

**NAVARRETE-RECI**<sup>21</sup><sub>11</sub>**A, Aurora P.**

Re: Extension of Service:

Leave Credits

X-----X

## **RESOLUTION NO. 992752**

Chairperson Aurora P. Navarrete-Reci<sup>21</sup><sub>11</sub>a of the Commission on Human Rights (CHR), requests a ruling on whether or not an employee who already reached the compulsory retirement age of 65 years, but whose service had been duly extended, may go on leave with pay during the period of the extension of his service.

Said request reads, in part, as follows:

"Please consider the following the facts relevant to our query, to wit (sic):

"a. An official of the Commission will reach the compulsory retirement age of 65 years old on October 21, 1999;

"b. The Commission on Human Rights requested the Civil Service Commission for approval for the extension of his services until December 31, 1999 which was consequently favorably granted;

"c. Said official is requesting to avail of a special leave privilege such as attending the forthcoming wedding of a daughter in November 1999;

*"Considering that after October 21, 1999, the said official shall no longer be entitled to earn*

*leave credits as he is considered retired by then, can he still avail of a special leave privilege? If so, shall we treat the same as leave-with-pay? Is a retiree serving only his extension period entitled to avail any of the special leave privileges?*

*"Since this is a precedent, for our agency, we shall appreciate your opinion on the matter as it will serve as our reference should there be a similar instances (sic) occurring (sic) in the future."*

Relevant to the present case is Section 12, Rule XIII of the Revised Omnibus Rules on Appointments and Other Personnel Actions, as amended, which provides, to wit :

*"Sec. 12. No person who has reached compulsory retirement age of 65 can be appointed to any position in the government.*

*"The Commission however may, in meritorious cases, extend the services of the one who has reached compulsory retirement age of 65 for a period of SIX (6) MONTHS, SUCH EXTENSION SHALL BE AT THE MAXIMUM PERIOD OF ONE (1) YEAR FOR THOSE WHO WILL COMPLETE THE FIFTEEN (15) YEARS OF SERVICE REQUIRED UNDER THE GSIS LAW. REQUEST FOR EXTENSION SHALL BE MADE BY THE HEAD OF OFFICE AND SHALL BE FILED WITH THE COMMISSION PRIOR TO THE DATE OF THE OFFICIAL EMPLOYEE" COMPULSORY RETIREMENT."*

*"Services rendered during the period of extension. FOR THOSE WHO SHALL COMPLETE THE 15 YEARS OF SERVICE REQUIRED UNDER THE GSIS LAW*

*SHALL BE CREDITED AS PART OF THE GOVERNMENT SERVICE.*

*"OFFICIALS AND EMPLOYEES ON SERVICE EXTENSION SHALL BE ENTITLED TO SALARIES, ALLOANCES, AND OTHER REMUNERATIONS, THAT ARE NORMALLY CONSIDERED PART AND PARCEL OF AN EMPLOYEE'S COMPENSATION PACKAGE, SUBJECT TO THE IMPLEMENTING REGULATIONS OF THE GRANT*

*THEEOF. Such extension of service shall not entitle the employee to leave credits."  
(underscoring supplied)*

It is clear from the aforecited rule that an official or employee who has already reached the compulsory retirement age of 65 years, but who is on extended service, is not entitled to any leave credits. This does not mean, however, that said official or employee is already absolutely barred from availing of special leave privilege for some compelling reasons. This, an official or employee, who is on extended service, can be excused from work or go on leave with pay pursuant to the issuances on special leave privileges.

Thus, in the present case, an official or employee in the CHR who is on extended service after reaching the mandatory age of retirement, may avail of special leave privilege with pay for a period of time on account of some urgent or compelling reason as provided for under Civil Service Law, Rules and Regulations on the matter. It is to be stressed, However, that said official or employee shall not earn any leave credits in his favor.

WHEREFORE, the Commission hereby rules that an official or employee who is on extended service after reaching the compulsory retirement age of 65 years may, for some urgent or compelling reason, avail of a special leave privilege with pay.

Quezon City, **DEC 15 1999**

**CORAZON ALMA G. DE LEON**  
Chairman

**THELMA P. GAMINDE**

**JOSE F. ERESTAIN, JR.**

Commissioner

Commissioner

Attested by:

**ARIEL G. RONQUILLO**  
Director III

JJC/FPG/MVM/S13/vog/c:  
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