REVENUE MEMORANDUM CIRCULAR NO. 70-2022 issued on May 16, 2022 circularizes Civil Service Commission (CSC) Memorandum Circular (MC) No. 5, s. 2021 on the amendment to Omnibus Rules on Leave (CSC MC No. 41, s. 1998, as amended), which covers the provisions of the civil service rules on maternity leave, paternity leave and adoption leave, and prescribes the use of the revised Application for Leave and the Notice of Allocation of Maternity Leave.

Every female employee in the government service, regardless of her civil status, employment status, length of service and legitimacy of the child, in addition to her vacation and sick leave credits earned, shall be granted one hundred five (105) days maternity leave with full pay for live childbirth regardless of the mode of delivery, whether normal or caesarian. For cases of miscarriage or emergency termination of pregnancy, maternity leave of sixty (60) days with full pay shall be granted.

The female employee shall give prior notice to the authorized officer of her agency of her pregnancy and her availment of maternity leave at least thirty (30) days in advance, whenever possible, specifying the effectivity of the leave. Civil Service (CS) Form No. 6, Revised 2020, shall be used in filing maternity leave application with medical certificate.

In case the female employee qualifies as a solo parent under Republic Act (RA) No. 8972 (Solo Parents' Welfare Act of 2000), she shall be granted an additional maternity leave of fifteen (15) days with full pay.

Female teachers may also avail of the maternity leave benefits even during long vacations, i.e., summer and Christmas vacations, in which case, both the maternity leave benefits and the proportional vacation pay (PVP) shall be granted.

Maternity leave shall be non-cumulative and non-commutative (non-convertible to cash). The enjoyment of maternity leave cannot be deferred but part of it may be availed of on or before the actual date of delivery in a continuous and uninterrupted manner.

In case of live childbirth, the female worker has the option to extend her maternity leave for an additional thirty (30) days without pay, or use her earned sick leave credits for extended leave with pay. In case the sick leave credits are exhausted, the vacation leave credits may be used. Due notice must be in writing and must be submitted to the authorized officer of her agency or the authorized official at least forty-five (45) days before the end of the female worker's maternity leave. However, no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the authorized official. The said period of extended maternity leave without pay shall not be considered as gap in the service.

Maternity leave shall be granted to a female employee in every instance of pregnancy, regardless of frequency. In case of overlapping benefit claims, the female employee shall be granted maternity benefits for the two contingencies in a consecutive manner. The female employee shall be paid only one maternity leave benefit, regardless of the number of offspring, per childbirth/delivery.

The availment of maternity leave shall not be used as basis for the diminution or reduction in rank, status or salary of the female employee or termination of her employment.

Maternity leave with full pay shall be granted even if the childbirth, miscarriage or emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of employee's service as her right thereto has already accrued. However, in case of illegal termination of employment, the prescriptive period of fifteen (15) calendar days shall not apply and the female employee shall be paid, based on her salary, the full amount of the one hundred five (105) days maternity leave for live childbirth or sixty (60) days for miscarriage or emergency termination of pregnancy, as the case may be.

Maternity leave benefits shall be enjoyed by the female employee even if she has a pending administrative case. Pending administrative case refers to a period while the case is pending investigation and resolution. It includes the period of preventive suspension and pending appeal with the Civil Service Commission.

In case the female employee delivers a child while under preventive suspension or serving the penalty of suspension, she will be allowed to enjoy the maternity leave from the date of delivery, miscarriage or emergency termination of pregnancy until the full enjoyment of the said leave. In such case, she shall be required to serve the unexpired portion of her suspension. However, a female employee who delivers a child after a decision in an administrative case, finding her guilty with a penalty of dismissal from the service, became final and executory shall not be entitled to maternity leave.

A female employee may avail of the option to allocate up to seven (7) days of her maternity leave to the child's father, whether or not she is married to him. The allocated leave is over and above the seven (7)-day paternity leave benefit under RA No. 8187 (Paternity Leave Act of 1996).

In case of death, absence or incapacity of the child's father, the female employee may allocate to an alternate caregiver who may be a relative within the fourth degree of consanguinity or current partner sharing the same household, taking into account the best interest of the child. The allocated leave may be enjoyed by the child's father or the alternate caregiver either in a continuous or in an intermittent manner not later than the period of the maternity leave availed of. The allocation of maternity leave shall only be available to the child's father or alternate caregiver who are employed either in the public or private sector. The option to allocate is not applicable to maternity leave in cases of miscarriage and emergency termination of pregnancy.

CS Form No. 6a, s. 2020 shall be used as notice of allocation of maternity leave and shall be submitted to the authorized officer of the agency with the filled out Application for Leave Form (CS Form No. 6, Revised 2020) and proof of relationship.

In the event the female employee dies or is permanently incapacitated, the balance of her maternity leave benefits, if any, shall accrue to the child's father or the alternate caregiver, subject to the following conditions:

a. That the maternity leave benefits have not yet been commuted to cash; and
b. That a certified true copy of the death certificate or medical certificate or abstract are presented to the agencies/employers of both the female employee and child's father or alternate caregiver.

In case full pay has been given to the female employee, the child's father or alternate caregiver, as the case may be, shall only be excused from work (leave without pay). Such leave without pay by the child's father or alternate caregiver shall not be considered as a gap in the service.

Any dispute, controversy or claim arising out of or relating to the payment of maternity leave with full pay shall be filed by the concerned female employee initially to the head of agency and may be appealed to the CSC Regional Office having jurisdiction over the agency, and to the Commission Proper, respectively. The agency shall not hold or delay the payment of full pay to the female employee pending the resolution of the dispute, controversy or claim.

Every married male employee in the government service shall be entitled to paternity leave of seven (7) working days with full pay for the first four (4) deliveries, whether childbirth or miscarriage, 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.

A 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 whoever among his spouses deliver. 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 delivery of his legitimate spouse, but not later than the period of the maternity leave availed of by the spouse.

A married male employee shall be entitled to paternity leave by accomplishing and filing the Application for Leave form (CS Form No. 6, Revised 2020) within reasonable period, e.g., one (1) week, prior to the expected delivery except in cases of miscarriage and abnormal deliveries. Approval of the leave application shall be mandatory on the part of the approving authority unless the services of the male employee are urgently needed to preserve life and property in which case the male employee shall be entitled to overtime pay.

Any employee who has availed of the paternity leave may be required to furnish his office a certified true copy of his marriage contract, birth certificate of the newborn child, medical certificate with pathology report in case of miscarriage duly signed by the attending physician or midwife showing the actual date of delivery.

A female government employee, regardless of her civil status and employment status, and length of service who qualifies as an adoptive parent under RA No. 8552 (Domestic Adoption Act of 1998) and whose prospective adoptee is below seven (7) years of age as of placement, shall be qualified to avail adoption leave of sixty (60) days with full pay, which leave shall be enjoyed in a continuous and uninterrupted manner. If she is married, her legitimate spouse (government employee) can avail of adoption leave of seven (7) days with full pay which shall be enjoyed in a continuous or in an intermittent manner.

A single male government employee, regardless of employment status and length of service who qualifies as an adoptive parent under RA No. 8552 and whose adoptee is below seven (7) years of age as of placement, shall be entitled to adoption leave of sixty (60) days with full pay, which leave shall be enjoyed in a continuous and uninterrupted manner. The same privilege may also be enjoyed by a married male employee with an unemployed (wife) spouse.

Application for adoption leave shall be filed using CS Form No. 6, Revised 2020, and accompanied by an authenticated copy of the Pre-Adoptive Placement Authority issued by the Department of Social Welfare and Development (DSWD), if the leave will be availed of before the grant of petition for adoption. If adoption leave is availed after the grant of the petition for adoption, the application for leave shall be accompanied by the authenticated copies of the Decree of Adoption issued by the proper court.

Qualified female employees who gave live childbirth or suffered miscarriage and emergency termination of pregnancy upon the effectivity of RA No. 11210 on 11 March 2019 but were only granted less than what is stipulated under the new law, shall be entitled to one hundred five (105) days or sixty (60) days with full pay, as the case may be. Concomitantly, they may resume their remaining maternity leave and receive unpaid maternity leave benefits due them, provided that they notify their agency/office heads in writing using the Application for Leave Form (CS Form No. 6, Revised 2020). Female employees whose sick or vacation leave credits were deducted following the application of the old maternity leave law, rules and regulations, shall be entitled to restoration of the same.

All employees shall use the prescribed revised Application for Leave Form (CS Form No. 6, Revised 2020) with the Instructions and Requirements and the Notice of Allocation of Maternity

Leave (CS Form No. 6a, s. 2020) found in Annex B and Annex C of this Revenue Memorandum Circular, as applicable.

The use of CS Form No. 41 for leave application shall be discontinued. Consequently, employees may secure a medical certificate issued by a government or non-government physician in whatever form in support of their application for leave, provided that the medical certificate bears complete details of the physician (e.g. name and PRC/license, PTR and S2 numbers), the employee, and the employee's condition/ state of health.

The CSC issuances relative to maternity and paternity leave that have been amended and repealed are specified in CSC Memorandum Circular No. 5, s. 2021.