

LEAVE PRIVILEGES FOR TEMPORARY EMPLOYEES

Republic of the Philippines
Department of Education
BUREAU OF PUBLIC SCHOOLS
Manila
May 17, 1949

CIRCULAR

No. 14, s. 1949

To Division Superintendents:

1. Republic Act No. 218 entitled AN ACT TO AMEND SECTION TWO HUNDRED EIGHTY-FOUR AND SECTION TWO HUNDRED EIGHTY-FIVE A OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED, is hereby quoted in full for the information and guidance of the field:

"SECTION 1. Section two hundred eighty-four of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

Sec. 284. After at least six months' continuous, faithful, and satisfactory service, the President or proper head of department, or the chief of office in the case of municipal employees may, in his discretion, grant to employee, or laborer, whether permanent or temporary, of the National Government, the provincial government, the government of a chartered city, or a municipality, or a municipal district or a government-owned or controlled corporation other than those mentioned in sections two hundred sixty-eight, two hundred seventy-one and two hundred seventy-four hereof, fifteen days' vacation leave of absence with full pay, inclusive of Sundays and holidays, for each calendar year of service."

"SECTION 2. Section two hundred eighty-five-A of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

Sec. 285-A. In addition to the vacation leave provided in the two preceding sections each employee, or laborer, whether permanent or temporary, of the National Government, the provincial government, the gov-

ernment of a chartered city, of a municipality or municipal district in any regularly and specially organized province, other than those mentioned in section two hundred sixty-eight, two hundred seventy-one and two hundred seventy-four hereof, shall be entitled to fifteen days' of sick leave for each year of service with full pay, inclusive of Sundays and holidays: Provided, That such sick leave will be granted by the President, Head of Department or independent office concerned, or the chief of office in case of municipal employees, only on account of sickness on the part of the employee or laborer concerned or of any member of his immediate family.

"SECTION 3. This Act shall take effect as of July first, nineteen hundred and forty-seven.

"APPROVED, June 5, 1948."

2. A pertinent portion of the 1st indorsement of the Honorable, the Commissioner of Civil Service dated April 2, 1949, is also hereby quoted:

" x x x with the information that substitute employees, who are understood to be employed only for the duration of the leave of absence without pay of the regular incumbents to the particular positions involved, are considered by this Office as also temporary employees for purposes of determining their leave privileges. In view thereof, said substitute employees are entitled to the vacation and sick leave provided for in Secs. 284 and 285-A of the Revised Administrative Code, as amended by Republic Act No. 218."

3. In view of the foregoing, temporary, emergency, and substitute employees who have rendered at least six months' continuous, faithful, and satisfactory service are entitled to fifteen days' vacation leave and fifteen days' sick leave with full pay, effective July 1, 1947.

4. Pertinent portions of a 2nd indorsement of the Honorable, the Audi-

tor General dated August 20, 1948, of a 3rd indorsement of the Honorable, the Commissioner of Civil Service dated October 9, 1948, of a 5th indorsement of the Honorable, the Executive Secretary dated March 16, 1949, and of a 7th indorsement of the Honorable, the Secretary of Education dated April 2, 1949, all construing Section 274 of the Revised Administrative Code as applicable both to regular teachers and to temporary teachers on the teacher-leave basis, are likewise quoted hereunder for the information of the field:

"Section 274 of the Administrative Code provides:

Vacation and leave of teachers.— During the yearly school vacations, PERSONS IN THE TEACHING SERVICE other than the class that may be designated for continuous duty under section two hundred and seventy-five hereof, shall be entitled to vacation leave. (capitals supplied)

Since the above quoted section does not make any distinction between permanent and temporary teachers and following the liberality of Congress in extending the leave privileges under sections 284 and 285-A of the same Code to temporary employees by the enactment of Republic Act No. 218, this Office believes that the leave privileges granted to persons in the teaching service under section 274, supra, may also be extended to temporary teachers, there being no prohibition against it in the law, either express or implied."

"x x x concurring in the views expressed in the preceding indorsement.

"However, in line with the spirit of Republic Act No. 218, the extension to temporary teachers of the privilege of Section 274 of the Revised Administrative Code, as amended, if approved, should not be made earlier than July 1, 1947, the effective date of the said Act."

"In view of the representations made in the preceding indorsements and in line with the spirit underlying

the enactment of Republic Act No. 218, this Office holds that the leave privileges granted to persons in the teaching service under Section 274 of the Revised Administrative Code, as amended, may also be extended to temporary teachers, whether they be on the national-insular, national-municipal or provincial rolls x x x."

"x x x inviting attention to the 5th indorsement hereon which approves the granting of leave privileges to temporary teachers, whether they be on the national-insular, national-municipal, or provincial rolls. However, it should be understood that for purposes of promotion in position and salary appropriate qualification in a civil service examination is required."

5. In view of the foregoing interpretations, temporary teachers on the teacher's leave basis, like regular teachers, are entitled to full or proportional vacation salary, as the case may be, whether they be on the national-insular, national-municipal, provincial, municipal, or chartered city rolls, effective July 1, 1948, provided that they have rendered continuous, efficient, and satisfactory service.

6. For purposes of leave privileges, emergency and substitute teachers may be considered under temporary status. Such teachers, therefore, are entitled to full or proportional vacation salary as the case may be.

7. Temporary provincial, municipal, and chartered city teachers may be granted full or proportional vacation salary as the case may be, effective July 1, 1948, subject to the availability of funds.

8. It should be understood in this connection, however, that for purposes of promotion in position or salary the appropriate educational qualifications and civil service eligibility are required. This supplements paragraph 5 of Circular No. 3, s. 1949.

9. Any previous regulations that are in conflict with this Circular are hereby superseded.

10. This Circular has been concurred in by the Honorable, the Commissioner