

January 19, 2011

MR. ROGELIO G. DELA CRUZ
23 Panganiban Street
Pahina Central
Cebu City

Dear Mr. Dela Cruz:

This has reference to your letter dated December 28, 2010, requesting legal opinion on the leave benefits of local elected officials.

The last paragraph of Section 81 of the Local Government Code of 1991 provides that elective local officials shall be entitled to the same leave privileges as those enjoyed by appointive local officials, including the cumulation and commutation thereof. As such, the elected local official, except barangay officials, can accumulate his unavailed leave credits which can be commuted to cash. A similar provision is found in Section 5, Rule XVI of the CSC Omnibus Rules on Leave.

However, it might be of interest to note that Section 25, Rule XVI of the CSC Omnibus Rules on Leave provides that all officials and employees with 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. The mandatory annual five-day vacation leave shall be forfeited and deducted from the total accumulated vacation leave if not taken during the year.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director