



Republic of the Philippines
 DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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126382288802
 DILG - REGION XII
 RECEIVED
 DATE: JUN 17 2016
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 BY: [Signature]

DILG 13 Legal Opinion No. 2016-014
 June 9, 2016

Gwendolyn B. Ecleo-Pols, MDMG
Provincial Administrator - Designate
Province of Dinagat Islands,
Brgy. Cuarinta, San Jose, Province of Dinagat Islands

file

DILG REGION XIII
 FILE

Dear Administrator Ecleo-Pols:

This refers to the letter requesting for legal opinion on the proposed scholarship grant for post-graduate studies by your good office to interested provincial government employees.

We deemed it proper to seek the opinion of the Civil Service Commission - Caraga Regional Office and we hereby furnish you a copy of their answer.

For your information and proper guidance.

Thank you very much and God bless!

Truly yours,

[Signature]
 LILIBETH A. FAMACION, CESO III
 Regional Director

cc: *Domingo E. Bulabog* 126382288802
Provincial Director
DILG - Province of Dinagat Islands
Brgy. Cuarinta, San Jose, Province of Dinagat Islands



FAMACION, Lilibeth A., CESO III
RE: Proposed Scholarship Grant for Post –Graduates
Studies by the Province of Dinagat Islands

X-----X

May 27, 2016



DIRECTOR LILIBETH A. FAMACION, CESO III
Regional Director
Department of the Interior and Local Government
Regional XIII (Caraga Region)

Dear Director Famacion:

This refers to your letter dated May 10, 2016 which was received by our office on May 25, 2016 relative to your query on the proposed scholarship grant for post-graduate studies by the Provincial Administrator of the Province of Dinagat Islands.

Pertinent portion of your letter reads as follows:

"This refers to the letter requesting for legal opinion on the proposed scholarship grant for post-graduate studies by the Provincial Administrator of the Province of Dinagat Islands to interested provincial government employees. By availing of the program, employees would absent from work on Thursday and Friday every week; thus, they specially seek an opinion whether or not this violates the 8-hour per day/40 hour per week work hours."

Relevant to this is Section 5, Rule XVIII, Government Office Hours, of Omnibus Rules Implementing Book V of Executive Order No.292 and other Pertinent Civil Service Laws, which provides as follows:

"Section 5. Officers and employees of all departments and agencies except those covered by special laws shall render not less than eight hours of

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work a day for five days a week or a total of forty hours a week, exclusive of time for lunch. As a general rule, such hours shall be from eight o'clock in the morning to twelve o'clock noon and from one o'clock in the afternoon on all days except Saturdays, Sundays and Holidays." (emphasis ours)

As can be gleaned from the foregoing, government employees are required to render not less than eight hours of work a day for five days a week or a total of forty hours a week, exclusive of time for lunch. Hence, applying the same to aforementioned case, absent from work on Thursday and Friday every week is a violation of the above pertinent rules unless there is a valid scholarship grant wherein a resolution and a Memorandum of Agreement (MOA) between the agency and the grantee were issued to establish the validity of scholarship grant.

Further, to comply with the required government office hours, any time off from work in relation to scholarship grant shall be governed by CSC rules on study leave where service obligation is required in lieu of the grantees' absence from work.

Be that as it may, please be guided on CSC MC No.21, s. 2004, Amendment to Section 68 of CSC MC no. 14, s. 1999, relative to the guidelines on Study Leave, states as follows:

"I. xxx

III. The service obligation to the agency shall be as follows:

<i>Period of Grant</i>	<i>Service Obligation</i>
<i>One (1) month</i>	<i>Six (6) months</i>
<i>Two (2) to three (3) months</i>	<i>One (1) year</i>
<i>More than three(3) months to six (6) months</i>	<i>Two (2) years</i>

Should the official or employee fail to render in full the service obligation referred to in the contract on account of voluntary resignation, optional retirement, expiration of term of appointment for coterminous employees, separation from the service through one's own fault, or other causes within one's control, the official or employee shall refund the gross amount of salary, allowances and other benefits received while on study leave proportionate to the balance of the service obligation required based on the following formula:

$$R = \frac{(SOR - SOS) \times TCR}{SOR}$$

Where:

- R = Refund
 TCR = Total Compensation Received
 (gross salary, allowances and other benefits received while on study leave)
 SOS = Service Obligation Served
 SOR = Service Obligation Required"

Accordingly, this office suggests that provisions as to availment of scholarship program including service obligation should be indicated in a resolution and MOA to substantiate grantees' absent/time off from work in availing the said program.

We hope we have enlightened you on the matter.

Very truly yours,



RESURRECCION P. PUEYO
Director IV