

OCA CIRCULAR NO. 6-2003, January 09, 2003

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TO:

ALL JUDGES AND COURT PERSONNEL

SUBJECT:

POLICY ON FILING OF APPLICATIONS FOR MATERNITY, PATERNITY, SICK, VACATION, SPECIAL PRIVILEGE AND FORCED LEAVE AND LEAVE TO BE SPENT ABROAD

For a more efficient processing of applications for leave (maternity, paternity, sick, vacation, special privilege and forced leave and leave to be spent abroad) and to avoid spurious or delayed claims of leave benefits, the following guidelines shall be observed:

I. MATERNITY LEAVE

The maternity leave application shall be filed not later than THREE (3) MONTHS following the childbirth or miscarriage accompanied by the following supporting documents:

- a. certificate of live birth (authenticated) of the child;
- b. medical certificate of the attending physician, under oath; and
- c. in case of abortion (complete/incomplete):
 - c.1. histopathological report of the abortion;
 - c.2. operating room record;
 - c.3. certified copy of the hospital records relevant to the confinement for abortion; and c.4. any other evidence to prove that pregnancy took place.

The disapproved maternity leave application shall be charged to the applicant's sick and vacation leave credits, if any.

For commutation of maternity leave, a letter-request therefor shall be filed not later than THREE (3) MONTHS following the childbirth or miscarriage, accompanied by the following supporting documents:

- medical certificate of the attending physician, under oath, stating that the applicant is fit to report back for work;
- certification from the Clerk of Court that the applicant has reported back for work; and
- certificate of service or daily time record (DTR) showing that the applicant reported back for work during the period she is entitled to go on maternity leave.

II. PATERNITY LEAVE

The paternity leave application shall be filed not later than TWO (2) MONTHS following the childbirth or miscarriage of his legitimate spouse accompanied by the following supporting documents:

- marriage contract;
- certificate of live birth (authenticated) of the child;
- medical certificate of the attending physician, under oath; and
- in case of abortion (complete/incomplete):
 - d.1. histopathological report of the abortion;
 - d.2. operating room record;
 - d.3. certified copy of the hospital records relevant to the confinement for abortion; and d.4. any other evidence to prove that pregnancy took place.

The disapproved paternity leave application shall be charged to the applicant's sick and vacation leave credits, if any.

III. SICK LEAVE

The application for sick leave shall be filed immediately upon the employee's return from such leave. If the leave exceeds five (5) days, it must be accompanied by a medical certificate of the attending physician, otherwise, the same shall be charged to five (5) days sick leave and the rest to the applicant's vacation leave credits, if any. Further, if the leave is for thirty (30) calendar days or more of continuous absence, it must be accompanied by the following documents:

For Judges:

- supporting medical documents; and
- certification by the Court Management Office, OCA, as to the condition of the docket.

For Court Personnel:

- supporting medical documents;
- clearance as to money and property accountability;
- clearance as to pending criminal and administrative case filed against him/her, if any; and
- for court stenographer, clearance as to pending stenographic notes for transcription from his/her court and from the Court of Appeals.

IV. VACATION LEAVE

The application for vacation leave shall be filed five (5) days in advance, whenever possible, of the effectivity date of such leave. If the leave is for thirty (30) calendar days or more of continuous absence, it must be accompanied by the following documents:

For Judges:

- application or request addressed to the Court Administrator, starting therein the purpose of the travel abroad;
- application for leave covering the period of the travel abroad duly recommended by the Executive Judge; and

- certification by the Court Management Office, OCA, as to the condition of the docket.

For Court Personnel:

- clearance as to money and property accountability
- clearance as to pending administrative and criminal case filed against him/her, if any; and
- for court stenographer, clearance as to pending stenographic notes for transcription from his/her court and from the Court of Appeals.

V. SPECIAL PRIVILEGE LEAVE AND FORCED LEAVE

The application for special privilege leave and forced leave shall be filed five (5) days in advance, whenever possible, of the effectivity date of such leave.

VI. LEAVE TO BE SPENT ABROAD

All foreign travels of judges and court personnel, regardless of the number of days, must be with prior permission from the Supreme Court through the Chief Justice and the Chairmen of the Divisions pursuant to the resolution in A.M. No. 99-12-08-SC (Memorandum Order No. 14-2000 dated 6 November 2000). In line with the policy, the judge or court personnel concerned must submit the following:

For Judges:

- application or request addressed to the Court Administrator, stating therein the purpose of the travel abroad;
- application for leave covering the period of the travel abroad duly recommended by the Executive Judge; and
- certification by the Court Management Office, OCA, as to the condition of the docket.

For Court Personnel:

- application or request addressed to the Court Administrator, stating therein the purpose of the travel abroad;
- application for leave covering the period of the travel abroad duly recommended by the Executive Judge/Presiding Judge;
- clearance as to money and property accountability;
- clearance as to pending criminal and administrative case filed against him/her, if any; and
- for court stenographer, clearance as to pending stenographic notes for transcription from his/her court and from the Court of Appeals.

If the judge or court employee, who had been granted authority to travel, intends to extend his/her travel/stay abroad, he must submit, **TEN (10) WORKING DAYS BEFORE THE EXPIRATION OF THE PERIOD COVERED BY THE ORIGINAL OR PREVIOUS PERMISSION OR AUTHORITY**, the following:

- application or request therefor addressed to the Court Administrator, stating therein the purpose for the extension of travel abroad; and
- application for leave covering the period of the extended travel abroad duly recommended by the Presiding Judge.

For strict compliance.

9 January 2003

PRESBITERO J. VELASCO, JR.

Court Administrator

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