

Re: Amendment to the Maternity Leave Rules

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RESOLUTION NO. 021420

WHEREAS, the Civil Service Commission (CSC) as the central personnel agency of government embraces all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned and controlled corporations with original charters;

WHEREAS, Section 12 (2), Chapter 3, Subtitle A, Title I, Book V of the Administrative Code of 1987 empowers the Commission to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and pertinent laws;

WHEREAS, the CSC issued the Omnibus Rules Implementing Book V of the Administrative Code of 1987 which was published on January 15, 1992 in the Philippine Star and the same took effect thirty (30) days thereafter;

WHEREAS, said Omnibus Rules was amended by CSC Memorandum Circular Nos. 41, series of 1998 and 14, series of 1999;

WHEREAS, it is clear from Sections 11, 13, 14, 17 and 18 of MC 41 as amended, that maternity leave may be availed of only by married women in the government service.

WHEREAS, on November 7, 2000, the Solo Parents Welfare Act of 2000 (Republic Act 8972) was promulgated wherein it is declared that the State shall develop a comprehensive program of services for solo parents and their children;

WHEREAS, there is a need to update provisions on maternity leave to harmonize it with the Solo Parents Welfare Act of 2000;

WHEREAS, the purpose of maternity leave is to allow the mother to recuperate and to take care of her child during infancy stage;

WHEREAS, the grant of maternity leave benefits partakes of a social measure wherein the welfare or well-being of the intended recipients or beneficiaries is the primordial concern;

NOW THEREFORE, the Commission in the exercise of its rule-making and policy formulation functions, RESOLVED as it hereby resolves to amend the maternity leave rules under Rule XVI of the Omnibus Civil Service Rules Implementing Book V of the Administrative Code of 1987 (Executive Order No. 292), to read as follows:

"Section 11. Conditions for the grant of maternity leave. - Every woman in the government service who has rendered an aggregate of two (2) or more years of service, shall, in addition to the vacation and sick leave granted to her, be entitled to maternity leave of sixty (60) calendar days with full pay.

"Maternity leave of those who have rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service, provided, that those who have served for less than one (1) year shall be entitled to 60-days maternity leave with half pay.

"It is understood that enjoyment of maternity leave cannot be deferred but should be enjoyed within the actual period of delivery in a continuous and uninterrupted manner not exceeding 60 calendar days.

"Section 13. Every woman, married or unmarried, may be granted maternity leave more than once a year. - Maternity leave shall be granted to female employees in every instance of pregnancy irrespective of its frequency."

"Section 14. Every married or unmarried woman may go on maternity leave for less than sixty (60) days. - When a female employee wants to report back to duty before the expiration of her maternity leave, she may be allowed to do so provided she presents a medical certificate that she is physically fit to assume the duties of her position.

"The commuted money value of the unexpired portion of the leave need not be refunded and that when the employee returns to work before the expiration of her maternity leave, she may receive both the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports for work.

"Section 17. Maternity leave of a female employee with pending administrative case. - Every woman employee in the government service is entitled to maternity leave of absence with pay even if she has a pending administrative case.

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

This resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Quezon City, OCT 22 2002

(Signed)
KARINA CONSTANTINO-DAVID
Chairman

(Signed)
JOSE F. ERESTAIN, JR.
Commissioner

(Signed)
J. WALDEMAR V. VALMORES
Commissioner

Attested by:

(Signed)
ARIEL G. RONQUILLO
Director III

FPG/RTM/X4/Y6(J)/rco
maternity-amendment