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CHAPTER X

BENEFITS AND PRIVILEGES OF COURT PERSONNEL

A. LEAVE OF ABSENCE

- ENTITLEMENT TO LEAVE PRIVILEGES

1.1 Who are entitled

In general, appointive officials up to the level of heads of executive departments, heads of departments, undersecretaries and employees of the government whether permanent, temporary or casual, who render work during the prescribed office hours, shall be entitled to fifteen (15) days vacation and fifteen (15) days sick leave annually with full pay exclusive of Saturdays, Sundays, Public Holidays, without limitation as to the number of days of vacation and sick leave that they may accumulate.[1]

1.2. Officials whose leave credits are covered by special laws

The leave credits of the following are covered by special laws:

1.2.1. Justices of the Supreme Court, Court of Appeals and Sandiganbayan;

1.2.2. Judges of Regional Trial Courts, Municipal Trial Courts, Metropolitan Trial Courts, Court of Tax Appeals and Shari'a Circuit Court, and Shari' a District Court;

1.2.3. Chairmen and Commissioners of Constitutional Commissions;

1.2.4. Filipino officials and employees in the Foreign Service;

1.2.5. Faculty members of state universities and colleges pursuant to Sec. 4(h) of the Higher Education Modernization Act of 1997 (Rep. Act No. 8292). However, in the absence of such specific provisions, the general leave law and these rules shall be applicable; and

1.2.6. Other officials and employees covered by special law.[2]

Hence, leave credits of Members of the Judiciary are covered by special laws. Pursuant to Sec. 268, Rev. Adm. Code and Sec. 5, Rule XVI, Civil Service Act of 1959, Justices of the Supreme Court, Court of Appeals and Sandiganbayan earn sixty (60) days leave credits during April and May of each year if they go on duty. It is cumulative and spent exclusive of Saturdays, Sundays and Holidays pursuant to the decision of the Court in A.M. No. 92-5-009-CTA (Re: Request of Former Presiding Judge Alex Z. Reyes of the Court of Tax Appeals, etc., dated 21 December 1992).

Pursuant to Sec. 271, Rev. Adm. Code as amended by Rep. Act No. 1802 and Rep. Act No. 4307, Judges of the Court of Tax Appeals, Regional Trial Courts, Shari' a District Courts and Family Courts earn sixty (60) days leave credits during April and May if they go on duty. Thirty (30) days are cumulative while the other thirty (30) days

forfeitable and spent exclusive of Saturdays/Sundays/Holidays. For forfeitable leave, the same should be spent from June 1 up to March 31 of the following year and exclusive of Saturdays, Sundays and Holidays.

Pursuant to Sec. 98-A, Rep. Act No. 296 as amended by Rep. Act No. 843 and Rep. Act No. 3086, Judges of Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts and Shari'a Circuit Courts earn fifteen (15) days vacation leave and fifteen (15) days sick leave. Said leaves are cumulative and spent exclusive of Saturdays, Sundays and Holidays.

1.3. Leave during probationary period

An employee still on probation may already avail of whatever leave credits he has earned during said period. Accordingly, any leave of absence without pay incurred during the period of probation shall extend the completion thereof for the same number of days of such absence.[3]

- KINDS OF LEAVE

2.1. Vacation leave

It refers to leave of absence granted to officials and employees for personal reasons, the approval of which is contingent upon the necessities of the service.

2.1.1. Application for vacation leave

All applications for vacation leave of absence for one (1) full day or more shall be submitted on the prescribed form for action by the proper head of agency five (5) days in advance, whenever possible, of the effective date of such leave.[4]

2.1.2. Approval of vacation leave

Leave of absence for any reason other than illness of an official or employee or of any member of his immediate family must be contingent upon the needs of the service. Hence, the grant of vacation leave shall be at the discretion of the head of department/agency.[5]

2.1.3. Accumulation of vacation and sick leave

Vacation and sick leave shall be cumulative and any part thereof which may not be taken within the calendar year may be carried over to the succeeding years. Whenever any official or employee retires, voluntarily resigns, or is allowed to resign or is separated from the service through no fault of his own, he shall be entitled to the commutation of all the accumulated vacation and/or sick leave to his credit, exclusive of Saturdays, Sundays, and holidays, without limitation as to the number of days of vacation and sick leave that he may accumulate.

When a person whose leave has been commuted following his separation from the service is re-employed in the government before the expiration of the leave commuted, he shall no longer refund the money value of the unexpired portion of the said leave. Insofar as his leave credit is concerned, he shall start from zero balance.[6]

2.1.4. Computation of vacation and sick leave

Computation of vacation and sick leave shall be made on the basis of one (1) day vacation leave and one (1) day sick leave every 24 days of actual service.[7]

Leave of absence without pay for any reason other than illness shall not be counted as part of the actual service rendered. Provided, that in computing the length of service of an employee paid on the daily wage basis, Saturdays, Sundays or holidays occurring within a period of service shall be considered as service although he did

not receive pay on those days inasmuch as his service was not then required.

A fraction of one-fourth or more but less than three-fourths shall be considered as one-half day and a fraction of three-fourths or more shall be counted as one full day for purposes of granting leave of absence.[8]

2.1.5. Tardiness and undertime deducted against vacation leave credits

Tardiness and undertime are deducted from vacation leave credits and shall not be charged against sick leave credits, unless the undertime is for health reasons supported by medical certificate and application for leave. [9]

2.2. Sick leave

It refers to leave of absence granted only on account of sickness or disability on the part of the employee concerned or any member of his immediate family. Immediate family refers to the spouse, children, parents, unmarried brothers and sisters and any relative living under the same roof and dependent upon the employee for support.[10]

2.2.1. Application for sick leave

All applications for sick leave of absence for one (1) full day or more shall be made on the prescribed form and shall be filed immediately upon employee's return from such leave. Notice of absence, however, should be sent to the immediate supervisor and/or the agency head. Application for sick leave in excess of five (5) successive days shall be accompanied by a proper medical certificate.

Sick leave may be applied for in advance in cases where the official or employee will undergo medical examination or operation or advised to rest in view of ill health duly supported by a medical certificate.

In ordinary application for sick leave already taken not exceeding five (5) days, the head of department or agency concerned may duly determine whether or not granting of sick leave is proper under the circumstances. In case of doubt, a medical certificate may be required.[11]

2.2.2. Approval of sick leave

Sick leave shall be granted only on account of sickness or disability on the part of the employee concerned or of any member of his immediate family.

Approval of sick leave, whether with pay or without pay, is mandatory provided proof of sickness or disability is attached to the application in accordance with the applicable requirements. Unreasonable delay in the approval thereof or non-approval without justifiable reason shall be a ground for appropriate sanction against the official concerned. [12]

2.3. Maternity leave

It refers to leave of absence granted to female government employees legally entitled thereto in addition to vacation and sick leave. The primary intent or purpose of granting maternity leave is to extend working mothers some measures of financial help and to provide her a period of rest and recuperation in connection with her pregnancy.

2.3.1. Conditions for the grant of maternity leave

Married women in the government service who have rendered an aggregate of two (2) or more years of service, shall, in addition to the vacation and sick leave granted them, 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-day 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.[13]

2.3.2. Maternity leave of employees with less than two (2) years service

Employees who have rendered less than two (2) years of service may only receive full pay for a number of days based on the ratio of sixty (60) days to two (2) years of service.[14]

2.3.3. Maternity leave more than once a year

Maternity leave shall be granted to female married employees in every instance of pregnancy irrespective of its frequency. [15]

2.3.4. Maternity leave for less than sixty (60) days

When an 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 back for work.[16]

The formula of computation for this purpose is as follows:

$$\text{SALARY} = \text{MONTHLY SALARY RATE} \times \text{ACTUAL NO. OF DAYS WORKED}$$

22 DAYS

2.3.5. Maternity leave with pay if delivery occurs just a few days after the termination of employee's service

Maternity leave with pay may be granted even if the delivery occurs not more than fifteen (15) calendar days after the termination of employee's service as her right thereto has already accrued.[17]

2.3.6. Maternity leave while on extended leave of absence without pay

If already entitled, a woman employee can still avail of sixty (60) days maternity leave with pay even if she is on an extended leave of absence without pay.[18]

2.3.7. Maternity leave of employees with pending administrative case

A married woman employee is entitled to maternity leave of absence with pay even if she has a pending administrative case.[19]

2.4. Paternity leave

It refers to the privilege granted to a married male employee allowing him not to report for work for seven (7) days while continuing to earn the compensation therefor, on the condition that his legitimate spouse has delivered a child or suffered a miscarriage, for purposes of enabling him to effectively lend care and support to his wife before, during and after childbirth as the case may be and assist in caring for his new-born child.

2.4.1. Conditions for the grant

Every married male employee is entitled to paternity leave of seven (7) working days for the first four (4) deliveries of his legitimate spouse with whom he is cohabiting.

The first of the four (4) deliveries shall be reckoned from the effectivity of the Paternity Leave Act on July 15, 1996.

Married male employee with more than one (1) legal spouse shall be entitled to avail of paternity leave for an absolute maximum of four (4) deliveries regardless of whichever spouse gives birth.[20]

2.4.2. Paternity leave non-cumulative and non-commutative

Paternity leave of seven (7) days shall be non-cumulative and strictly non-convertible to cash. The same may be enjoyed either in a continuous or in an intermittent manner by the employee on the days immediately before, during and after the childbirth or miscarriage of his legitimate spouse.[21]

2.5. Special leave privilege

It refers to leave of absence which officials and employees may avail of for a maximum of three (3) days annually over and above the vacation, sick, maternity and paternity leaves to mark personal milestone and/or attend to filial and domestic responsibilities.

2.5.1. The special leave privileges are as follows

- 2.5.1.1. funeral/mourning leave
- 2.5.1.2. graduation leave
- 2.5.1.3. enrollment leave
- 2.5.1.4. wedding/anniversary leave
- 2.5.1.5. birthday leave
- 2.5.1.6. hospitalization leave
- 2.5.1.7. accident leave
- 2.5.1.8. relocation leave
- 2.5.1.9 government transaction leave
- 2.5.1.10 calamity leave

2.5.2. The special leave privileges are subject to the following conditions:

- 2.5.2.1. That the official/employee may be granted a maximum of three (3) days within a calendar year of any or combination of special leave privileges of his choice which he would opt to avail;
- 2.5.2.2. That such privileges shall be non-cumulative and non-commutative;
- 2.5.2.3. That the official/employee shall submit the application for the said special leave privileges for at least one (1) week prior to availment except on emergency cases; and
- 2.5.2.4. Special leave privilege may be availed of by the official/employee when the occasion is personal to him and that of his immediate family.[22]

2.6. Forced leave/mandatory leave

All officials and employees with ten (10) days or more vacation leave credits shall be required to go on vacation leave whether continuous or intermittent for a minimum of five (5) working days annually under the following conditions:

2.6.1. The head of agency shall, upon prior consultation with the employees, prepare a staggered schedule of the mandatory five-day vacation leave of officials and employees, provided that he may, in the exigency of the

service, cancel any previously scheduled leave;

2.6.2. The mandatory annual five-day vacation leave shall be forfeited if not taken during the year. However, in cases where the scheduled leave has been cancelled in the exigency of the service by the head of the agency, the scheduled leave not enjoyed shall no longer be deducted from the total accumulated vacation leave;

2.6.3. Retirement and resignation from the service in a particular year without completing the calendar year do not warrant forfeiture of the corresponding leave credits if concerned employees opted not to avail of the required five-day mandatory vacation leave; and

2.6.4. Those with accumulated vacation leave of less than ten (10) days shall have the option to go on forced leave or not. However, officials and employees with accumulated vacation leave of 15 days who availed of monetization for 10 days, shall still be required to go on forced leave.[23]

2.7. Educational Support Program for the Lower Courts (ESP-LC).[24]

In the Resolution of the Court en banc dated 27 April 1999 in A.M. No. 99-3-101-RTC, an Educational Support Program (ESP) was established for the employees of the lower courts and the Office of the Court Administrator (OCA) who wish to take the Bar examinations. The ESP shall enable all court personnel taking the Bar examinations to go on official study leave for six (6) months, subject to the conditions prescribed.

On September 25, 2001, the Court en banc, in its resolution in A.M. No. 01-4-10-SC, modified the coverage of the ESP established for the employees of the lower courts and the OCA to the effect that it shall apply only to lower court employee; It likewise expanded the scope of the ESP-LC to include Study Leave Program to take the Board Examinations and required strict compliance by the ESP-LC with relevant guidelines under the policies and Guidelines of Human Resource Development (HRD) Programs of the Personnel Development Committee (PDC) of the Supreme Court.

2.7.1. Qualification Requirements. – The employee must:

2.7.1.1. have rendered at least two (2) years of service in the Judiciary;

2.7.1.2. have at least a performance rating of VERY SATISFACTORY for the last two (2) consecutive rating periods;

2.7.1.3. be physically and mentally fit;

2.7.1.4. have no pending criminal or administrative case;

2.7.1.5. have rendered the service obligation of any previous service contract.

2.7.1.6. have no approved application for any other local or foreign scholarship;

2.7.1.7. have no pending untranscribed transcript of stenographic notes (for stenographers only); and

2.7.1.8. filed the application at least two (2) months before the start of the official six (6) months study leave.

2.7.2. In addition to the applicable requirements, the applicant must:

2.7.2.1. have either (a) graduated not more than five (5) years prior to the start of the study leave with a bachelor's degree which requires the passing of a government bar or board licensure examination; otherwise, the applicant must obtain at least fifteen (15) units of refresher course prior to the start of the study leave; or (b) have completed the academic requirements for masteral degree not more than two (2) years prior to thesis writing or comprehensive examination;

2.7.2.2. be a holder of a permanent appointment. Coterminous employees may, however, avail themselves of this privilege provided that the service obligation is still within their serviceable years and within the tenure of their respective Chiefs of Office;

- Only one (1) employee from every office or division may be recommended for study leave each year. In case two (2) or more employees in an office or division are interested to apply for this benefit, preference shall be given to the one who has not yet availed of the benefit or has never taken the examination yet.

- The privilege of study leave may be availed of only once every three (3) years.

2.7.3. Terms and Conditions

The study leave contract shall embody the following terms and conditions:

2.7.3.1. The beneficiaries must take and complete the required bar, board or comprehensive examination, or complete the thesis.

2.7.3.2. After the thesis writing or the bar, board or comprehensive examinations, the beneficiaries shall immediately report for work and notify the PDC of such fact.

2.7.3.3. The beneficiaries must render the service obligation as follows:

Scholarship Term Service Contract

More than three (3) months service to six (6) months Three (3) years of service in the Judiciary

Three (3) months or less Two (2) years

2.7.4. Violation of the Terms and Conditions and Penalties Therefor

In case of violation of the terms and conditions of the study grant, the following guidelines shall apply:

2.7.4.1. Effect of Failure to Take the Examinations or to Complete the Thesis

If the beneficiaries fail to take the bar, board or comprehensive examinations or to complete their thesis through their own fault or negligence or other causes within their control, the authority to go on study leave on official time shall be deemed revoked and the following shall be effected:

(a) If they have sufficient vacation leave credits, the study leave shall be charged against such leaves;

(b) If they have insufficient leave credits or have no more vacation leave credits, they shall refund the monetary value of the balance or the whole of the study leave, as the case may be, either by a single payment or deductions from salaries and other pecuniary benefits. Should the foregoing mode of payment be inapplicable owing to circumstances, the amount to be refunded shall be taken from any retirement gratuities or terminal leave benefits that may accrue to them in the course of their employment; or

(c) If they fail to immediately report for work after the examinations or thesis writing, they shall be declared absent without leave (AWOL).

2.7.4.2. Effect of Failure to Render the Service Obligation

Should the beneficiaries fail to render in full the service obligation referred to in the contract on account of voluntary resignation, optional retirement, separation from the service through their own fault, or other causes within their control, they shall refund the gross salary, allowances and other benefits received while on study leave based on the following formula:

$R = (SOR - SOS) \times TCR$

SOR

R = Refund

SOR = Service Obligation Required

SOS = Service Obligation Served

TCR = Total Compensation Received

Should they be unable to effect payment, the amount shall be taken from any pecuniary benefits, retirement gratuities or terminal leave benefits that may accrue to them in the course of their employment.

Coterminous employees who fail to render in full the service obligation shall refund a proportionate amount of the salaries and emoluments received from the Supreme Court even though such failure is due to death, voluntary resignation or separation from office of their respective chiefs of offices unless they are immediately reemployed. However, if such failure is due to other causes beyond their control, the obligation to refund shall not apply.

2.7.4.3. Effects of Administrative Cases Filed Against the Beneficiaries

Should a formal charge for an administrative offense whose penalty is suspension or dismissal be filed against the beneficiaries after the approval of their leave application but before the study leave, the authority to go on study leave on official time shall be automatically revoked. If filed while on study leave, the authority shall be deemed suspended and the Supreme Court may withhold their salaries and other benefits.

- If exonerated, the beneficiaries shall continue receiving their salaries and other benefits and shall receive all those which have been withheld.
- If found guilty, the beneficiaries shall refund all salaries and benefits they received while on study leave.

The Educational Support Program Committee shall evaluate all applications filed under the ESP and submit its recommendation to the Court Administrator. Should an application be approved, a Contract of Undertaking shall be executed between this Office and the grantee.

All inquiries/applications, (in the application form prescribed by the ESP Committee) and the required supporting documentation shall be filed with:

The Secretary-Recorder
Educational Support Program Committee
Office of Administrative Services
Office of the Court Administrator
Supreme Court Old Building
Taft Avenue, Ermita
Manila

2.8. Terminal leave

It refers to the money value of the total accumulated leave credits of an employee based on the highest salary rate received prior to or upon retirement date/voluntary separation. It is applied for by an official or an employee who intends to sever his connection with his employer. Accordingly, the filing of application for terminal leave requires as a condition sine qua non, the employee's resignation, retirement or separation from the service without any fault on his part. It must be shown first that public employment ceased by any of the said modes of severance.[25]

2.8.1. Approval of terminal leave

Application for commutation of vacation and sick leave in connection with separation through no fault of an official or employee shall be sent to the head of department concerned for approval. In this connection, clearance from the Ombudsman is no longer required for processing and payment of terminal leave as such clearance is

needed only for payment of retirement benefits.[26]

2.8.2. Payment of terminal leave

Any official/employee of the government who retires, voluntarily resigns, or is separated from the service through no fault of his own, and who is not otherwise covered by special law, shall be entitled to the commutation of his leave credits exclusive of Saturdays, Sundays and Holidays without limitation and regardless of the period when the credits were earned.[27]

2.8.3. Period within which to claim terminal leave pay

Request for payment of terminal leave benefits must be brought within ten (10) years from the time the right of action accrues upon an obligation created by law.[28]

2.8.4. Basis of computation of terminal leave

Payment of terminal leave for purposes of retirement or voluntary resignation shall be based on the highest monthly salary received at any time during his period of employment in the government service and not on his latest salary, unless the latter is the highest received by the retiree.[29]

- MONETIZATION OF LEAVE CREDITS

3.1. Who can avail of the monetization of leave credits.

Officials and employees in the career and non-career service whether permanent, temporary, casual or coterminous, who have accumulated fifteen (15) days of vacation leave credits shall be allowed to monetize a minimum of ten (10) days; Provided, that at least five (5) days are retained after monetization and provided further that a maximum of thirty (30) days may be monetized in a given year.[30]

3.2. Monetization of 50% of vacation/sick leave credits

Monetization of fifty percent (50%) of all the accumulated leave credits may be allowed for valid and justifiable reasons subject to the discretion of the agency head and the availability of funds.[31]

3.3. Computation of Leave Monetization

The formula to be used for the computation of monetization is as follows:[32]

Monthly Salary No. of days Money Value of the

22 Working Days x to be monetized = monetized leave

- PERIOD WITHIN WHICH OFFICIALS SHOULD ACT ON LEAVE APPLICATION

Whenever the application for leave of absence, including terminal leave, is not acted upon by the head of agency or his duly authorized representative within five (5) working days after receipt thereof, the application for leave of absence shall be deemed approved.[33]

- EFFECT OF UNAUTHORIZED LEAVE

An official/employee who is absent without approved leave shall not be entitled to receive his salary corresponding to the period of his unauthorized leave of absence. It is understood, however that his absence shall no longer be deducted from his accumulated leave credits, if there are any. [34]

- EFFECT OF ABSENCES WITHOUT APPROVED LEAVE

An official or an employee who is continuously absent without approved leave for at least thirty (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed, at his address appearing on his 201 files or at his last known written address, of his separation from the service, not later than five (5) days from its effectivity.

If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to- Work Order shall be served upon him at his last known address on record. Failure on his part to report for work within the period stated in the order shall be a valid ground to drop him from the rolls. [35]

- LEAVE WITHOUT PAY

7.1. Absences in excess of accumulated leave credits

All absences of an official or employee in excess of his accumulated vacation or sick leave credits earned shall be without pay.

When an employee had already exhausted his sick leave credits, he can use his vacation leave credits but not vice versa.[36]

7.2. Limit of leave without pay.

Leave without pay not exceeding one year may be granted, in addition to the vacation and/or sick leave earned. Leave without pay in excess of one (1) month shall require the clearance of the proper head of department or agency.[37]

7.2. When leave without pay not allowable

Leave without pay shall not be granted whenever an employee has leave with pay to his credit except in the case of secondment.[38]

- EFFECT OF VACATION LEAVE WITHOUT PAY ON THE GRANT OF LENGTH OF SERVICE STEP INCREMENT

For purposes of computing the length of service for the grant of step increment, approved vacation leave without pay for an aggregate of fifteen (15) days shall not interrupt the continuity of the three-year service requirement for the grant of step increment. However, if the total number of authorized vacation leave without pay included within the three-year period exceeds fifteen (15) days, the grant of one-step increment will only be delayed for the same number of days that an official or employee was absent without pay.[39]

- COMMUTATION OF SALARY PRIOR TO LEAVE

The proper head of department, local government unit, and government owned or controlled corporation with original charter may, in his discretion, authorize the commutation of the salary that would be received during the period of vacation and sick leave of any appointive official and employee and direct its payment at the beginning of such leave from the fund out of which the salary would have been paid.[40]

- COMPUTATION OF SALARY OF AN EMPLOYEE ON VACATION OR SICK LEAVE

An official or employee who applies for vacation or sick leave shall be granted leave with pay at the salary he is currently receiving.[41]

- REHABILITATION LEAVE FOR JOB-RELATED INJURIES

Applications of officials and employees for leave of absence on account of wounds or injuries incurred in the performance of duty must be made on the prescribed form, supported by the proper medical certificate and evidence showing that the wounds or injuries were incurred in, the performance of duty. The head of department/agency concerned shall direct that absence of an employee during his period of disability thus occasioned shall be on full pay, but not to exceed six (6) months. He shall also authorize the payment of medical attendance, necessary transportation, subsistence and hospital fees of the injured person. Absence in the case contemplated shall not be charged against sick leave or vacation leave, if there are any.[42]

- EFFECT OF FAILURE TO REPORT TO DUTY AFTER EXPIRATION OF ONE YEAR LEAVE

If an official or an employee who is on leave without pay fails to report for work at the expiration of one year from the date of such leave, he shall be considered automatically separated from the service.[43]

- STATUS OF THE POSITION OF AN OFFICIAL OR EMPLOYEE ON VACATION AND SICK LEAVE

While the incumbent is on vacation or sick leave with or without pay, his position is not vacant. During the period of such leave therefore, only substitute appointment can be made to such position.[44]

- EFFECT OF PENDING ADMINISTRATIVE CASE AGAINST AN OFFICIAL OR EMPLOYEE ON AVAILMENT OF LEAVE PRIVILEGES

An official or employee with pending administrative case/s is not barred from enjoying leave privileges.[45]

Pendency of an administrative case shall not disqualify respondent for promotion or for claiming maternity/paternity benefits.[46]

- EFFECT OF DECISION IN ADMINISTRATIVE CASE ON AN EMPLOYEE'S LEAVE BENEFITS

An official or employee who has been penalized with dismissal from the service is likewise not barred from entitlement to his terminal leave benefits.[47]

- EFFECT OF EXONERATION FROM CRIMINAL/ADMINISTRATIVE CASE ON AN EMPLOYEES' LEAVE BENEFITS

In general, officials and employees who have been dismissed from the service but who were later exonerated and thereafter reinstated, are entitled to the leave credits during the period they were out of the service.[48]

- VIOLATION OF LEAVE LAWS AS CAUSE FOR DISCIPLINARY ACTION

Any violation of the leave laws, rules or regulations, or any misrepresentation or deception in connection with an application for leave, shall be a ground for disciplinary action.

- TRANSFER OF LEAVE CREDITS

18.1. Commutation or transfer of leave credits

When an official or employee transfers from one government agency to another, he can either have his

accumulated vacation and/or sick leave credits commuted or transferred to his new agency.

The second option can be exercised as a matter of right only by an employee who does not have gaps in his service. However, a gap of not more than one month may be allowed provided same is not due to his fault.

The option to transfer accumulated leave credits can be exercised within one (1) year only from the employer's transfer to the new agency.[49]

18.2. Remedy when transfer of leave credits is denied

An official or employee who failed to transfer his leave credits to the new office may claim the money value of such leave credits from the office where earned. [50]

- ABSENCE ON A REGULAR DAY FOR WHICH SUSPENSION OF WORK ANNOUNCED

Where an official or an employee fails to report for work on a regular day for which suspension of work is declared after the start of the regular working hours, he shall not be considered absent for the whole day. Instead, he shall only be deducted leave credits or the amount corresponding to the time when official working hours start up to the time the suspension of work is announced. [51]

- LEAVE OF ABSENCE WITHOUT PAY ON A DAY IMMEDIATELY PRECEDING OR SUCCEEDING A SATURDAY, SUNDAY OR HOLIDAY

When an employee, regardless of whether he has leave credits or not is absent on a day immediately preceding or succeeding a Saturday, Sunday or holiday whether such absence is continuous or not, he shall not be considered absent on said Saturdays, Sundays, and holidays and shall not be deducted leave credits. He shall neither receive salary for those days.[52]

- PRACTICE OF PROFESSION DURING LEAVE

An officer or employee on leave of absence with or without pay is still in the government service and as such is prohibited from the practice of his profession except when authorized by the Supreme Court. [53]

- WHEN COURT ATTENDANCE OF AN OFFICER OR EMPLOYEE CONSIDERED REGULAR PERFORMANCE OF DUTY

The attendance of a witness in his own behalf, to secure the exoneration of charges or matter alleged against him is attendance for his own benefit. If he is not under suspension, the time consumed in such attendance shall be charged to his leave, if he has any. Otherwise he shall be considered on leave without pay. Upon exoneration, when the case in which the officer or employee is the accused or respondent is the direct result of an act performed by him in connection with his official duties, his absence charged to his leave may be readjusted, and his attendance in court considered regular performance of his duties, otherwise, it is not.[54]

- WHEN ABSENCE TO ATTEND AS WITNESS IN A PRIVATE CASE NOT CONSIDERED OFFICIAL

When an officer or employee attends court proceedings as a witness in a civil case between two private parties and in which the government has no interest, such absence is not official time.[55]

- SPECIFIC REQUIREMENTS FOR APPLICATION FOR LEAVE FOR LOWER COURT PERSONNEL

Application for leave of absence (sick, vacation, maternity or terminal) shall be filed in triplicate in a duly-accomplished Civil Service Form No.6, series of 1968 or in facsimiles or reproductions thereof. The lower portion of the application form "ACTION (by Department Head if necessary)" should however be left vacant as the action of the Supreme Court shall be contained therein.

24.1. For vacation and sick leave

24.1.1. Application for vacation or sick leave for one (1) full day or more shall be made in the prescribed leave application form and to be accomplished in triplicate.

24.1.2. Application for vacation leave shall be filed in advance or whenever possible, five (5) days before going on such leave.

24.1.3. Application for sick leave shall be filed immediately upon the return of the employee. If the leave of absence exceeds five (5) days, the same shall be accompanied by a medical certificate.

24.1.4. Application for leave of absence for thirty (30) calendar days or more shall be accompanied by a local clearance as to money and property accountabilities and certification as to no pending criminal or administrative case (for Clerks of Court and other court personnel)

24.1.5. Leave application of Clerks of Court should have the recommendation of the Presiding Judge/ Executive Judge; for other court personnel the leave application should have the recommendation of the Presiding Judge/Executive Judge, or in his absence, the Clerk of Court or in the absence of both, the Branch Clerk of Court.

24.1.6. Additional requirements for Judges

24.1.6.1. Leave applications of the MTC, MCTC and MeTC Judges for fifteen (15) days or more must have the recommendation of the RTC Executive Judge or in his absence, the 1st Vice-Executive Judge; for RTC Judges, it must have the recommendation of the Executive Judge, or in his absence, the 1st Vice-Executive Judge; for MeTC Judges, it must have the recommendation of the MeTC Executive Judge;

24.1.6.2. Leave application for thirty (30) calendar days or more shall be accompanied by a report of case docket to be obtained from the OCA.

24.2. For Paternity Leave

Leave application accompanied by certified true copies of the marriage contract and birth certificate of the child.

24.3. For Maternity Leave

Leave application must accompanied by a medical certificate with the required documentary stamp affixed thereto.

24.4. For Terminal Leave

24.4.1. Clearance from the Court as to money and property accountabilities;

24.4.2. Clearance from the Court as to administrative and criminal charges;

24.4.3. Statement of Assets and Liabilities;

24.4.4. Certification from the Court on the absence of untranscribed stenographic notes, if applicant is a stenographer;

24.4.5. Acceptance of resignation in case of voluntary resignation;

24.4.6. Clearance from the GSIS for optional or disability retirement;

24.4.7. Death certificate where separation from the service is due to death.

B. GSIS BENEFITS

- COVERAGE

Membership in the GSIS shall be compulsory for all employees receiving compensation who have not reached the compulsory retirement age, irrespective of employment status^[56] Consequently, they are covered with life insurance upon entrance to duty.

- PLAN AND AMOUNT OF INSURANCE

The plan and amount of insurance are as follows:

2.1. For justices and judges, their compulsory life insurance coverage shall be in accordance with the amount of insurance as prescribed under Com. Act No. 186 as amended.[57]

2.2. For other employees, their compulsory life insurance coverage shall be in accordance with Rep. Act No. 8291 (GSIS Act of 1997) under the insurance plan pertaining to the employee's age at the time of effectivity, [58]as follows:

Age Bracket Plan of Insurance

30 years and below Endowment at age 45

31 years to 40 years Endowment at age 55

41 years to below 60 Endowment at age 65

60 years and over Ordinary Life

The amount of insurance creased whenever there is a corresponding increase in the salary of the employee.

- DESIGNATION/CHANGE OF BENEFICIARIES

The employees shall designate their primary beneficiaries which include their legitimate spouses, until they remarry and dependent children; and secondary beneficiaries which include their dependent parents and legitimate descendants.[59]

The beneficiary designated in the contract of life, health or accidental insurance will be the one to receive the benefits which will become payable according to the term of the contract or upon the death of the insured.

If the employee fails to designate a beneficiary, the proceeds of the policy shall go to the legal heirs[60] as enumerated in the Civil Code.[61]

The employee may designate additional beneficiaries at any time while his/her insurance is in force by submitting the prescribed form with the GSIS during his/her lifetime.

- ISSUANCE OF A POLICY CONTRACT

A policy contract shall be issued upon submission by the employees of their Information for Membership form as prescribed by the GSIS together with certified photo-copies of the Service Record and Appointment duly approved by the Civil Service Commission. For Judges, a certified photo-copy of their Oath of Office must be submitted as an additional requirement.

- CONTRIBUTIONS

Effective 1 January 2002, the contributions of an employee as GSIS member is nine percent (9%) of his monthly salary up to the monthly compensation (MC) ceiling of Sixteen Thousand (P16,000.00) Pesos. An additional two percent (2%) shall be charged in excess of Sixteen Thousand (P16,000.00) Pesos. The employer's counterpart is fixed at twelve percent (12%) of the monthly salary irrespective of the salary of the employee.[62]

Justices and judges contribute only three percent (3%) of their monthly salary as personal share with the corresponding three percent (3%) employer's counterpart for their life insurance coverage.[63]

- COMPULSORY LIFE INSURANCE BENEFITS

As GSIS members, they are entitled to the following compulsory life insurance benefits:

6.1. Maturity Benefit

Upon maturity of the life insurance, the amount appearing on the policy contract shall be paid to the member after deducting the policy loan balance (if any) from the proceeds of the insurance benefit. However, if the member is already separated from the service upon the maturity date of the policy, the salary loan balance is likewise deducted from the proceeds of the insurance benefit.

6.2. Death Benefit.

When a member dies prior to the maturity of his insurance and during its continuance, the GSIS shall pay to the designated beneficiaries or to his legal heirs, the face amount less any indebtedness.

6.3. Accidental Death Benefit (ADB)

When the death of the member is accidental, the GSIS shall pay the designated beneficiaries or the legal heirs, an additional amount equivalent to the face amount of his compulsory insurance.

6.4. Waiver of Premiums

When the member is separated from the service due to permanent total disability, as determined by the GSIS, the premiums that may become due and payable during the period of disability shall be deemed waived and considered totally paid.

6.5. Cash Surrender Value (CSV)

This refers to the amount paid to the member who is separated from the service either by resignation or retirement while the policy has not yet matured. To be able to collect the CSV of the policy, the insurance should have been in force for at least one (1) year and any indebtedness thereon will be deducted.

6.6. Dividends

An annual dividend may be granted provided that the life insurance is in force for at least one (1) year in accordance with the dividend allocation formula determined by the GSIS.

- PROCEDURE FOR AVAILMENT OF LIFE INSURANCE BENEFITS EXCEPT DIVIDENDS

7.1. Secure the necessary forms from the Employee Welfare and Benefits Division (EWBD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA).

7.1.1. Accomplish the form and attach the following documents:

7.1.1.1. Updated Service Record with notation as to Leave of Absence with or without pay;

7.1.1.2. Original Policy Contract, if not available, submit an Affidavit of Loss; and

7.1.1.3. Certificate of Policy Loan payments.

7.1.2. If already separated or retired from the service, submit the additional requirements:

7.1.2.1. Certificate of Salary Loan payments; and

7.1.2.2. Supreme Court Clearance

7.1.3. For death benefits, submit these additional requirements:

7.1.3.1. Death Certificate;

7.1.3.2. Proofs of surviving legal heirs (Forms are available at the EWBD, OAS, OCA); and

7.1.3.3. Affidavit of Guardianship (for children of minor age, if any). (Forms are available at the EWBD, OAS, OCA)

7.1.4. Submit the accomplished form together with the accompanying documents to EWBD, OAS, OCA for indorsement to the GSIS through the liaison officer

- LOAN PRIVILEGES

GSIS members can avail of the following:

8.1. Salary Loan

It is a loan granted to members depending on the contribution requirements and terms of payment, to wit:

Loan Limit Contribution

requirement Repayment

term Interest rate

(per annum)

1-month basic salary 20 Months 12 Months 8.00%

2-months basic salary 40 Months 24 months 8.00%

3-months basic salary 60 Months 24 Months 8.00%

4-months basic salary 60 Months 36 Months First 3 mos. - 8%
4th mo. -12%

5-months basic salary 60 Months 36 Months First 3 mos. - 8%
4th-5th mos. - 12%

6-months basic salary 120 Months 36 Months First 3 mos. - 8%
4th-6th mos. - 12%

7-months basic salary 120 Months 48 Months First 3 mos. - 8%
4th-7th mos. - 12%

8-months basic salary 120 Months 48 Months First 3 mos. - 8%
4th-8th mos. - 12%

8.1.1. Conditions for availment of salary loan:

The borrower must:

8.1.1.1. be in the service and not on leave of absence without pay as of the date of application;

8.1.1.2. have been a member of the GSIS for at least twenty (20) months;

8.1.1.3. have no pending administrative or criminal case as of the date of application;

8.1.1.4. have no arrearages in the payment of mandatory social insurance contributions (personal and government share);

8.1.1.5. have a minimum monthly take home pay of Two Thousand (P2,000.00) Pesos, or whatever is provided under the General Appropriations Act (GAA) after deducting the monthly installment on the loan.[64]

8.1.2. Renewal of loan

The renewal of an existing salary loan will be allowed after payment of at least six (6) monthly installments.

8.1.3. Effect of death or disability on the loan

Should the employee die or become permanently and totally disabled during the term of the loan, the theoretical balance of the loan (the balance of the loan if the member constantly pays the monthly installments on or before the due dates) after the date of such death or disability shall, by virtue of salary loan redemption insurance coverage, be deemed paid. However, if there are arrearages on the loan, the difference between the actual balance on the loan and the theoretical balance shall be deducted from the appropriate social insurance benefits of the deceased employee. The insurance coverage is automatically terminated when the employee pays the loan in full, or renews the loan, or upon expiration of the term of the loan, whichever comes first.

8.2. Policy Loan

It is a loan granted to an employee who has been insured for at least one (1) year. Such loan may be in an amount not exceeding fifty percent (50%) of the cash value of his insurance at the time of the application. Renewal of policy loan may be allowed only on or after the anniversary date of the previous loan.

8.3. Housing Loan

It is a loan to purchase a house which can be secured from the GSIS through the National Home Mortgage and Finance Corporation. The amount of loan offered is based on the date of issue of policy; age of the member when the insurance was issued; amount of insurance; salary of member; and the endowment plan of the insurance.

8.4. Emergency/Calamity Loan

It is a loan granted to victims of typhoon, flood or earthquake or other calamity in the locality declared as calamity area by the President. It may be in an amount not exceeding five (5) months salary

8.4.1. Procedure for availment of emergency/calamity loan.

8.4.1.1. Secure application for loans except that of Housing from the OAS, OCA.

8.4.1.2. Accomplish the loan application and attach thereto a copy of the Service Record, a copy of the latest pay slip and for renewal, a Certificate of Payments.

8.4.1.3. Submit the loan application and the supporting documents to the Accounting Division (SC/OCA) which shall forward the same to the GSIS.

8.4.1.4. For Housing Loan, inquire directly from the GSIS with telephone no. 891-61-61.

- SICKNESS INCOME BENEFIT

An employee who suffers temporary total disability^[65] shall be entitled to seventy-five percent (75%) of his/her current daily compensation or a fraction thereof to start not earlier than the fourth (4th) day, but not exceeding one hundred twenty (120) days in one (1) calendar year when ;

9.1. The member has exhausted all sick leave credits; and that he/she is in the service at the time of disability;

9.2. If separated, he/she has rendered at least three (3) years of service and has paid at least six (6) monthly contributions in the twelve-month period immediately preceding his/her disability.^[66]

Applications for this benefit are filed directly with the GSIS.

- FUNERAL BENEFITS

10.1. Entitlement

Effective January 1, 2000, a funeral benefit of Eighteen Thousand (P18,000.00)[67] Pesos shall be given upon the death of:

- 10.1.1. an active member (an active member is one who is not separated from the service and who continues to receive compensation from an employer);
- 10.1.2. an employee who has been separated from the service, but is entitled to future separation or retirement benefit;
- 10.1.3. a member who is a pensioner (excluding survivorship pensioners);
- 10.1.4. a retiree who at the time of his/her retirement is at least sixty (60) years old but opts to retire under Rep. Act No. 1616;
- 10.1.5. a member who retired under Rep. Act No. 1616 prior to 24 June 1997 (the effectivity date of Rep. Act No. 8291) with at least twenty (20) years service regardless of age; and
- 10.1.6. Justices and Judges, while in the service.

10.2. To whom paid

The funeral benefit shall be paid to one of the following in the order in which they appear below:

- 10.2.1. Legitimate spouse;
- 10.2.2. Legitimate child who spent for the funeral; or
- 10.2.3. Any other person who can show proofs of having borne the funeral expense of the deceased.

10.3. How to claim

- 10.3.1. Accomplish forms secured from EWBD, OAS, OCA;
- 10.3.2. Attach certified photocopies of the following documents:
 - Death Certificate of the member;
 - Marriage Contract (if married); and
 - Receipts for funeral expenses
- 10.3.3. Submit the same to the EWBD, OAS, OCA.

- UNEMPLOYMENT OR INVOLUNTARY SEPARATION BENEFITS

This benefit in the form of monthly cash payments equivalent to fifty percent (50%) of the average monthly compensation shall be paid to a permanent employee who is involuntarily separated from the service due to abolition of his office or position usually resulting from reorganization, provided that he has been paying integrated contributions for at least one (1) year prior to separation. Unemployment benefits shall be paid in accordance with the following schedule:

Conditions Made Benefit Duration

1 year but less than 3 years 2 months

3 or more years but less than 6 years 3 months

6 or more years but less than 9 years 4 months

9 or more years but less than 11 years 5 months

11 or more years but less than 15 years 6 months

- OPTIONAL LIFE INSURANCE

A member may at any time apply for optional insurance for himself.[68] He shall submit to the GSIS the appropriate application form with: (1) a health declaration if he/she is less than fifty (50) years old; or (2) a record of physical or medical examination if more than fifty (50) years old or if the amount of insurance coverage exceeds One Hundred Fifty Thousand (P150,000.00) Pesos, regardless of age.[69]

12.1. Benefits of Optional Insurance

12.1.1. Maturity Benefit

12.1.2. Cash Surrender Value

12.1.3. Policy Loan

12.1.4. Disability Benefit

12.1.5. Death Benefits

12.1.6. Accidental Death Dividends

12.1. 7. Dividends

C. PAG-IBIG (Pagtutulungan sa Kinabukasan, Ikaw, Bangko, Industriya at Gobyerno) FUND BENEFITS

The Pag-IBIG was conceived as a direct response to two interrelated pressing economic and social needs; savings and shelter. Pag-IBIG Fund or Home Development Fund was created on June 11, 1978 by virtue of Pres. Decree No. 1530, and was amended by Pres. Decree No. 1752 (December 14, 1980) and Rep. Act No. 7742 (January 1, 1995)

- COVERAGE

Membership in the Pag-IBIG is mandatory unless the Employee's monthly compensation is less than Four Thousand Pesos (P4,000.00), in which case membership is voluntary.[70]

- CONTRIBUTIONS

2.1. For mandatory membership, the amount of contribution is equivalent to two percent (2%) of the monthly earnings with the corresponding employer's share of One Hundred Pesos (P100.00).

However, an employee is allowed to contribute a bigger amount should he/she decide to save more but the employer's contribution is fixed at One Hundred Pesos (P100.00).

2.2. For voluntary membership, the amount of contribution shall be:

Monthly compensation Monthly contribution

P1,500 and less An amount equivalent to 1% of the monthly earnings with corresponding employer's share; or

Over P1 ,500 but less than An amount equivalent to 2% of the P4,000 monthly earnings not to exceed P100,000 with corresponding employer's share.

- BENEFITS

A Pag-ibig member can avail of the following benefits:

3.1. Savings.-- A Pag-IBIG Member earns a fixed dividend of 7.55% per annum which is added to the total accumulated value of the personal contributions and employer's counterpart. A member's entire contribution, his/her employer's share and all dividend earnings remain in his/her name even in cases of transfer from one agency or company to another.

3.2. Loans

The kinds of Pag-ibig loans are as follows:

3.2.1. Short-Term Loan or Multi-Purpose Loan [MPL]

A member can avail of short-term loans or multi-purpose loans if he has at least twenty-four (24) monthly contributions. The amount of loan depends upon the member's total accumulated value. This loan can be renewed after payment of twelve (12) monthly amortizations or after one (1) year. The loan interest is 10.75% per annum, deducted in advance for the first year. The interest in the second year is spread and collected equally over a period of twenty-four (24) months.

The duly accomplished application for MPL must be submitted to the nearest Regional Office of the Pag-IBIG in the area together with the following requirements:

- Service Record;
- Latest Payslip; and
- Certificate on Payments (for renewal).

3.2.2. Housing Loan

An expanded housing loan program is offered for the construction of a residential unit; purchase of lot only; purchase of lot and construction of a residential unit; home improvement; refinancing of existing loan, and redemption of foreclosed mortgage.

After three (3) years of membership, a member can avail of as much as P500,000.00. For socialized house and lot packages a member can avail of as much as P180,000.00 housing loan and for low-cost housing packages up to P250,000.00. The loan is payable over a maximum period of twenty-five (25) years. The Modified Guidelines for Pag-IBIG Expanded Housing Loan Program are provided for in Home Development Mutual Fund (HDMF) Circular No. 171.

3.3. Provident Benefits (withdrawal of savings)

A member can avail of Provident Benefits or withdraw his savings with the Pag-IBIG Fund under any of the following conditions:

3.3.1. Maturity of membership

Membership in the Pag-IBIG matures after a period of 20 years. However, a new member of the Fund after the effectivity of Rep. Act No. 7742 has the option to withdraw his total accumulated value after the 10th or 15th year of continuous membership provided that he has no existing housing loan at the time of withdrawal. Members who voluntarily join the Fund are also qualified under this provision.[71]

3.3.2. Retirement

In gratuity retirement the member must be forty-five (45) years old.

3.3.3. Permanent departure from the country

3.3.4. Total disability or insanity

3.3.5. Separation from the service by reason of health

3.3.6. Death

Requirements for claiming Provident Benefits.- A member must comply with the following requirements:

3.3.6.1. Submission of Basic Requirements

- Service Record

- Certificate of Remittance (to be secured from Cashier Division (Supreme Court) or the Accounting Division (Court Administrator) for lower courts

- Marriage Contract (if member is married)

- Certificate of Loan Amortization (if any)

- Special Power of Attorney (if member cannot claim personally)

3.3.6.2. Additional Requirements

- Retirement

- a.1. Notarized Certificate of Retirement Voucher from the GSIS (Rep. Act No. 660/Rep. Act No. 8291) or the Court (Rep. Act No. 1616/Rep. Act No. 910)

- Permanent Departure from the country

- b.1. Photocopy of Immigration Visa

- b.2. Sworn Declaration of Intention to Depart from the Philippines

- Total disability or sanity/separation from service by reason of health

- c.1. Physician's Statement of insanity/ total Disability

- c.2. Sworn Employer's Certification that said employee was separated by reason of illness indicated in the Physician's certificate

- c.3. Affidavit of Guardianship (for minor children or for physically/mentally incompetent member)

- Death

- d.1. Certified True Copy of Death Certificate issued by Local Civil Registrar

- d.2. Certified True Copy of Birth Certificate of children

- d.3. Proofs of Surviving Legal Heirs

- d.4. Affidavit of Guardianship (for minor children or for physically/ mentally incompetent member)

D. NATIONAL HEALTH INSURANCE PROGRAM (NHIP) BENEFITS

The Philippine Medicare Act of 1969 as amended by the Rev. Medical Case Act of 1978 as further amended by Rep. Act No. 7875 otherwise known as the "National Health Insurance Act of 1995," the law creating the National Health Insurance Program, is administered by the Philippine Health Insurance Corporation or PhilHealth.

1. COVERAGE

1.1. Employees covered by the SSS or the GSIS and their dependents;

1.2. Retirees or pensioners of both GSIS and SSS and their dependents.

1.2.1. The legal dependents are:

- The legitimate spouse who is not a member;
- The unmarried and unemployed legitimate, and illegitimate children as appearing in the Birth Certificate, and legally adopted or stepchildren below twenty-one (21) years of age;
- Children who are twenty-one (21) years old or above but suffering from congenital disability, either physical or mental, or any disability acquired that renders them totally dependent on the member for support; and
- The parents who are sixty (60) years old or above, whose monthly income is below an amount to be determined by the NHIP in accordance with the guiding principles set forth in the National Health Insurance Act. [72] In cases where both parents are covered by the Program, the dependent/s declared by one parent shall no longer qualify as dependent/s of the other parent.

2. PHILHEALTH ID

An ID card shall be issued to a member which bears a number unique to the member and shall be assigned to him permanently even if he transfers residence. The ID is proof of membership with PhilHealth, which must be presented to the hospital upon filing of claims.

3. CONTRIBUTIONS

The amounts of contribution of both employer and employee are subject to existing PhilHealth rules.

4. BENEFITS

4.1. In-patient hospital care:

4.1.1. room and board, the maximum confinement days per calendar year are: forty-five (45) days for members; and another forty-five (45) days for all dependents.

4.1.2. services of health care professionals;

4.1.3. diagnostic laboratory and other medical examination services;

4.1.4. use of surgical or medical equipment and facilities;

4.1.5. prescription drugs and biologicals;

4.1.6. in-patient education packages;

4.2. Out-patient care:

4.2.1. services of health care professionals;

4.2.2. diagnostic, laboratory and other medical examination services;

4.2.3. personal preventive services; and 4.2.4. prescription drugs and biological;

4.3. Emergency and Transfer Services; and

4.4. Such other health care services that the PhilHealth shall determine to be appropriate and cost-effective.

4.5. Excluded Personal Health Services[73]

- 4.5.1. Non-prescription drugs and devices;
- 4.5.2. Out-patient psychotherapy and counseling for medical disorders;
- 4.5.3. Drug and alcohol abuse or dependency treatment;
- 4.5.4. Cosmetic surgery;
- 4.5.5. Home and rehabilitation services;
- 4.5.6. Optometric services;
- 4.5.7. Normal obstetrical delivery; and
- 4.5.8. Cost-ineffective procedures as defined by the Corporation.

5. CONDITIONS FOR ENTITLEMENT TO BENEFITS[74]

- 5.1. Confinement in a hospital due to illness or injury requiring hospitalization;
- 5.2. If employee underwent a surgical procedure in the operating room complex in an out-patient basis or chemotherapy, radiotherapy or hemodialysis similarly in an out-patient basis;
- 5.3. Full payment of at least three (3) monthly contributions within the immediate six (6) months prior to the first day of availment;
- 5.4. An ID Card validly issued;
- 5.5. Non-consumption of the 45-day room and board allowance for the calendar year;
- 5.6. Patient not subject to legal penalties as provided for in Sec. 44 of the National Health Insurance Act; and
- 5.7. For a new member, proof of sufficient regularity of contributions as shown in the ID Card or in the certification of employer.

6. PROCEDURE FOR AVAILMENT OF BENEFITS

- 6.1. The member must present to the hospital a duly accomplished PhilHealth Claim Form which can be secured from the EWBD; OAS, OCA together with the following documents:
 - 6.1.1. A certified true copy of a member's GSIS Policy Contract (front page only);
 - 6.1.2. For casual/permanent employees or those without any GSIS Policy yet - a certificate of contribution with GSIS O.R. Nos. to be secured from the Cashier's Office of the Supreme Court or the Accounting Division of the Office of the Court Administrator;
 - 6.1.3. For dependents - Affidavit of Support stating that they are not members of the Program with a copy of the Marriage Contract (if the non-member spouse was the one hospitalized) or Birth Certificate (for the son or daughter).
- 6.2. File claims before discharge by the hospital and the PhilHealth benefits shall be deducted from the hospital bills.
- 6.3. Direct payment to the patient is NOT allowed EXCEPT in the following cases:
 - 6.3.1. Confinements abroad of members or their dependents;
 - 6.3.2. Purchase of drugs and medicines when the patient is confined in a primary hospital without a pharmacy;
 - 6.3.3. When full payment is made by the patient because of failure to submit the required documents; and
 - 6.3.4. Patients paying professional fees directly to the medical practitioner. In this case, the hospital shall have the responsibility to inform patients of the existence of this payment option.[75]

7. PERIOD FOR FILING OF CLAIMS WITH PHILHEALTH

Claims for direct payment must be filed with PhilHealth within sixty (60) calendar days from the discharge of the patient, otherwise, the claims shall be barred from payment except in cases of natural calamities, where the claimants are accorded an additional thirty (30) calendar days with a certification issued by the concerned local authority as to the existence of a calamity.[76]

E. EMPLOYEES' COMPENSATION (Pres. Decree No. 626)

1. POLICY

The state shall promote and develop a tax-exempt employees' compensation program whereby employees and their dependents, in the event of work-connected disability or death, may promptly secure adequate income benefit, and medical or related benefits.[77]

Unless otherwise provided, the liability of the State Insurance Fund shall be exclusive and in place of other liabilities of the employer to the employee, his dependents or anyone otherwise entitled to receive damages on behalf of the employee or his dependents. The payment of compensation under the program shall not bar the recovery of benefits as provided for in Sec. 699 of the Rev. Adm. Code, Com. Act No. 186, as amended, Rep. Act No.1161, as amended, Rep. Act No. 610, as amended, Rep. Act No. 4864, as amended, and other laws whose benefits are administered by the System or by other agencies of the government.[78]

2. COVERAGE

2.1. Nature

Coverage shall be compulsory.[79]

2.2. Scope

2.2.1. Every employer shall be covered.

2.2.2. Every employee not over 60 years of age shall be covered.

2.2.3. An employee over 60 years of age shall be covered if he had been paying contributions to the System prior to age 60 and has not been compulsorily retired.

2.2.4. An employee who is coverable by both the GSIS and the SSS shall be covered by both Systems.[80]

2.3. Employer

2.3.1. The term shall mean any person, natural, or juridical, domestic or foreign, who carries on in the Philippines any trade, business, industry, undertaking or activity of any kind and uses the services of another person who is under his orders as regards the employment.

2.3.2. An employer shall belong to either:

2.3.2.1. The public sector covered by the GSIS, comprising the National Government, including government-owned or controlled corporations, the Philippine Tuberculosis Society, the Philippine National Red Cross and the Philippine Veterans Bank; or

2.3.2.2. The private sector covered by the SSS, comprising all employers other than those defined in the immediately preceding paragraph.[81]

2.4. Employee

2.4.1. The term shall mean any person who performs services for an employer as defined above.

2.4.2. An employee shall belong to either:

2.4.2.1. The public sector comprising the employed workers who are covered by the GSIS, including the members of the Armed Forces of the Philippines, elective officials who are receiving regular salary, and any person employed as casual emergency, temporary, substitute or contractual; or

2.4.2.2. The private sector comprising the employed workers who are covered by the SSS.[82]

3. GROUNDS FOR COMPENSABILITY

3.1. For the injury and the resulting disability or death to be compensable, the injury must be a result arising out of and in the course of the employment[83] such as when the employee is:

3.1.1. performing his official function at the place where his work requires him to be, and if elsewhere, the employee must have been executing an order for the employer;

3.1.2. performing an act within the time and space limits of his employment to minister to personal comfort, such as satisfaction of his thirst, hunger or other physical demands, or protect himself from excessive cold.[84]

3.1.3 going to or coming from the place of work, provided however, that there was no diversion from his usual route and an employee on special errand, the special errand must have been official and in connection with his work.[85]

3.1.4. engaged in company sponsored activities, such as field trips, picnics, intramurals, etc;

3.1.5. on board a shuttle bus or any vehicle provided by the company.[86]

3.2. For sickness and the resulting disability or death to be compensable, the sickness must be a result of an occupational disease listed under Annex "A" of the Amended Rules on

Employees' Compensation with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions.[87]

4. OCCUPATIONAL DISEASES

4.1 The diseases listed in Annex "A" of the Amended Rules on Employees' Compensation are occupational when the nature of employment is as described therein.

4.2. The employer shall require pre-employment examination of all prospective employees, provide periodic medical examination to employees who are exposed to occupational diseases and take such other measures as may be necessary.

4.3. The periodic medical examination for the early detection of occupational diseases shall be in accordance with the minimum standards prescribed in Annex "B" of the Amended Rules on Employees' Compensation.[88]

However, an illness not listed as an "occupational disease" can be considered compensable if proof is shown that the risk of contracting such sickness is increased by the working conditions. There is increased risk if the illness is caused or precipitated by factors inherent in the employee's nature of work and working conditions. However, it does not include aggravation of a pre-existing illness.

5. AUTHORITY OF THE EMPLOYEES' COMPENSATION COMMISSION

The Commission is authorized to determine and approve additional occupational diseases and work-related illnesses with specific criteria based on peculiar hazards of employment.[89]

6. LIMITATIONS ON COMPENSABILITY

No compensation shall be allowed to the employee or his dependents when the injury, sickness, disability or death was occasioned by any of the following:

6.1. Intoxication

It refers to a person's condition of being under the influence of liquor or prohibited drugs to the extent that his acts, words or conduct is impaired visibly, as to prevent him from physically and mentally engaging in the duties of his employment.

6.2. Willful intention to injure or kill oneself or another

This contemplates a deliberate intent on the part of the employee to inflict injuries on himself or another.

6.3. Notorious Negligence

Notorious negligence is something more than mere or simple negligence. It signifies a deliberate act of the employee to disregard his own safety, or ignore established warning or precaution.

7. EXCLUSIVENESS OF CLAIM

Whenever other laws provide similar benefits for the same contingency covered by the Amended Rules on Employees' Compensation, the employee who qualifies for the benefits shall have the option to choose under which law benefits will be paid to him. However, if the benefits provided by the law chosen are less than the benefits provided under the Amended Rules on Employees' Compensation, the Employees' Compensation Commission shall pay only the difference in the benefits.

The employee shall not be qualified to avail himself at the same time of similar benefits provided by different laws, except the difference in benefits mentioned in the preceding paragraph. However, his employer may continue to grant benefits already earned by the employees under any collective bargaining agreement or any other arrangement.[90]

8. LIABILITY AGAINST THIRD PARTIES

When the disability or death is caused by circumstances creating a legal liability against a third party, the disabled employee or the dependents in case of his death shall be paid benefits from the System under the Amended Rules on Employees' Compensation. In case benefit is claimed and allowed under said Rules, the System shall be subrogated to the rights of the disabled employee or the dependents in case of his death in accordance with existing laws.[91]

9. UNAUTHORIZED CHANGES

The System shall not be liable for compensation for unauthorized changes in medical services, appliances, supplies, hospitals, rehabilitation services or physicians. Should there be any reason for such changes, the employee or his dependents shall notify the System and secure its prior consent before the change be effected.[92]

10. MEDICAL REPORTS

An employee enjoying temporary total disability benefits shall submit to the System a monthly medical report on his disability certified by his attending physician, otherwise his benefit shall be suspended until such time that he complies with this requirement.

An employee enjoying permanent disability benefits where the disability resulted from a disease shall submit to the System a quarterly medical report on his disability certified by his physician, otherwise his benefit shall be suspended until such time that he complies with this requirement.[93]

11. BENEFITS

11.1. Types of Benefits

The benefits under the employees' compensation consist of the following:

11.1.1. Medical services, appliances and supplies;

11.1.2. Rehabilitation services;

11.1.3. Daily cash income benefit for temporary total disability;[94]

11.1.4. Monthly cash income benefit on a lifetime basis for permanent total disability (PTD);[95]

11.1.5. Monthly income benefit shall be given to an employee under permanent partial disability[96] which is equal to the monthly income benefit paid for PTD according to the schedule of payment beginning with the first month of disability and shall continue for a period as follows:

Complete and permanent

loss of the use of: No. of months

One thumb 10

One index finger 8

One middle finger 6

One ring finger 5

One little finger 3

One big toe 6

Any other toe 3

One hand 39

One arm 50

One foot 31

One leg 46

One ear 10

Both ears 20

Hearing of both ear 50

Sight of one eye 25

11.1.6. Monthly cash income benefit guaranteed for five years is paid to the primary beneficiaries plus ten percent (10%) thereof for each dependent child not exceeding five (5) beginning with the youngest without substitution, in the absence of primary beneficiaries, to secondary beneficiaries; provided that this benefit shall not be less than fifteen thousand pesos (P15,000.00);

11.1.7. Funeral benefit shall be paid upon the death of a covered or permanent and totally disabled pensioner to

anyone in the following order:

- 11.1.7.1. The surviving spouse; or
- 11.1.7.2. The legitimate child who spent for the funeral services; or
- 11.1.7.3. Any other person who can show incontrovertible proof of having borne the funeral expenses.

12. BENEFICIARIES

Beneficiaries shall be either primary or secondary, and determined at the time of employee's death.

12.1. The following beneficiaries shall be considered primary:

- 12.1.1. The legitimate spouse living with the employee at the time of the employee's death until he remarries; and
- 12.1.2. Legitimate, legitimated or legally adopted or acknowledged natural children who are unmarried, not gainfully employed, not over twenty-one (21) years of age, or over twenty-one (21) years of age provided that they are incapacitated and incapable of self-support due to physical or mental defect which is congenital or acquired during minority; provided further that dependent acknowledged natural children shall be considered as primary beneficiaries only when there are no other dependent children who are qualified and eligible for monthly income benefit; provided finally that if there are two (2) or more acknowledged natural children, they shall be counted from the youngest and without substitution, but not exceeding five (5).

12.2. The following beneficiaries shall be considered secondary:

- 12.2.1. The legitimate parents wholly dependent upon the employee for support; and
- 12.2.2. The legitimate descendants and illegitimate children who are unmarried, not gainfully employed and not over twenty-one (21) years of age, or over twenty-one (21) years of age provided that they are incapacitated or incapable of self support due to physical or mental defect which is congenital or acquired during minority.[97]

13. FILING OF CLAIM

13.1. Where to file

Employees in the National Government, its political subdivisions or instrumentalities, and in government-owned or controlled corporations shall file their claims with the GSIS.

13.2. When to file

Claims must be filed with the System within three (3) years from notice of the contingency to the employer, or from the time the cause of action occurred.

13.3. How claim filed and processed

The employee shall forward to the Employee Welfare and Benefits Division of the Office of the Court Administrator the claim for processing within the period above stated. The claim shall be recorded in the employer's logbook and indorsed by the authorized representative to the GSIS.

13.4. Appeal from the decision of the GSIS to the ECC

The System shall evaluate the claim upon submission of the complete requirements. In case of decision denying compensation, the employee must inform the System in writing of his desire to appeal from the System's decision within thirty (30) days from receipt thereof. Upon receipt of such appeal, the System shall within five (5) days forward the entire records of the case to the Commission for review.

13.5. Appeal from the decision of the ECC to the Court

Decisions of the ECC are appealable to the Court of Appeals within fifteen (15) days from notice thereof. Likewise decisions of the Court of Appeals are appealable to the Supreme Court.

F. RETIREMENT BENEFITS

There are five (5) laws that govern retirement namely: Rep. Act No. 660, Rep. Act No. 1616, Rep. Act No. 8291 amending Pres. Decree No. 1146, and Rep. Act No. 910. The first three (3) retirement laws apply to all government employees while Rep. Act No. 910 applies to justices and judges.

1. REPUBLIC ACT NO. 660[98]

RETIREMENT LAW KIND OF RETIREMENT CONDITIONS AGE/SERVICE BENEFITS

Rep. Act No. 660

Compulsory

Sixty five (65) years old with fifteen (15) years government service and must have entered government service before 1 June 1977.

Five-year lumpsum based

on eighty percent (80%) of the salary for the last three (3) years and pension after five (5) years.

Survivorship pension = Fifty percent (50%) of the pension for surviving spouse and Ten percent (10%) of the pension for each minor child should the pensioner die after the first five (5) years.

Optional

Must meet the following age and service requirements:

Age Service

52 35

53 34

54 33

55 32

56 31

57 30

58 28

59 26

60 24

61 22

62 20

63 18

64 16

In case of death of the pensioner

Those less than sixty (60) years old have the following options:

- AUTOMATIC ANNUITY - no lump sum but immediate monthly pension for life after retirement; or
- LUMP SUM which the retiree may request but discounted at 5% per annum

Those at least sixty (60) years old but less than sixty-three(63) years old on the date of retirement:

INITIAL THREE-YEAR LUMP SUM Based on Eighty percent (80%) of the salary for the last three (3) years;

TWO- YEAR LUMP SUM will be paid to the retiree on his 63rd birthday; and after five (5) years he is entitled to monthly annuity for life.

Those sixty-three (63) years old or over on the date of retirement:

FIVE- YEAR LUMP SUM based on Eighty percent (80%) of the salary for the last three (3) years, and after five (5) years monthly annuity for life.

Survivorship pension For the heirs = Fifty percent (50%) of the pension for the spouse and ten percent (10%) of the pension for each minor child.

Disability

Retirement

At any age, At least fifteen (15) years service, must have entered government service before 1 June 1977 and the disability must be permanent and total

In case of death of disabled pensioner:

Same retirement benefits as in Ordinary retirement under Rep. Act No. 660 except that the benefit is immediately paid to the disabled employee

Survivorship pension same as those under compulsory retirement.

Survivorship

Benefits

The employee must have completed the age and service requirements as in optional retirement and must have entered government service before 1 June 1977.

Same benefits as compulsory retirement

2. REPUBLIC ACT NO. 1616 AS AMENDED BY REP. ACT NO. 4968[99]

RETIREMENT

LAW KIND OF

RETIREMENT CONDITIONS

AGE/SERVICE BENEFITS

Rep. Act No. 1616 as amended by Rep. Act No.4968

Compulsory

Sixty five (65) years old, twenty (20) years service, must have entered government service before 1 June 1977[100]

1-20 yrs. of service

= Gratuity of one month for every year of service

21- 30 yrs. of service

= Gratuity of 1 1/2 months for every year of service

31 + yrs. of service

= Gratuity of 2 months for every year of service.

Refund of Retirement premiums

From the GSIS (gov't. share without interest & personal share with interest)

Gratuity

Benefits

At any age, twenty (20) years service, the last three (3) years should be continuous, and must have entered government service before 1 June 1977.

Same as in compulsory retirement

Disability

Retirement

At any age, at least five (5) years service, the last three (3) years need not be continuous and must have entered government service before 1 June 1977.

Same as in compulsory retirement

Survivorship

Benefits

At any age, at least five (5) years service, the last three (3) years need not be continuous and must have entered government service before 1 June 1977.

Same as in compulsory retirement

3. REPUBLIC ACT NO. 8291 (GSIS ACT OF 1997) AMENDING PRESIDENTIAL DECREE NO. 1146[101]

RETIREMENT

LAW KIND OF

RETIREMENT CONDITIONS

AGE/SERVICE BENEFITS

Rep. Act No. 8291

Compulsory

Sixty five (65) years old with fifteen (15) years government service Options available to the retiree:

Less than fifteen (15) years government service

1. Lump Sum payment = Basic monthly pension x sixty (60) months and pension after five (5) years; or

2. Cash Payment= Basic monthly pension x eighteen (18) months, and pension to be given immediately.

Cash payment only = Basic monthly pension x eighteen (18) months; but without pension

Retirement

Benefits

At least sixty (60) years old and with fifteen (15) years service and not receiving monthly pension benefit for permanent total disability

Same benefits as in compulsory retirement [with fifteen (15) years service] [102]

Separation

Benefits [103]

Less than sixty (60) years of age with fifteen (15) years government service

Less than sixty (60) years of age but with at least three (3) years but less than fifteen (15) years government service

Cash payment payable at the time of separation plus old-age pension payable at age sixty (60)

Cash payment payable at age sixty (60) but without pension

Rep. Act No.8291

Permanent Total

Disability

Benefits [104]

The employee should be in the service at the time of disability; or if separated from the service, he has paid at least 36 monthly contributions within the 5-year period immediately preceding his disability; or has paid a total of 180 contributions prior to his disability; but a member cannot enjoy the monthly income benefit for permanent disability and old-age retirement simultaneously

Cash payment equivalent to eighteen (18) times his basic monthly pension plus monthly income benefit for life

Permanent Total

Disability Benefits

With at least three (3) years service at the time of the disability but the conditions mentioned above are not satisfied

Cash payment equivalent to one hundred percent (100%) of his average monthly compensation for each year of service he has paid contributions, but not less than Twelve Thousand Pesos (P12,000.00).

Survivorship

Benefits [105]

The member was in the service at the time of death and has rendered at least three (3) years service

The member was in the service at the time of death but with less than three (3) years service

The primary beneficiaries shall receive survivorship pension [106] of Fifty Percent (50%) of the basic monthly pension; and in case the member is survived by dependent children, dependent's pension not exceeding Fifty Percent (50%) of the basic monthly pension [107] plus cash payment; or in the absence of primary beneficiaries, the secondary beneficiaries shall receive cash payment; or in the absence of both, the legal heirs of the member shall receive cash payment [108]

Survivorship pension and dependent's pension only

4. REPUBLIC ACT NO. 910[109] (RETIREMENT OF JUSTICES AND JUDGES

RETIREMENT

LAW KIND OF

RETIREMENT CONDITIONS

AGE/SERVICE BENEFITS

Rep. Act No. 910 As amended by Rep. Act No. 4968 and Rep. Act No. 5095

Compulsory

Retirement

Seventy (70) years of age with less than twenty (20) years government service

Seventy (70) years of age with twenty (20) years government service

Five-year lump Sum [110]

No monthly annuity (Sec. 2, Rep. Act No. 910)

Five-year lump sum plus monthly annuity after five (5) years. (Sec. 1, Rep. Act No. 910)

Optional

Retirement

Sixty (60) years of age with twenty (20) years government service and the last five (5) years served in the judiciary

Five-year lump Sum plus monthly annuity after five (5) years. (Sec. 1, Rep. Act No. 910)

Permanent and

Total Disability

At any age with twenty (20) years government service

At any age with less than twenty (20) years government service

Ten-year lump sum [111] and no monthly annuity after five (5) years. (Sec. 1 & 3, Rep. Act No. 910 and Galang case)[112]

Five-year lump sum and no monthly annuity

Death Benefits

(Retirement

Gratuity)

Dies at any age with twenty (20) years government service

Dies at any age with less than twenty (20) years government service

Five-year lump sum and no monthly annuity for the heirs (Sec. 2, R.A . 910)

Five-year lump sum and no monthly annuity for the heirs (Galang Case)

5. PROCEDURE AND REQUIREMENTS FOR THE PROCESSING OF RETIREMENT BENEFITS

5.1. The retiree shall submit to the EWBD, OAS, OCA the following:

5.1.1. Basic Requirements

5.1.1.1. Application for Retirement, duly accomplished;

5.1.1.2. Birth Certificate; in the absence of a Birth Certificate, an affidavit of two (2) disinterested persons attesting to the retiree's date of birth and a Certificate of Loss of Records from the Office of the Local Civil Registrar

5.1.1.3. Service Record from other government offices, if any, duly certified by the officials concerned and with proper notation of Leave of Absence with or without Pay (LWOP);

5.1.1.4. Bar Clearance (for lawyers);

5.1.1.5. Updated Statement of Assets and Liabilities;

5.1.1.6. Ombudsman Clearance;

5.1.1.7. Office Identification Card to be surrendered upon the filing of application for retirement;

5.1.1.8. RTC Clearance issued by the Clerk of Court as to no pending criminal or administrative case; and

5.1.1.9. Clearance as to no money and property accountabilities issued by the Clerk of Court; if the retiree is the Clerk of Court, the clearance must be duly noted by Provincial City/Municipal Treasurer.

5.1.2. Additional Basic requirements:

5.1.2.1. For Justices/Judges

- Certification of regular monthly salary and other emoluments;
- List of cases pending decision or resolution including the dates said cases were submitted and whether said cases are current or inherited and list of cases pending trial certified by the Branch Clerk of Court (for Judges)

5.1.2.2. For Stenographers

- Clearance from the Court of Appeals and the Clerk of Court of the retiree as to pending stenographic notes;

5.1.2.3. For Clerks of Court and Officers-in-charge

- Reconciliation of cash accountabilities

5.1.3. Additional requirements for survivorship benefits (Justices, Judges and Court employees)

5.1.3.1. Death Certificate;

5.1.3.2. Certificate issued by the Clerk of Court, RTC, as to no testate or intestate proceedings on the estate of the deceased;

5.1.3.3. Certified true copy of marriage contract;

5.1.3.4. Proofs of surviving legal heirs (fill in spaces for legitimate, legally adopted, acknowledged natural children and indicate none in the absence of any children under any of the categories);

5.1.3.5. Affidavit of guardianship (children of minor age); and

5.1.3.6. Birth certificates of all children;

5.1.4. Additional Requirements for disability retirement:

5.1.4.1. Medical Certificate (Part I and II); and

5.1.4.2. All medical records in support of claim for permanent total disability.

5.2. All applications for retirement, except in cases of compulsory retirement, are submitted to the Court for approval. For one availing of optional retirement or disability retirement, the application for retirement shall specify the date of effectivity thereof and the applicant shall cease working and discharging all his functions on the specified date of retirement even without receiving any notice of approval or denial of said application. [113]

5.3. In case of disability retirement, the application together with the Medical Certificate (Part I and II) is referred to the SC Clinic Office for evaluation, comment and recommendation as to whether the employee's disability is permanent and total.

5.4. After approval of the application for retirement by the Court, the retirement records are forwarded to the EWBD for the issuance of the Supreme Court Clearance.

5.5. After completion of the signatures required in the Clearance, a copy thereof is submitted to the EWBD for transmittal of the papers for retirement either to the Finance Division, OCA for payment of benefits under Rep. Act No. 910 (for justices/ judges) and Rep. Act No. 1616 (for Court employees); or to the GSIS for those retiring under Rep. Act No. 8291 or Rep. Act No. 660. For those retiring under Rep. Act No. 1616, a copy of the approval letter of retirement together with copies of the following documents must be submitted to the GSIS for the Refund of Retirement Premiums, to wit:

5.5.1. Service Record;

5.5.2. Supreme Court Clearance;

5.5.3. Statement of Assets and Liabilities;

5.5.4. NBI/Police Clearance or Certification as to pending administrative and/or criminal case; and

5.5.5. Ombudsman Clearance

6. PORTABILITY SCHEME

Members who transfer from public to private employment may choose to retain or continue their membership in either GSIS or SSS, or in both Systems. The scheme allows the transfer of funds (portability) as well as the adding up of the periods of creditable services or contributions (totalization).[114]

Justices and judges cannot avail of the portability scheme because their retirement is covered by special laws.[115]

7. EFFECT OF EXTENSION OF SERVICE FOR PURPOSES OF RETIREMENT

An employee who has reached the compulsory retirement age of sixty-five (65) years can request for an extension of service for a period of six (6) months.[116] Such extension shall be for a maximum period of one (1) year for those who will complete the fifteen (15) years of service required under the GSIS Law in which case, the services rendered during the period of extension shall be credited as part of government service, for purposes of retirement.

Employees on extended service shall be entitled to salaries, allowances and other remuneration that are normally considered part and parcel of the compensation package subject to existing regulations. Such extension of service shall however not entitle them to leave credits. [117]

Requests for extension of service must be submitted to the Court for approval and not with the Civil Service Commission.[118]

Coterminous staff of the justices are exempted from the compulsory retirement at age sixty-five (65).[119]

G. SC HEALTH AND WELFARE PLAN (SCHWP)

The SCHWP was created to provide medical assistance to the employees of the Supreme Court, lower courts and the Presidential Electoral Tribunal, in addition to the existing benefits given by the government.[120] Membership is voluntary and a member contributes FIFTY PESOS (P50.00) monthly.

1. MEMBERSHIP

1.1. Requisites for Membership

Membership in the PLAN shall be open to all officials and employees of the Supreme Court, lower courts, as well as those of the Presidential Electoral Tribunal (PET) [except those of the Court of Appeals, Sandiganbayan and Court of Tax Appeals] on a permanent, temporary or coterminous position. Casual and contractual employees shall be qualified for membership provided they have served for at least one (1) year in the judiciary and have paid at least one (1) month of contribution to the plan.

1.2. Duration of Membership

Membership in the plan shall continue until the separation of the member from the service in the judiciary.

1.3. Suspension of Membership

When a member goes on vacation leave of absence without pay, or is preventively suspended or is penalized with

suspension without pay by virtue of a final and executory judgment in an administrative case, his membership in the PLAN shall vis-a-vis be suspended. His membership is deemed restored when said member reports for work after the expiration of the leave or suspension.

1.4. Renewal of Membership

A member who has retired, resigned or transferred to another government office, or was separated for cause but subsequently re-appointed shall be considered as a new member.

1.5. Voluntary Withdrawal of Membership

A member who voluntarily withdraws membership may be readmitted upon approval by the Board and upon recommendation by the Medical Screening Committee.

1.6. Termination of Membership

A member may terminate his membership from the plan provided he shall file a letter signifying such intention and subject to the approval of the Board.

2. BENEFITS

2.1. Medical Assistance Benefit

A member who is confined in a hospital due to illness or operation or sustains an injury shall be extended monetary assistance annually in the following rates and conditions:

2.1.1. Maximum of Fifty Thousand (P50,000.00) Pesos for a major surgical operation; major medical case

2.1.2. Maximum of Thirty Thousand (P30,000.00) Pesos for a minor surgical operation; minor medical case

2.1.3. Maximum of Five Thousand (P5,000.00) Pesos for dental and Five Thousand (P5,000.00) for optical every two (2) years^[121]

2.1.4. All other requests for medical assistance for a major illness not requiring hospitalization shall be evaluated by the Supreme Court's physician and SCHWP Board on a case to case basis.

For the purpose of this program, major and minor operations are enumerated in the Appendix.

2.2. Burial Aid

The amount of Twenty Thousand (P20,000.00) Pesos is given to the heirs upon submission of the application therefor with a copy of a death certificate.

2.3. Out-Patient Benefits

In the event the member suffers illness or injury not requiring confinement in a hospital, the SC Health & Welfare Plan shall provide the following:

2.3.1. Referral to a specialist by the clinic physician during office hours.

2.3.2. Emergency treatment of minor illness or injury during. Saturdays, Sundays and holidays.

3. EXCLUDED MEDICAL SERVICES

3.1. Treatment of any injury attributable to a member's own misconduct, gross or contributory negligence, intemperate use of drug or alcoholic beverages, vicious or immoral acts, direct or indirect participation in the commission of a crime, violation of law or ordinances;

3.2. Treatment of injury or illness resulting from suicide or self-destruction whether sane or insane;

- 3.3. Maternity care as a result of pregnancy and normal delivery (caesarian operation is compensable limited to two (2) times only);
- 3.4. Cosmetic services, plastic and reconstructive surgery, experimental procedures, sex transformation, acupuncture and services related to fertility, infertility, artificial insemination, circumcision and organ transplant;
- 3.5. Long-term rehabilitation, speech therapy and psychiatric conditions;
- 3.6. Congenital defects sexually transmitted diseases; and
- 3.7. All other items not directly related to the medical management of the member-employee such as extra bed, extra food, extra television and other amenities.

4. PROCEDURE AND REQUIREMENTS FOR CLAIMING BENEFITS

- 4.1. File with the SCHWP President/Chairman an application within ninety (90) days from consultation, admission or death.
- 4.2. If unable to accomplish application, the same may be executed, signed and filed in his behalf by:
 - 4.2.1. legal spouse;
 - 4.2.2. legitimate children;
 - 4.2.3. legal guardian; or
 - 4.2.4. siblings.
- 4.3. The application must be accompanied by:
 - 4.3.1. Medical certificate executed under oath by the attending surgeon or physician stating the nature and cause of illness or injury;
 - 4.3.2. Operation record in cases of operation; and
 - 4.3.3. Statement of Accounts issued by the hospital accountants to support the claim for benefits.
- 4.4. The following requirements must be submitted before the Supreme Court Clinic issues a referral to any hospital accredited by the Plan, to wit:
 - 4.4.1. Certificate of Membership issued by the EWBD or the SCHWP Secretariat;
 - 4.4.2. Note from the attending physician indicating the diagnosis, plan of treatment and extent of medical assistance needed;
 - 4.4.3. Present PhilHealth papers duly signed by proper authorities;
 - 4.4.4. Application form duly signed by employees and sworn to by their respective Judges/proper OCA authorities; and
 - 4.4.5. Prior to hospital discharge, submit to SCHWP a medical certificate from the attending physician.[122]
- 4.5. For Burial Benefits:
 - 4.5.1. Application attested by the Judge;
 - 4.5.2. Proof of payment of arrears (if applicable);
 - 4.5.3. Death certificate (certified true copy);
 - 4.5.4. Marriage contract (if married); and
 - 4.5.5. Funeral expenses
- 4.6. List-of Accredited Hospitals as of January 2000
 - 4.6.1. Philippine General Hospital
 - 4.6.2. St. Luke's Medical Center
 - 4.6.3. Medical Center Manila

4.6.4. Manila Doctor's Medical Center

4.6.5. Mary Johnston Hospital

4.6.6. Dominic Medical Center, Inc.

4.6.7. St. Louie Hospital of the Sacred Heart, Baguio City

A member who desires to get admitted to said hospitals must first proceed to the SC Clinic to secure a Letter of Authorization which is required by hospitals prior to admission for confinement.

4.7. Contact Numbers for queries on:

4.7.1. Receipt of application, call 524-9560 (Secretariat)

4.7.2. Medical coverage/requirements, call 523-2323 (SC Clinic)

4.7.3. Check disbursement, call 525-7792 (FMBO)

H. OTHER BENEFITS

1. ALLOWANCES

Allowances are emoluments granted in addition to fixed compensation or in exchange for services rendered. Allowances are paid or given in cash or in kind subject to certain conditions provided for by law authorizing the grant. Allowances may either be commutable or reimbursable, duly supported by receipts or by a certificate to the effect that the expenses had been duly incurred in accordance with the purpose for which the allowances are granted.[123]

1.1. Clothing Allowance

Each employee is entitled to a uniform and clothing allowance per year under the General Appropriations Act (GAA). This may be given in kind, subject to the discretion of the department head concerned. In case of deficiency, or in the absence of appropriation for the purpose, the requirements may be charged against the savings in the appropriations of each department, bureau, office or agency.[124]

1.1.1. Guidelines for the grant

1.1.1.1. Annual clothing allowance shall be given to all employees, whether employed on permanent or emergency basis, who are in the service for at least six (6) consecutive months, provided they serve the agency for another six (6) months from the day they receive the allowance.[125]

1.1.1.2. Where the law authorizes the furnishing of uniforms only, this should be construed to include only regulation caps, pants and coats. Unless expressly mentioned, the purchase of shoes as part of uniform at government expense shall not be allowed.[126]

1.2. Representation and Transportation Allowance (RATA)

RATA is granted by law to national government officials and employees to cover expenses incurred in the discharge or performance of their duties and responsibilities such as:

1.2.1. Those whose positions are identified as Chiefs of Division in the Personal Services Itemization (PSI) of the agency;

1.2.2. Those whose positions are determined by the DBM to be of equivalent rank with the officials and employees enumerated in the Index of Occupational Services (IOS) issued by the DBM and in the PSI of the agency; and

1.2.3. Those who are duly designated by competent authority to perform the full-time duties and responsibilities, whether or not in a concurrent capacity, as officers-in-charge from one (1) whole calendar month or more.

RATA is attached to the performance" of the duties and responsibilities of the incumbents of positions and the

salary grades of positions do not automatically entitle the incumbents thereof to RATA.[127]

1.3. Personnel Economic Relief Allowance (PERA)

The PERA in the amount of Five Hundred (P500.00) is given monthly to all employees irrespective of employment status as provided for under the GAA. The PERA replaced the Cost of Living Allowance (COLA) which was integrated into the basic salary pursuant to the provisions of Rep. Act No. 6758 or the Salary Standardization Law.[128]

1.4. Judiciary Development Fund (JDF) Benefits

The purpose of the grant of this benefit is to upgrade the economic conditions of the members and personnel of the Judiciary in order to preserve and enhance the independence of the Judiciary at all times and safeguard the integrity of its members.[129]

Eighty percent (80%) of the JDF is used to augment the allowances[130] of employees of the Judiciary. The JDF shall be distributed in proportion to the basic salaries of the officials and employees and that bigger allowances shall be granted to those receiving lesser basic salaries.

1.4.1. Who are entitled

All officials and employees who have rendered actual service for the whole period covered by the grant shall be entitled to 100% or the full amount of the benefit. Proportionate rates of benefit are given to:

- 1.4.1.1. those whose actual service during the period covered is less than the required number of months;

- 1.4.1.2. those who died, retired compulsorily, separated from the service through no fault of their own (e.g. expired appointments);

- 1.4.1.3. those who have been on approved vacation leave of absence without pay (LWOP) for a continuous or uninterrupted period of one week or more. The term "actual service" refers to the period of continuous service since the appointment of the official or employee concerned including the period or periods covered by any previously approved leave of absence without pay; and

- 1.4.1.4. those who, during the period covered by the grant of benefit, have optionally retired, resigned or transferred to another agency.

1.4.2. Who are disqualified to receive

- 1.4.2.1. consultants;

- 1.4.2.2. those hired through contract for services;

- 1.4.2.3. those who have been found guilty of an administrative charge, except those who have been reprimanded or warned during the period covered by the grant of the benefit; and

- 1.4.2.4. those who have been absent without official leave (AWOL) during the period covered by the grant of the benefit.

1.5. Fringe Benefits

The objective of this benefit is to promote the economic well-being of the members of the Judiciary and court personnel, with such well-being resulting in revitalized competencies and positive and substantial work contributions and inputs to the efficiency and effectiveness of government operations in the interest of public service and in the pursuit of justice.

1.6. Productivity Incentive Benefits (PIB)[131]

The purpose of the PIB is to provide appropriate and reasonable incentive to officials and employees, compensate

equitably their accomplishments, boost their morale and efficiency, and encourage them to enhance their dedication to duty in the pursuit of excellence in the service.[132]

1.6.1. Who are entitled

It is granted to all officials and employees who have rendered actual service in the government for at least one (1) year as of December 31 of the preceding year.[133] The official must have obtained at least a satisfactory performance rating for the two (2) semesters immediately preceding the year in which the incentive pay shall be released.

1.6.2. Who are disqualified to receive

1.6.2.1. consultants;

1.6.2.2. those hired through contract for services;

1.6.2.3. those who obtained a performance rating lower than satisfactory for any of the semesters of the preceding year;

1.6.2.4. those who incurred vacation leave without pay for an aggregate period of five (5) days or more during the preceding year;

1.6.2.5. those who, during the preceding year, have died, optionally retired, resigned, transferred to another office, been dismissed or dropped from the rolls, or whose temporary or casual appointments have expired without the same having been renewed;

1.6.2.6. those who have been habitually tardy during the preceding year, as shown by the records of the Administrative Office;

1.6.2.7. those who were suspended either preventively or as a penalty as a result of an administrative charge within the year for which the PIB is paid, regardless of the duration;

1.6.2.8. those who were dismissed within the year;

1.6.2.9. those who are absent without official leave (AWOL) during the preceding year; and

1.6.2.10. those who have been found guilty of an administrative charge except those who have been reprimanded or warned.

1.6.3. Officials and employees who transferred to another government office/agency on or before the end of the calendar year for which the PIB was granted shall be paid by the new office/agency while the benefits of those who transferred after December 31 of the same calendar year shall be paid by the former office/ agency.

1.7. Year-End Benefits

1.7.1. Who are entitled

Those who have rendered at least four (4) months of service from January 1 to October 31 of each year and who are employed in the government service as of October 31 of the same year shall each receive a Christmas bonus equivalent to one month basic salary and additional cash gift of Five thousand pesos (P5,000.00).[134] One half (112) of the amount maybe availed of as an interest free loan during midyear. [135]

1.7.2. Rules and regulations

Additional rules and regulations on the grant of year-end bonus and cash gift shall be subject to existing Budget Circulars of the Department of Budget and Management.[136]

1.8. Step Increment[137]

Step increment is granted for every three (3) years of continuous service in a particular position. Justices and judges are entitled to step increment in addition to their longevity pay.[138]

1.9. Loyalty Cash Award

A cash bonus of Five Hundred Pesos (P500.00) for every year of service is granted to an employee who has completed ten (10) years of service in the government and for every five (5) years thereafter. However, the service contemplated herein must be continuous and satisfactory, hence, an employee is not entitled to the award if he has incurred:

1.9.1. more than one hundred eighty (180) days or six (6) months of vacation leave without pay within the initial ten (10) year period, as the said vacation leave without pay is deducted from the length of service; and

1.9.2. more than ninety (90) days or three (3) months of vacation leave of absence without pay within the succeeding five (5) years of service, as the said vacation leave without pay is deducted from the length of service.

1.10. Anniversary Bonus[139]

Pursuant to Adm. Order No. 263 dated March 28, 1996, an Anniversary Bonus shall be granted to employees of the agency during the agency's milestone years. A milestone year refers to the 15th anniversary and every fifth anniversary thereafter.

Guidelines on the grant of Anniversary Bonus:

1.10.1. Granted only during milestone years;

1.10.2. The amount does not exceed P3,000.00 provided that the employee has rendered at least one (1) year service in the same agency as of the date of the milestone year; and

1.10.3. Those found guilty of any offense in connection with their work during the five-year interval between the milestone year shall not be entitled to the succeeding anniversary bonus.

1.11. Supreme Court Motorcycle Acquisition Program (MAP) for Process Servers

The President of the Process Servers Association of the Philippines (PROSAPHIL), in his letter dated May 5, 1999 requested the Hon. Chief Justice for the procurement of motorcycles for the use of the process servers in the interest of speedy service of summonses and other court processes. The Court Administrator recommended the approval of the request and stated that the purchase of the said motorcycles under the Motorcycle Acquisition Program (MAP) may be deemed part of the welfare and personnel development plan mandated by Sec. 31, Chapter 5, Subtitle A, pertaining to the Civil Service Commission of Title I Book V of the 1987 Administrative Code. Moreover, the use of funds from the Judiciary Development Fund to finance personnel welfare program has been previously allowed by the Court in its resolution dated August 18, 1998 in A.M. No. 98-8-01-SC (Re: Creation of the SC Health and Welfare Plan).

On November 13, 2001 in A.M. No. 99-8-12-SC, the Court approved the Memorandum of Agreement with Norkis Trading Co., Inc and with Kawasaki Motors Philippines Corporation for the purchase of motorcycles under the SC-MAP, on a non-exclusive basis and without prejudice to entering into similar agreements with other motorcycle companies/suppliers in the future and subject to the guidelines set forth in the Standard Operating Procedure dated August 14, 2000 and under SC Resolution of August 19, 1999.

1.11.1. Implementing Guidelines of the MAP

1.11.1.1. The employee must be a holder of a permanent item in the Judiciary.

1.11.1.2. The employee must be appointed to a Process Server position.

1.11.1.3. The employee must have rendered at least three (3) years of continuous service in the Judiciary.

1.11.1.4. The employee must be fifty-nine (59) years of age or less as of the date of the application for the motorcycle.

1.11.1.5. The employee must have no pending administrative or criminal case as of the date of the application for the motorcycle loan.

1.11.1.6. The employee must have a minimum total of thirty (30) days of earned vacation and/or sick leave credits as of the date of the application for the motorcycle loan and 50% of such minimum total must always be maintained and may be used only by the employee concerned for valid and meritorious reasons as determined by the Court Administrator.

1.11.1.7. Only the cost of the motorcycle shall be advanced from the Judiciary Development Fund. The employee shall shoulder the costs of forwarding or freightage, if any, registration charges, insurance premiums as well as other incidental expenses. The employee shall also be responsible for the costs of maintenance and repair of the motorcycle.

1.11.1.8. The cost of the motorcycle shall be amortized over a period of three (3) years. For this reason, the employee must render service obligation in the Judiciary for three (3) years immediately after receipt of the motorcycle during which period the installments shall be deducted monthly from his salary. All payments shall accrue in favor of the JDF

Should the employee fail to render the required three-year service obligation through his own fault, negligence, unsatisfactory or poor performance or other causes within his control resulting in the non-payment of the full cost of the motorcycle, or should the employee resign, transfer to an agency or office under another branch of Government, voluntarily retire, or be separated/removed from the service, the entire unpaid balance shall become due and payable.

1.11.1.9. The deductions from the salary of the employee must not reduce his monthly take home pay to an amount lower than P2,000.00 after deducting all other statutory deductions (in accordance with the provisions of Sec. 36, General Provisions of the General Appropriations Act for 1999).

1.11.1.10. The Process Servers Association of the Philippines (PROSAPHIL) shall not in any manner collect or charge fees of any nature (processing, etc.) from process servers applying for a motorcycle under the Motorcycle Acquisition Program.

1.11.1.11. The applicant must be a licensed motorcycle driver.

1.11.1.12. A co-maker/guarantor possessing the same qualifications required under terms and conditions nos. 1, 3, 4, 5 and 6 and with a salary grade equal to or higher than that of the applicant should be required to guarantee payment of the loan.

1.11.2. Filing and Processing of Applications

Application forms together with all the necessary documents will be made available at the Office of the Court Administrator, Supreme Court, Manila and the participating motorcycle companies/branches/accredited dealers/marketing outlets.

Process servers desiring to acquire a motorcycle under the program should fill out the application form (SC-MAP Form 1) specifying therein the brand and model applied for.

Upon approval of the loan, a Delivery Order together with the Chattel Mortgage Contract, Amortization for Salary Deduction, Deed of Transfer, Promissory Note and Insurance application is forwarded to the concerned motorcycle company.

1.12. Additional Allowances/Benefits of Judges

1.12.1. Honorarium

It is given monthly, chargeable against the savings from the appropriations for the lower courts or that portion of

the JDF intended for amelioration in the amounts as follows:

1.12.1.1. Judges of the Regional Trial Courts

P3,000.00 - For Executive Judges of multiple salas of forty (40) or more branches;

P2,000.00 - For Executive Judges of multiple salas of twenty (20) or more but less than forty (40);

P1,500.00 - For Executive Judges of multiple salas of ten (10) but less than twenty (20);

P1,000.00 - For Executive Judges of multiple salas of two (2) but less than ten (10); and

P500.00 - For Executive Judges of single sala courts.

1.12.1.2. Judges of the Metropolitan Trial Courts

P1,500.00 - For Executive Judges of multiple salas of ten (10) or more branches;

P1,000.00 - For Executive Judges of multiple salas of two (2) or more but less than ten (10); and

P500.00 - For Executive Judges of single sala courts

1.12.1.3. Judges of the Municipal Trial Courts in Cities

P1,000.00 - For Executive Judges of multiple salas of ten (10) or more branches;

P750.00 - For Executive Judges of multiple salas of two (2) or more but less than ten (10); and

P300.00 - For Executive Judges of single sala courts. [140]

1.12.2. Hardship Allowance[141]

It is an incentive granted to judges who are given additional duty of hearing and deciding cases of other branches of other courts of the same level.

Circular No. 43-99 dated July 7, 1999 of the Office of the Court Administrator provides the guidelines in implementing the provisions of Resolution No. 99-01-04-SC. (See Appendix.)

1.12.3. Additional Expense Allowance[142]

It is given to Judges of the RTC, MeTC, MTCC, MTC, and MCTC, who are given additional assignments of hearing and deciding cases of other branches of the lower courts in the amount of Five Hundred (P500.00) a day for every day rendered in other branch or branches but in no case to exceed Six Thousand Pesos (P6,000.00) a month, and chargeable against the regular appropriations for representation and travel allowances for such other branch or branches.

1.12.4. Longevity Pay (For Justices, Judges and those with similar rank)[143]

A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to the Justices and Judges for each five (5) years of continuous, efficient and meritorious service rendered in the Judiciary.

I. OTHER PRIVILEGE

PERMISSION TO TEACH

Pursuant to En Banc Resolution dated June 4, 1974 and Circular No. 62-97 dated October 9, 1997 of the Office of the Court Administrator, all Judges and personnel of the courts may be allowed to teach subject to the following rules and regulations:

- Teaching hours shall in no case be earlier than 5:30 p.m. on regular working days (Mondays through Fridays) and 2:30 p.m. on Saturdays;
- Teaching shall be limited to eight (8) hours a week, and in no case shall a judge or court personnel be allowed to teach more than two (2) hours a day on regular working days (Mondays through Fridays);
- Applications for permission to teach filed by a judge shall be accompanied by a certification of the Clerk of Court concerned regarding the condition of the court docket showing:
 - the number of pending cases; and
 - the number of cases disposed of within a 3-month period prior to the start of the semester in their respective sala.
- Those filed by court personnel shall be accompanied by a favorable recommendation of the Presiding Judge; and
- Application for permission to teach shall be subject to approval of Court, which may deny the same or grant less than eight (8) hours, depending upon the applicant's performance record.

[1] Memo Circular No. 14, s. 1999, Sec. 1.

[2] Ibid., Sec. 10.

[3] Memo. Circular No. 41, s. 1998, Sec. 44.

[4] Ibid., Sec. 51.

[5] Ibid., Sec. 52.

[6] Ibid., Sec. 25.

[7] Actual service – The term “actual service” refers to the period of continuous service since the appointment of the official or employee concerned, including the period or periods covered by any previously approved leave with pay.

[8] Op. cit., Sec. 28.

[9] Ibid, Sec. 34.

[10] Memo. Circular No. 41, s. 1998 Definition of Terms.

[11] Ibid., Sec. 53.

[12] Memo. Circular No. 14, s. 1999, Sec. 54.

[13] Ibid., Sec. 11.

[14] Memo. Circular No. 41, s. 1998, Sec. 12.

[15] Ibid., Sec. 13.

[16] Memo. Circular No. 14, s. 1999, Sec. 14.

[17] Memo. Circular No. 41, s. 1998, Sec. 15.

- [18] Ibid., Sec. 16.
- [19] Ibid., Sec. 17.
- [20] Ibid., Sec. 19.
- [21] Memo. Circular No. 14, s. 1999, Sec. 20.
- [22] Memo. Circular No. 41, s. 1998, Sec. 21.
- [23] Ibid., Sec. 25.
- [24] OCA Circular No. 27-99 dated 31 May 1999.
- [25] Memo. Circular No. 41 s. 1998, Sec. 35.
- [26] Ibid., Sec. 36.
- [27] Memo. Circular No. 14, s. 1999, Sec. 37.
- [28] Memo. Circular No. 41, s. 1998, Sec. 38.
- [29] Ibid., Sec. 39.
- [30] Ibid., Sec. 22.
- [31] Ibid., Sec. 23.
- [32] Ibid., Sec. 30.
- [33] Ibid., Sec. 49.
- [34] Ibid., Sec. 50.
- [35] Memo. Circular No. 14, s. 1999, Sec. 63.
- [36] Ibid., Sec. 56.
- [37] Memo. Circular No. 41, s. 1998, Sec. 57.
- [38] Secondment – movement of an employee from one department or agency to another which is temporary in nature and which may not require the issuance of an appointment but may either involve reduction or increase in compensation. Ibid., Sec. 58.
- [39] Ibid., Sec. 60.
- [40] Ibid., Sec. 31.
- [41] Ibid., Sec. 43.
- [42] Ibid., Sec. 55.
- [43] Ibid., Sec. 62.
- [44] Ibid., Sec. 64.
- [45] Memo. Circular No. 14, s. 1999, Sec. 61.
- [46] Memo. Circular No. 19, s. 1999, Sec. 34.

- [47] Memo. Circular No. 14, s. 1999, Sec. 65.
- [48] Memo. Circular No. 41, s. 1999, Sec. 66.
- [49] Ibid., Sec. 47.
- [50] Ibid., Sec. 48.
- [51] Memo. Circular No. 14, s. 1999, Sec. 32.
- [52] Ibid., Sec. 33.
- [53] CSC 1st Indorsement, December 24, 1959; August 2, 1967.
- [54] 2 Martin, R. Rev. Adm. Code 19.
- [55] Government Auditing Office Decision, June 23, 1937.
- [56] Rep. Act No. 8291 or the GSIS Act of 1997, Sec. 3.
- [57] Implementing Rules of Rep. Act No. 8291, Sec. 11.3.1.
- [58] Id
- [59] Rep. Act No. 8291, Sec. 2 (g) and (h).
- [60] In re: Mario Chanliongco, 79 SCRA 364 (1977).
- [61] Chapter 3, Legal or Interstate Succession, Civil Code.
- [62] GSIS Memorandum Circular 1-2001 dated May 15, 2001.
- [63] Id.
- [64] GSIS Circular No. 1-99 dated March 1, 1999.
- [65] Temporary Total Disability – arises when the impaired physical or mental faculties can be rehabilitated and or restored to their normal function [Implementing Rules of Rep. Act No. 8291, Sec. 1.21].
- [66] Ibid., Sec. 9, 6.1.
- [67] GSIS Board Resolution, May 4, 1999.
- [68] Implementing Rules of Rep. Act No. 8291, Sec. 12.1.
- [69] Ibid.
- [70] Rep. Act No. 7742, Sec. 1.
- [71] Rep. Act No. 7742, Sec. 6.
- [72] Rep. Act No. 7875, Sec. 2; PHIC Board Resolution No. 34, s. 1996 – Implementing Rules and Regulations of Rep. Act No. 7875, Sec. 3.
- [73] Rep Act. No. 7875, Sec. 11; PHIC Board Resolution No. 34, s. 1996.
- [74] Ibid., Sec. 44.
- [75] Id.

[76] PHIC Board Resolution No. 34, s. 1996, Sec. 52.

[77] Pres. Decree No. 442 (otherwise known as the Labor Code of the Philippines), as amended by Art. 166 of Pres Decree No. 626 (Employees' Compensation).

[78]Ibid., Art. 173 as amended by Pres. Decree No. 1921; see also Rule IV, Sec. 2, Amended Rules on Employees' Compensation; ECC Resolution No. 2799, July 25, 1984.

[79] Amended Rules on Employees' Compensation (eff. June 1, 1987), Rule 1, Sec. I.

[80] Ibid., Sec. 2.

[81]Ibid., Sec. 3.

[82] Ibid., Sec. 4.

[83] Amended Rules on Employees' Compensation (1987), Rule III, Sec. 1.

[84] ECC Board Resolution 93-08-0068 approved August 5, 1993.

[85] ECC Resolution 3914-A approved July 5, 1988.

[86] Primer on the Employees' Compensation Program.

[87] Amended Rules on Employees' Compensation (1987), Rule III, Sec. 1.

[88] Ibid., Sec. 2.

[89]Ibid., Sec. 3.

[90]Ibid., Sec. 2.

[91] Ibid., Sec. 3.

[92] Ibid., Sec. 4.

[93] Ibid., Sec. 5.

[94]Temporary Total Disability is a disability which prevents an employee from performing his work for a continuous period not exceeding 120 days, except when such disability requires medical attendance beyond 120 days, but not exceed 240 days.

[95] Permanent Total Disability is a disability which is any of the following circumstances: (a) A disability that lasts for more than the period prescribed for Temporary Total Disability and prevents an employee from pursuing his usual work and earning therefrom; (b) complete loss of sight of both eyes; (c) loss of two limbs at or above the ankles or wrists; (d) permanent and complete paralysis of two limbs; (e) brain injury resulting in incurable imbecility or insanity; and (f) such other cases as determined by the System and approved by the ECC.

[96]Permanent Partial Disability is a disability which causes the permanent loss of the use of any part on an employee's body

[97] Amended Rules on Employees; Compensation (1987), Rule XV, Sec. 1.

[98] Benefits payable by the GSIS.

[99]Benefits payable by the last agency.

[100]Implementing Rules of Rep. Act No. 8291, Rule 2.4 (5).

[101] Benefits payable by the GSIS.

[102] Implementing Rules of Rep. Act No. 8291 (Sec. 13 [1]), Rule VIII, Sec. 8.1.

[103] Rep. Act No. 8291, Sec. 11.

[104] Ibid., Sec. 16.

[105] Rep. Act No. 8291, Sec. 20.

[106] Implementing Rules and Regulations of Rep. Act No. 8291, Rule X, Sec. 10.2 (a).

[107] Ibid., Sec. 10.2 (b)

[108] Ibid., Sec. 10.3.1

[109] Benefits payable by the Supreme Court.

[110] Five-Year Lump sum = Highest Salary plus Step Increment (if any), Longevity Pay (if any), RATA, COLA, PERA and ADCOM multiplied by sixty (60) months

[111] Ten-Year Lump sum = Highest Salary plus Step Increment (if any), Longevity Pay (if any), RATA, COLA, PERA and ADCOM multiplied by one hundred twenty (120) months.

[112] AM No. No. 1270-Ret. Re: Retirement Benefits of the late City Judge Alejandro Galang, Jr. 107 SCRA 12 [1981].

[113] SC Circular No. 16, December 2, 1986.

[114] Rep. Act No. 7699.

[115] A.M. No. 9860-Ret., June 22, 1999.

[116] CSC Memorandum Circular No. 15 s. 1999.

[117] Id.

[118] A.M. No. 99-11-461, January 18, 2000.

[119] A.M. No. 93-3-041, March 25, 1993.

[120] A.M. No. 98-8-01-SC, August 18, 1998.

[121] Suspended as of December 11, 2000 until further order per Resolution of SCHWP.

[122] SCHWP Board Resolution No. 162-2000, January 17, 2000.

[123] Government Accounting & Auditing Manual, Sec. 286.

[124] Ibid., Section 305.

[125] Id.

[126] Ibid., Sec. 305 (c) citing Gen. Circular No. 108, September 28, 1914; GHQ-DND Circular No. 15, September 26, 1987.

[127] National Compensation Circular No. 67 of the Department of Budget and Management dated January 1, 1992 (Representation and Transportation Allowance of National Government Officials and Employees).

[128] See letter dated July 28, 1997 of Irene G. Daleja, Undersecretary of the D.B.M. to former Presiding Justice Nathaneal de Pano, Jr., Court of Appeals, Re: Inclusion of PERA to computation of retirement and gratuity benefits under Rep. Act No. 910.

[129] SC Adm. Circular No. 5-2001 dated January 9, 2001.

[130] Sec. 1 Pres. Decree No. 1949 dated July 19, 1984.

[131] Adm. Order No. 161 in conjunction with National Compensation Circular No. 73; DBM Circular Letter No. 2002-3 dated January 2, 2002.

[132] SC Adm. Circular No. 5-2001 dated January 9, 2001

[133] Ibid.

[134] Rep. Act No. 6686, Sec. 1.

[135] Adm. Circular No. 195, issued by the President on May 30, 1995.

[136] Budget Circular No. 15, March 5, 1998.

[137] Sec. 7, Executive Order No. 292 in accordance with CSC-DBM Circular No. 1 s. 1990; the initial implementation was in January 1, 1990.

[138] A.M. No. 99-12-01-SB, January 1, 1990.

[139] Adm. Order No. 263, March 28, 1996.

[140] A.M. No. 99-1-06-SC, August 3, 1999.

[141] Resolution 99-01-04-SC, February 2, 1999.

[142] Id.

[143] Batas Blg. 129 Sec. 42; See also En Banc resolution of September 30, 1986.

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