

**PECSON, Emerita C.**

Re: Barangay Officials; Leave  
Privileges; Maternity Benefits

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## RESOLUTION NO. 001495

Emerita C. Pecson, *Barangay Captain*, Barangay Payatas, Quezon City requests the Commission to rule on the following questions:

*"1. We are elected local barangay officials, namely – as Punong Barangay, Barangay Kagawads and as Sangguniang Kabataan Chairman including the 2 – mandatory appointed positions of Barangay Secretary and Barangay Treasurer, xxx. Under the law, are we entitled to vacation and sick leave privileges?"*

*"2. How about the case of our married lady kagawads, SK Chairman and Barangay Secretary, are they entitled to Maternity Leave Pay Benefits?"*

*"3. How about our appointed Brgy. Clerk III, Programmer/ Encoder , Driver-Mechanic and Executive Officer BSDO/Tanod, xxx; and our Clerk I and Driver xxx, are they entitled to vacation and sick leave privileges?"*

Relevant to the first issue is *Article 77, Paragraph (b) No. (1), Rule XIV, Rules and Regulations Implementing the Local Government Code of 1991* which provides, as follows:

*"ART. 77. Compensation and Benefits. – xxx.*

*"(b) Benefits –*

*"(1) Elective local officials shall be entitled to the same leave privileges as those enjoyed by appointive local officials, including the cumulation and commutation thereof.*

*"xxx.*

*"(4) The sangguniang kabataan officials shall have the same privileges enjoyed by other sangguniang barangay officials under the Code, subject to such requirements and limitations provided in these Rules. xxx"*

It should be noted that the elective barangay officials as provided under *Article 71, Rule XIV, Rules and Regulations Implementing the Local Government Code of 1991*, include:

*"ART. 71. Elective Local Officials. – The elective officials of xxx barangays are the following:*

*"xxx.*

*"Barangays*

*"(a) punong barangay*

*"(b) members of the sangguniang barangay; and*

*"  members of the sangguniang kabataan."*

Under *Article 118, Rule XVIII, Rules and Regulations Implementing the Local Government Code of 1991*, the two (2) mandatory appointive positions in the barangay include:

*"ART. 118. Appointive Barangay Officials. – (a) The mandatory appointive barangay officials are as follows:*

*"(1) barangay secretary; and*

*"(2) barangay treasurer."*

It is explicit in *Article 203, Rule XXVII, Rules and Regulations Implementing the Local Government Code of 1991* that the Sangguniang Kabataan Chairman is entitled to leave privileges. Said provision of law mandates:

*"ART. 203. Sangguniang Kabataan. xxx.*

*"(i) Privileges – The sangguniang kabataan chairman shall have the same privileges enjoyed by other sangguniang barangay officials under Rule XIV of these Rules, subject to such requirements and limitations provided in this Rule. xxx."*

Based on the aforequoted provisions of law, it is clear that local elective and appointive officials in the barangay are entitled to leave privileges provided under *Article 172, Rule XXII, Rules and Regulations Implementing the Local Government Code of 1991*. These include:

*"(a) Vacation leave – After six (6) months of continuous and satisfactory service, officials and*

*employees of an LGU shall be entitled to fifteen (15) days of vacation leave with full pay for each year of service. Such leave shall be computed exclusive of Saturdays, Sundays, and Holidays. Local Government personnel shall be encouraged to take an annual five (5) days vacation leave if he has at least a total of ten (10) days vacation leave credits during the year.*

*"(b) Sick leave – Officials and employees of an LGU shall also be entitled to fifteen (15) days sick leave with full pay for each year of service. Such leave shall be computed exclusive of Saturdays, Sundays, and Holidays.*

*"(c) Maternity Leave – In addition to vacation and sick leave privileges, a married woman in the service of an LGU shall be entitled to maternity leave of sixty (60) days with pay, subject to the following provisions:*

*"(1) An official or employee shall be entitled to full pay if she has rendered two or more years of continuous service.*

*"(2) An official or employee shall be entitled to one-half pay if she has rendered less than two (2) years of continuous service."*

It should, however, be stressed that the grant of the abovesaid privileges is subject to the standards set by the Civil Service Commission (CSC), including cumulation and commutation thereof (**Article 172, Rule XIV, Rules and Regulations Implementing the Local Government Code of 1991; Article 77, supra**). Moreover, local elective officials are entitled to leave privileges effective May 12, 1983 pursuant to Batas Pambansa 337 and Local Government Code of 1991. (**CSC MC No. 14, series of 1999**).

Also consistent with *Article 172* <sup>247</sup><sub>11</sub>, *Rule XXII, Rules and Regulations Implementing the Local Government Code of 1991*, married women barangay officials, including the SK Chairman, Kagawad and Barangay Secretary are entitled to maternity leave, in addition to vacation and sick leave privileges, subject to the abovequoted conditions.

On whether or not the *Clerk III, Programmer/Encoder, Driver-Mechanic, Executive Officer BSDO/Tanod, Clerk I and Driver* appointed in Barangay Payatas, Quezon City, or in any barangay are entitled to vacation or sick leave privileges, the Commission rules in the negative as records are bereft of proof that they are government employees. It should be noted that despite a directive from the Commission that it be furnished the appointment papers of the concerned personnel, Pecson failed to do so. Hence, it can be fairly deduced that they were not issued appointments and hence, not government employees entitled to leave privileges. The inclusion of these personnel in the personnel schedule and compensation for Barangay Payatas, Quezon City is of no moment. Hence, they are, at the very least, mere volunteers, and their services could not be deemed government services.

**WHEREFORE**, the Commission holds that:

1. The Punong Barangay, Sanggunian Members, Sangguniang Kabataan Chairman, Barangay Secretary and Barangay Treasurer are entitled to leave privileges. In case of married women barangay officials, they are likewise entitled to maternity leave benefits.
2. In the absence of duly approved appointment papers, the *Clerk III, Programmer/Encoder, Driver-Mechanic, Executive Officer BSDO/Tanod, Clerk I* and *Driver* employees in Barangay Payatas, Quezon City, or in any barangay are not entitled to leave privileges.

Quezon City, **JUN 26 2000**

(SGD.)  
**CORAZON ALMA G. DE LEON**  
Chairman

(SGD.)  
**JOSE F. ERESTAIN, JR.**  
Commissioner

(SGD.)  
**ELMOR D. JURIDICO**  
Commissioner

Attested by:

(SGD.)  
**ARIEL G. RONQUILLO**  
Director III

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