited. As pointed out earlier, the manifest intent of the law is to afford a working mother relief or a chance to recuperate as well as to take care of, or personally nurse her infant for the first two (2) months. However, we believe that because of the benevolent nature of the law, the liberal policy in interpretation thereof should only be given when such intention is not defeated nor create disparity or inequality in implementation, thus favoring a specific sector or group. Thus, in the instant case, it seems that the purpose of the law is not quite served because the enjoyment was made to take effect at a time when it is no longer considered the actual period of recovery intended under the law. The Commission, in a ruling, re: JARDELEZA, Theresa, stressed that while the maternity leave law is a social legislation, the time or period when the benefit can be availed of, considering the main purpose of the enactment, and in the interest of the public service, cannot be left to the discretion, whim or caprice of the employee-

RUIZ, Eleuteria R.

X - - - - - X

recipient. Thus its enjoyment cannot be deferred or postponed to some later time, since the law primarily intended to take care of working married mothers at this particular stage. Accordingly, if the privilege is not availed of at the proper time or period, either by consent or by choice of the female employee concerned, then it is deemed waived or forfeited. (CSC Letter dated May 4, 1979)

Viewed in the light of the foregoing, the Commission is of the opinion and so holds that maternity leave of absence must be enjoyed during the actual period of recovery and should be in full, continuous and uninterrupted manner, as prescribed by law, otherwise the privilege or part thereof shall be deemed waived or forfeited. Moreover, instances of this nature extending to pregnant married teachers the enjoyment of maternity leave privilege on delayed or on a protracted basis should no longer be allowed for lack of legal basis.

Please be guided accordingly.

Very truly yours,

(SGD). CELERINA G. GOTLADERA
Chairman

a true copy

Republic of the Philippines
Department of Education
BUREAU OF PUBLIC SCHOOLS
Manila

November 25, 1960

The Superintendent of Schools

Dear Sir:

In connection with Circular No. 29, s. 1960, the following supplementary instructions should be observed:

1. Every married woman teacher who is an expectant mother should be advised to go on maternity leave at least three weeks prior to the expected date of the birth of her child, in order to protect her health and to give the superintendent time to assign a substitute teacher.
2. The sixty-day period of the maternity leave should be counted from the date of effectivity of the leave as applied for on C.S. Form 55. The teacher, however, is free to apply for maternity leave for more than 60 days, the excess being without pay if she has no vacation or sick leave or vacation service credits which may be applied to the period of the extension of the leave.
3. If a teacher on the vacation and sick leave basis extends her maternity leave beyond the sixty-day period, the vacation and sick leave to her credit may also be commuted.
4. The vacation service credits of a teacher on the teachers' leave basis may be used to offset absences without pay due to maternity. However, her salary corresponding to the period offset by her vacation service credits is not commutable.
5. When a teacher goes on maternity leave at the beginning of the Christmas vacation, or of the long vacation, she should be granted first the Christmas vacation pay or the long vacation pay, and then the 60 days' maternity leave pay.

For the guidance of the field and for purposes of uniformity, the following examples are given in taking action on applications for maternity leave:

1. A permanent teacher who has rendered full service from June 5 to December 17, 1960, applied for maternity leave effective December 18, 1960, the beginning of the 1960 Christmas vacation. Her application for leave should be approved as follows:

14 days' Christmas vacation pay, covering
December 18 to 31, 1960; and

60 days' maternity leave with full pay, covering January 1 to March 1, 1961 (60 days with half pay if she has rendered less than two years of continuous service as of the date of the effectivity of the leave under permanent status, or at least two years of continuous service in the case of provisional status).

2. A permanent teacher who rendered full service from June 5, 1960 to March 25, 1961, applies for maternity leave effective March 26, 1961. Her application for maternity leave should be approved as follows:

70 days' long vacation pay, covering March 26 to June 3, 1961; and

60 days' maternity leave with full pay, covering June 4 to August 2, 1961 (60 days' maternity leave with half pay if she has rendered less than two years of continuous service as of the date of the effectivity of the leave under permanent status or at least two years of continuous service under provisional status).

3. A permanent teacher who is entitled to only 60 days long vacation pay applies for maternity leave effective March 26, 1961. She should be granted maternity leave as follows:

60 days' long vacation pay, covering March 26 to May 24, 1961;

60 days' maternity leave with full pay, covering May 25 to July 23, 1961 (60 days' maternity leave with half pay if she has rendered less than two years of continuous service as a permanent teacher as of the date of the effectivity of the leave, or has rendered at least two years of service as a provisional teacher).

4. A permanent teacher who has rendered full service from June 5, 1960 to December 15, 1960, applies for maternity leave effective December 16, 1960. Her application for leave should be approved as follows:

2 days' maternity leave with full pay, covering December 16 to 17, 1960;

14 days Christmas vacation with pay, covering December 18 to 31, 1960;

58 days' maternity leave with full pay, covering January 1 to March 1, 1961 (60 days' maternity leave with half pay if she has rendered less than two years of continuous service under permanent status as of the date she went on leave, or has rendered at least two years of continuous service under provisional status).

5. A permanent teacher who rendered service from June 5, 1960 to February 28, 1961, applies for maternity leave effective March 1, 1961. Her application for maternity leave should be approved as follows:

25 days' maternity leave with full pay, covering March 1 to 25, 1961;

70 days vacation with pay, covering March 26 to June 3, 1961. (only 45 days proportional vacation pay for the period from March 26 to May 9, 1961, should be paid at the time she goes on leave. The balance shall be withheld until the teacher returns from her leave. The 45 days proportional vacation pay is computed at the rate of 7 days for every month of service rendered during the school year pursuant to Sec. 7(b), Civil Service Rule XVI).

35 days' maternity leave with full pay, covering June 4 to July 8, 1961.

Proportional vacation pay should not be granted at the time the teacher goes on maternity leave if her leave does not extend to the end of the school year. In computing her long vacation pay for the school year, the period of actual service rendered during the school year including that covered by the maternity leave, as well as the absences offset by vacation service credits, should be counted as service rendered during the school year.

Please give the contents of this letter as wide publicity as possible.

Very truly yours

(SGD.) BENIGNO ALDANA
Director of Public Schools

G.L. No. 182

A true copy

(Inclosure No. 2 to DECS Order No. 87, s. 1988)

Republika ng Pilipinas
KOMISYON NG SERBISYO SIBIL
(Civil Service Commission)
Lungsod ng Quezon

RUIZ, Eleuteria R.
Re: Maternity Leave of 60
Days-Teachers
x- - - - - x

25 August 1988

Hon. Eufemio C. Domingo
Chairman
Commission on Audit
Don Mariano Marcos Avenue
Quezon City

S i r :

This pertains to your request for clarification on the proper application of the ruling of this Commission on the maternity leave of teachers as embodied in its letter dated July 30, 1987, as well as the suggestion to circularize thereof, the dispositive portion of which reads:

"x x x, the Commission is of the opinion and so holds that maternity leave of absence must be enjoyed during the actual period of recovery and should be in full, continuous and uninterrupted manner, as prescribed by law, otherwise the privilege or part thereof shall be deemed waived or forfeited. Moreover, instances of this nature extending to pregnant married teachers the enjoyment of maternity leave privilege on delayed or on a protracted basis should no longer be allowed for lack of legal basis."

In this connection, it should be noted that as embodied in your letter, "a married school teacher may simultaneously enjoy the full benefits of both the maternity leave law and the teachers' leave system, the prohibition against double compensation not being applicable because the benefits enjoyed are not in consideration of services rendered but privileges granted by law". Viewed in that context, this Commission is in agreement with that Commission that a married school teacher can simultaneously enjoy the full money benefits of both the maternity leave and the teachers, long vacation leave benefits. In other words, she can receive and should be paid the money value both benefits if the period of enjoyment thereof coincides. What is not being allowed, however, is the delayed or protracted manner of the enjoyment of the maternity leave benefits. To reiterate, maternity leave of absence of teachers must be enjoyed

during the actual period of recovery and should be in full, continuous and uninterrupted manner so as not to defeat the purpose for which the maternity leave law is intended. As to the manner of the implementation of the subject ruling of this Commission, the same shall be applied prospectively, or after July 30, 1987, and not earlier thereto.

Very truly yours,

(SGD.) PATRICIA A. STO. TOMAS
Chairman

Copy furnished:

1. Marcial A. Salvatierra
Assistant Secretary
Department of Education, Culture
and Sports
2. Eleuteria R. Ruiz
State Auditor IV
(City Auditor)
Commission on Audit
Office of the City Auditor
M a n i l a
3. Gregoria T. Su
Surigao del Norte National
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A true copy