



MC NO. 08 , s. 2004

**MEMORANDUM CIRCULAR**

TO : HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTER; AND STATE COLLEGES AND UNIVERSITIES

SUBJECT : **Guidelines on the Grant of Parental Leave to Solo Parents**

Pursuant to CSC Resolution No. 049284 dated March 22, 2004 , the following guidelines on the grant of parental leave to solo parents are hereby prescribed for the guidance of all concerned:

**I. OBJECTIVES**

1. To identify employees considered solo parents;
2. To clarify the scope and conditions on the grant of parental leave; and
3. To provide uniform interpretation and implementation of the Rules on the grant of parental leave.

**II. DEFINITION OF TERMS**

As defined in Section 6, Article III of the Implementing Rules and Regulations (IRR) of Republic Act 8972, the following terms shall mean as follows:

1. Children - shall refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and below eighteen (18) years of age, or eighteen (18) years and above but are incapable of self-support and/or mentally and/or physically challenged;
2. Family - shall refer to the Solo Parent and his/her child/children; Provided, however, that the family member referred to in Section 3, paragraph (a) (10) of R.A. 8972 and Article III, Section 6, paragraph (b) (10) of the IRR shall include any relative by consanguinity up to the fourth civil degree. These persons shall include, but are not limited to, any uncle, aunt, grandfather, grandmother, niece, nephew, or cousin;

3. Parental leave - shall refer to leave benefits granted to a solo parent to enable said parent to perform parental duties and responsibilities where physical presence is required;
4. Parental responsibility - with respect to minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines", and hereunder enumerated as follows:
  - 4.1 To keep them in their company, to support, educate and instruct them by right precept and good example and provide for their upbringing in keeping with their means;
  - 4.2 To give them love and affection, advice, counsel, companionship and understanding;
  - 4.3 To provide them with moral and spiritual guidance; inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift; stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
  - 4.4 To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
  - 4.5 To represent them in all matters affecting their interest;
  - 4.6 To demand from them respect and obedience;
  - 4.7 To impose discipline on them as may be required under the circumstances; and
  - 4.8 To perform such other duties as imposed by law and upon parents and guardians.

### **III. COVERAGE**

Any individual in the government service who falls under any of the following categories shall be considered a Solo Parent for the availment of Parental Leave.

1. A woman who gives birth as a result of rape and other crimes against chastity, even without a final conviction of the offender: Provided, That the mother keeps and raises the child;
2. Parent left solo or alone with the responsibility of parenthood due to any of the following circumstances:
  - 2.1 death of spouse;

- 2.2 detention of the spouse or serving sentence for a criminal conviction for at least one (1) year;
  - 2.3 physical/mental incapacity of spouse as certified by a public medical practitioner;
  - 2.4 legal separation or de facto separation from spouse for at least one year provided he/she has custody of the children;
  - 2.5 declaration of nullity or annulment of marriage as decreed by a court or by a church, provided, he/she has custody of the children; and
  - 2.6 abandonment of spouse for at least one year;
- 3. Unmarried person who has preferred to keep and rear the children instead of having others care for them or give them up to a welfare institution;
  - 4. Any other person who solely provides parental care and support to a child or children provided said person is duly licensed as a foster parent by the DSWD or duly appointed legal guardian by the court;
  - 5. Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent: Provided, that such abandonment, disappearance, or absence lasts for at least one (1) year.

#### **IV. CONDITIONS FOR AVAILING OF PARENTAL LEAVE**

The parental leave of seven (7) days in addition to existing leave privileges shall be granted to any solo parent employee subject to the following conditions:

- 1. The solo parent must have rendered government service for at least one (1) year, whether continuous or broken, reckoned at the time of the effectivity of R.A. 8972 on September 22, 2002 and regardless of employment status.
- 2. The parental leave shall be availed of every year and shall not be convertible to cash unless specifically agreed upon previously. If not availed of within the calendar year, said privilege shall be forfeited within the same year.
- 3. The parental leave shall be availed of on a staggered or continuous basis, subject to the approval of the head of agency/office. In this regard, the solo parent shall submit the application for parental leave at least one (1) week prior to its availment, except on emergency cases.
- 4. The solo parent employee may avail of parental leave under any of the following circumstances:
  - 4.1 attend to personal milestones of a child such as birthdays, first communion, graduations and other similar events;

- 4.2 perform parental obligations such as enrollment and attendance in school programs, PTA meetings and the like;
- 4.3 attend to medical, social, spiritual and recreational needs of the child; and
- 4.4 other similar circumstances necessary in the performance of parental duties and responsibilities, where physical presence of a parent is required.

#### **V. CONDITION FOR TERMINATION OF PARENTAL LEAVE PRIVILEGES**

1. Changes in the status and family situation of a solo parent such as marriage or the concerned parent is no longer left alone with the responsibility of parenthood shall lead to termination of parental leave privileges. However, the termination shall be without prejudice to reapplication should circumstances warrant.
2. The head of agency/office concerned may determine whether granting of parental leave is proper or may conduct the necessary investigation to ascertain if grounds for termination and withdrawal of the privilege exist.

#### **VI. CREDITING OF EXISTING LEAVE BENEFIT**

1. If there is an existing or similar benefit under an agency/office policy or Collective Negotiation Agreement (CNA), the same shall be credited as such. If the same is greater than the seven (7) days provided for in these guidelines, the parental leave law of seven (7) days shall prevail.
2. Contingency or emergency leave provided under an agency/office policy or CNA, as well as the three (3) days Special Leave privileges provided for under Section 21, Rule XVI of CSC Memorandum Circular No. 41, s. 1998, shall not be credited as compliance with the parental leave provided for under these guidelines.

#### **VII. PROCEDURES IN AVAILING OF PARENTAL LEAVE**

A solo parent employee who applies for parental leave shall comply with the following requirements:

1. Secure a Solo Parent Identification Card from the City/Municipal Social Welfare and Development Office. The Identification Card is valid for one year from issuance but renewable yearly. Failure to renew the card means that his/her status as a solo parent has ceased or has changed.
2. Submit the accomplished application from (CS Form No. 6) duly supported with certified true copies of the Solo Parent ID and birth certificate of the child/children or other requirements such as medical certificate, if necessary.

## VIII. RESPONSIBILITY/OBLIGATION

1. **Solo Parent Employee** submits the application for parental leave duly supported with the necessary requirements.

Falsification of supporting documents or any misrepresentation in the application of parental leave will render the solo parent employee administratively liable without prejudice to criminal liability.

2. **Immediate Supervisor/Division Chief** recommends approval/disapproval of the application based on the supporting documents submitted.
3. **Head of Agency/Office** approves/disapproves the application.

Approval of parental leave application is mandatory provided it is in order. Non-approval without justifiable reason shall be a ground for appropriate sanction against the official concerned.

4. **Human Resource Management Officer/Personnel Officer shall:**
  - 4.1 Evaluate the application for parental leave;
  - 4.2 Verify the authenticity of the documents submitted;
  - 4.3 Monitor the status of the solo parent and conduct the necessary investigation to determine if grounds for termination and withdrawal of the benefit exist;
  - 4.4 Ensure the proper implementation of the guidelines; and
  - 4.5 Record availment of parental leave.

Please be guided accordingly.

This shall take effect fifteen (15) days after publication of CSC Resolution 04-0284 dated March 22, 2004 in a newspaper of general circulation.



**KARINA CONSTANTINO-DAVID**  
Chair

**March 24, 2004**  
OPMD



**Guidelines on the Grant of Parental Leave  
To Solo Parents in the Government Service**

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RESOLUTION NO. 040284

**WHEREAS**, it is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development;

**WHEREAS**, Republic Act 8972, otherwise known as the "Solo Parents' Welfare Act of 2000," was enacted to address the needs of the solo parents and to provide assistance to cope with the effects of solo parenting;

**WHEREAS**, Republic Act 8972 provides for the benefits and privileges to solo parents and their children including, among others, the grant of parental leave;

**WHEREAS**, Section 3, Article 1 of the Rules and Regulations implementing R.A. 8972 provides that in case of conflict and/or ambiguity which may arise in the implementation of these Rules, the concerned agencies shall issue the necessary clarifications;

**WHEREAS**, Section 12 (2), Chapter 3, Subtitle A, Title 1, Book V of Executive Order No. 292 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**, there is a need to clarify the scope and conditions on the grant of parental leave to solo parents in the government service;

**WHEREFORE**, for uniform interpretation and implementation of the Rules on the grant of parental leave provided under Section 8 of R.A. 8972, the Commission **RESOLVES** to prescribe the following guidelines on the grant of parental leave to solo parents:

**I. OBJECTIVES**

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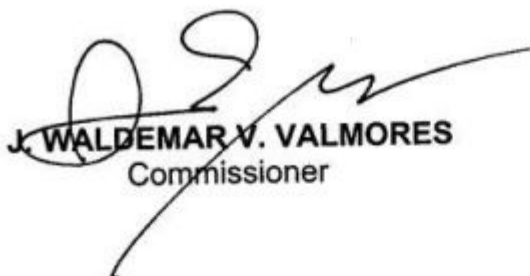
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Quezon City, MAR 22 2004.

  
**KARINA CONSTANTINO-DAVID**  
Chair

  
**J. WALDEMAR V. VALMORES**  
Commissioner

**Vacant**  
Commissioner

Attested by:

  
**REBECCA A. FERNANDEZ**  
Director IV