



MC No. 15, S. 2006

**MEMORANDUM CIRCULAR**

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT, LOCAL GOVERNMENT UNITS, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS, AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : **Guidelines on the Availment of the Ten-Day Leave Under R.A. 9262 (Anti-Violence Against Women and Their Children Act of 2004)**

Pursuant to CSC Resolution No. 05-1206, dated August 26, 2005, this Commission adopted the Guidelines on the Availment of the Ten-Day Leave Under Republic Act No. 9262, otherwise known as "The Anti-Violence Against Women And Their Children Act of 2004; the pertinent portions of which read, as follows:

*"NOW, THEREFORE, the Commission hereby **RESOLVES** to adopt and prescribe the following guidelines on the availment of the ten-day paid leave of absence under Republic Act No. 9262:*

*"1. **Definition of Violence Against Women and Their Children.** - As used in the Act, the phrase "violence against women and their children" shall refer to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats or such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the acts enumerated in Section 3 of the Act.*

*"2. **Who are Entitled to a Ten-Day Leave.** - The following shall be entitled to a paid leave of absence not exceeding ten (10) days, except as provided under Section 43 of RA 9262:*

*"a. Any woman employee in the government service regardless of employment status, who is a victim of violence as defined under Section 3 of the Act.*

*"b. Any woman employee whose child is a victim of violence as defined therein and whose age is below eighteen (18) or above eighteen (18) but unable to take care of himself/herself.*

**“3. When to File; Submission of Supporting Document.** – *The application for leave shall be filed, whenever practicable, before the actual leave of absence or immediately upon the woman employee's return from such leave. It shall be accompanied by any of the following supporting documents:*

*"a. Barangay Protection Order (BPO) obtained from the barangay;*

*"b. Temporary/Permanent Protection Order (TPO/PPO) obtained from the court;*

*"c. If the protection order is not yet issued by the barangay or the court, a certification issued by the Punong Barangay/Kagawad or Prosecutor or the Clerk of Court that the application for the BPO, TPO or PPO has been filed with the said office shall be sufficient to support the application for the ten-day leave; or*

*"d. In the absence of the BPO/TPO/PPO or the certification, a police report specifying the details of the occurrence of violence on the victim and a medical certificate may be considered, at the discretion of the immediate supervisor of the woman employee concerned.*

**“4. Manner of Availment.** - *The woman employee who applies for ten-day leave may avail of the same in a continuous or intermittent manner to cover the days that she has to attend to medical and legal concerns.*

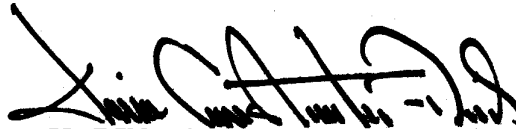
**“5. Nature of Ten-Day Leave.** - *It is non-cumulative and not convertible to cash. Leaves not availed of are considered waived.*

**“6. When Leave May Be Extended.** - *When necessity arises as specified in the Protection Order, the woman employee may apply for extension and, for this purpose, use the other leave benefits provided under civil service rules and regulations.*

**“7. Administrative Liability.** - *The official who denies the application for leave of a woman employee-victim of VAW, despite submission of the BPO/TPO/PPO, shall be held liable for conduct prejudicial to the best interest of the service.”*

Following its publication on October 4, 2005 in The Daily Tribune, said guidelines shall take effect fifteen days (15) thereafter or on October 19, 2005.

In view thereof, all existing Civil Service rules and regulations, circulars and memoranda inconsistent herewith are repealed or amended accordingly.



KARINA CONSTANTINO-DAVID  
Chairperson

July 28, 2006

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