MEMORANDUM

FOR: **ALL CONCERNED**

SUBJECT: **REITERATION OF THE OMNIBUS RULES ON LEAVE (CSC MC No. 41, s. 1998, as amended)**

DATE: **January 16, 2025**

In line with the Civil Service Commission's (CSC) Resolution No. 2100020, which was promulgated on January 7, 2021, and published in the Daily Tribune on April 8, 2021, the Commission has made amendments to several provisions of the Omnibus Rules Implementing Book V of Executive Order (E.O.) No. 292 on leave. These amendments impact various leave types, particularly maternity leave, paternity leave, and adoption leave, under the provisions of Republic Act No. 11210 (105-Day Expanded Maternity Leave Law), Republic Act No. 8187 (Paternity Leave Act of 1996), and Republic Act No. 8552 (Domestic Adoption Act of 1998).

The amended rules, effective as of April 24, 2021, include the following key changes and guidelines:

Maternity Leave (Rule I, Section 11)

1. Duration of Maternity Leave:
   Female employees are entitled to 105 days of maternity leave with full pay following live childbirth, miscarriage, or emergency termination of pregnancy.
   For miscarriage or emergency termination of pregnancy, the leave is 60 days with full pay.
2. Solo Parent Leave:
   An additional 15 days of maternity leave with full pay is granted to female employees who are recognized as solo parents under the Solo Parents' Welfare Act of 2000 (R.A. No. 8972).
3. Pregnancy Notification:
   Female employees must notify their agency of their pregnancy and maternity leave at least 30 days in advance, if possible.
4. Non-Cumulativeness and Non-Convertibility:
   Maternity leave is non-cumulative and non-convertible to cash. The leave must be used continuously, and part of it may be availed of before the actual delivery.
5. Extended Maternity Leave (Rule I, Section 12)
   Employees may extend their maternity leave for an additional 30 days without pay or use their sick leave or vacation leave credits.
   Written notice must be submitted 45 days in advance, except in medical emergencies.

Paternity Leave (Rule I, Section 19)

1. Eligibility:
   Male employees are entitled to 7 days of paternity leave with full pay for up to four (4) deliveries of their legitimate spouse.
   Non-Cumulativeness:
2. The leave is non-cumulative and cannot be converted to cash. It can be taken either continuously or intermittently within the period of the maternity leave of the spouse.

Adoption Leave (Rule I, Section 20)

1. Female employees qualifying as adoptive parents can avail of 60 days of adoption leave with full pay.
2. Male employees who are adoptive parents are entitled to 7 days of adoption leave.
3. Adoption Leave is available to employees who qualify under the Domestic Adoption Act of 1998 and have a child under the age of 7 years at the time of placement.

Revised Forms for Leave Applications

1. CS Form No. 6 (Revised 2020): All employees must use the Revised Application for Leave Form (CS Form No. 6) for applying for maternity, paternity, or adoption leave.
2. CS Form No. 6a (2020): Employees applying for maternity leave allocation (e.g., to the father or an alternate caregiver) must use CS Form No. 6a, along with proof of relationship and leave application.

Other Important Guidelines
Maternity Leave Restoration:

1. Female employees who were granted less than the entitlements under the 105-Day Maternity Leave Law (R.A. No. 11210) from March 11, 2019, onward are entitled to the difference.

Paternity and Adoption Leave Adjustments:

1. Both paternity and adoption leave benefits must be applied for using the new forms, and agencies are prohibited from delaying payments of leave benefits.

Termination and Administrative Cases:

1. Female employees who are on maternity leave during the pendency of an administrative case or preventive suspension will still be entitled to maternity leave benefits.

Dispute Resolution:

Any disputes regarding leave claims should be filed with the head of the agency and, if unresolved, may be appealed to the Civil Service Commission.

These amendments aim to streamline the processing of leave applications and ensure that employees' rights to maternity, paternity, and adoption leave are protected in accordance with the latest laws and regulations. All agencies must comply with these updated provisions, using the prescribed forms, and ensuring that leave benefits are granted promptly.

For additional information and further guidance, please refer to the full Memorandum Circular.

For dissemination.

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Cc: *Office of the Vice President for Academic Affairs*
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