



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

MC NO. 17, s. 1991

T O : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF
THE NATIONAL AND LOCAL GOVERNMENT-OWNED AND/OR
CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS

SUBJECT : AMENDING THE PROVISION ON MATERNITY LEAVE IN THE
MANUAL ON LEAVE ADMINISTRATION COURSE FOR
EFFECTIVENESS (LACE)

The Civil Service Commission, as the central personnel agency of the government, has ruled in many cases that the maternity leave law, being a social legislation, should be accorded liberal interpretation, and that in case of doubt, it should be resolved in favor of those whom the law intends to benefit.

The Commission resolved in Resolution No. 91-617, s, 1991 that 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 the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports for work.

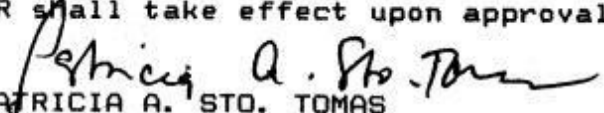
The provision in the Manual on Leave Administration Course for Effectiveness (LACE) is hereby amended to read, as follows:

"When an employee wants to report back for 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.

However, she need not refund the commuted money value of the unexpired portion of her maternity leave. She may receive the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports for work prior to the expiration of the sixty (60) day period."

All rulings and/or issuances inconsistent herewith are hereby superseded.

This MEMORANDUM CIRCULAR shall take effect upon approval.


PATRICIA A. STO. TOMAS
Chairman

May 17, 1991



RESOLUTION NO. 91-617

WHEREAS, the Civil Service Commission promulgated a policy that when an employee wants to report back for duty before the expiration of her maternity leave, she may be allowed to do so but subject to the following conditions:

- a) that she must present a medical certificate that she is physically fit to assume the duties of her position;
- b) that she must refund the commuted money value of the unexpired portion of her maternity leave.

WHEREAS, there have been queries by those who returned to work before the expiration of their maternity leave whether the commuted money value of the unexpired portion should be refunded since the intention of the law is to give a working mother financial assistance and a chance to recuperate as well as to take care of her infant for a period of two (2) months;

WHEREAS, the Commission in interpreting a social legislation ruled that the maternity leave benefits are privileges granted by the leave law and not for a consideration of services rendered hence, it will not constitute double compensation;

NOW THEREFORE, the Commission RESOLVES as it hereby RESOLVED to adopt the following policies:

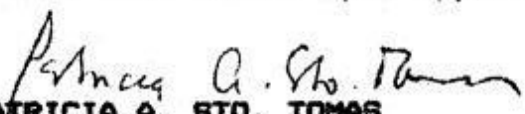
- 1) When an employee goes on maternity leave but returns to work prior to the expiration of her sixty (60) day leave the commuted money value of the unexpired portion of the maternity leave need not be refunded.
- 2) When she returns to work before the expiration of her maternity leave, she may receive the benefits granted under the maternity leave law and the salary for actual services rendered.

BE IT FURTHER RESOLVED, that the provision on maternity leave in the Manual on Leave Administration Course for Effectiveness (LACE) is hereby amended to read as follows:


"When an employee wants to report back for 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.

However, she need not refund the commuted money value of the unexpired portion of her maternity leave. She may receive the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports for work prior to the expiration of the sixty (60) day period."

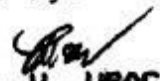
This RESOLUTION shall take effect upon approval.


PATRICIA A. STO. TOMAS
Chairman


DANILO N. BARLOSAY
Commissioner


MARIO D. YANO
Commissioner

Attested by:


C. V. USAC
Board Secretary VI

May 17, 1991