

CABALFIN-VALIENTE, Luz

Re: Benefits;

Extension of Service

X-----X

RESOLUTION No. 990944

Nilo B. Buot, Director IV, Department of Budget and Management (DBM), Region VI, Ilo-ilo City, seeks clarification as to whether or not Dr. Luz A. Cabalfin-Valiente, Medical Officer IV, West Visayas State University, Ilo-ilo City, is entitled to Additional Compensation Allowance (ACA) and the Magna Carta Benefits for Public Health Workers during the period of six (6) months of her extended service.

The letter of Buot is quoted as follows:

"We are forwarding for clarification the herein letter of Dr. Luz A. Cabalfin-Valiente, Medical Officer IV of West Visayas State University, who is on extended service effective February 12, 1998, seeking clarification as to whether or not she is entitled to Additional Compensation Allowance (ACA) and the Magna Carta Benefits for Public Health Workers during the six-month extension period authorized per CSC Resolution No. 98-0170."

Records show that in the CSC Resolution No. 98-0170 dated February 3, 1998, the Commission authorized the extension of Cabalfin-Valiente's service for a period of six (6) months following her 65th birthday on February 11, 1998, or from February 12, 1998 to August 11, 1998.

In a letter dated May 6, 1998, addressed to the regional Director of DBM, Ilo-ilo City, Dr. Cabalfin-Valiente alleges the following:

X X X

The undersigned is a Medical Officer employed at West Visayas State University. For the exigency of

the service, she was extended for a period of six (6) months from her 65th birthday on February 11, 1998 per CSC Resolution No. 98-0170 dated February 3, 1998.

"Since this is an extended service for only six months, the Office of Human Resource Management ruled that the undersigned is entitled to receive only the following:

- salary
- PERA - the ACA which was given during the months Of February, March and April are to be refunded

"All other benefits excluding subsistence allowance and hazard pay which are given to health workers (according to the Magna Carta for health Workers) have been cut-off effective February 1998."

Cabalfin-Valiente also alleges in her letter that the Human resource Management of the West Visayas State University, Ilo-ilo City, cites **CSC Resolution No. 97-4643, dated December 18, 1997 (RE: SUPREMO, Briccio)**, as basis for not allowing her to receive ACA and other Magna Carta Benefits for Public Health Workers during her extended service.

The dispositive portion of CSC Resolution No. 97-4643 reads, as follows:

"WHEREFORE, the Commission hereby resolves that Briccio D. Supremo is entitled to receive during the six (6)-month period of his extended services, the following:

1. *Salary for actual services rendered; and*
2. *PERA/RATA.*

3.

"For Benefits and Incentives including year-end benefits, productivity incentive bonus, loyalty cash bonus and anniversary bonus his privilege to receive the same shall be subject to the rules implementing the receipt of said benefits.

"He shall not be entitled during the 6-month period to the following:

- 1. Salary Increase*
- 2. Step increment*
- 3. Clothing allowance*
- 4. Sick and vacation leave credits.*

5.

The abovesited proviso may not limit the emoluments and incentives which an employee whose service is extended after compulsory retirement may be entitled to. Said employee is entitled to receive, during the six-month extension period, all salaries, remuneration's, allowances, etc., even those not stated above, that are normally considered part and parcel of an employee's compensation package. The specific emoluments and incentives as enumerated above were merely cited because each of these has been the subject of inquiry and clarification in the CSC Resolution No. 97-4643.

In the CSC Resolution No. 98-1070, authorizing the extension of service of Cabalfin-Valiente, there is no express provision depriving her of any emolument or incentive which is ordinarily attached to her position as Medical Officer IV. It should be noted that the term salary covers all compensation for services, including the ACA. This means that withdrawal or non-payment of ACA results in the reduction of her salary which is not proper and contemplated under Civil Service Law and Rule, unless the employee agrees thereto. Thus, the Commission holds that Cabalfin-Valiente is still entitled to receive the ACA during said six-month extension period.

The ACA is considered as a part of an employee's compensation package. Section 49 of the General Provisions of the General Appropriation Act of 1998, provides:

*"Sec. 49. **Additional Compensation of P500.00 Per Month.** The additional compensation in the amount of Five hundred Pesos (P500.00) per month granted under Administrative Order No. 53 dated may 17, 1993 shall continue to be granted to x x x (3) the rest of government personnel occupying positions allocated to Salary Grade 25 and below, whether regular personnel or full-time casual, those on temporary status or contractual personnel whose employments are in the nature of a regular employee pursuant to said order, shall continue to be given, chargeable against the appropriations provided for the purpose under this Act."*

Moreover, in Resolution (CSC Resolution No. 97-4643), the Commission stated thus:

"However, it must be understood that the Commission does not intend to deprive the government employee of the emoluments and incentives [to] which he is ordinarily entitled in the course of his employment. Otherwise, it should have been expressly so stated in the same resolution"

With regard to the other benefits, i.e., Hazard Allowance, Subsistence Allowance, Laundry Allowance, and Remote Assignment Allowance, the Commission also rules that Cabalfin-Valiente is entitled to receive the same, these being in the nature of allowances which are also part of her compensation package. This is, of course, subject to the qualification that she meets the required qualifications provided in Sections 21, 22, 24, and 25 of R.A. 7305 (The Magna Carta of Public Health Workers) and other pertinent rules implementing the receipt of these specific benefits.

However, with regard to Longevity Pay, the Commission rules that Cabalfin-Valiente is no longer entitled to receive the same as this period is no longer considered for purpose of retirement.

In the **CSC Resolution No. 97-0769 dated January 28, 1997 (Re: Kapisanan ng mga**

Manggagawa sa GSIS), the Commission ruled, as follows:

"The Commission, after a perusal of the Longevity Pay as presented by the KMG and GSIS, finds that except for the schedule of the grant of said incentive and the amount involved, said Longevity Pay is exactly similar to that granted by and provided for under the Joint Civil Service Commission-Department of Budget and Management (Joint CSC-DBM Circular No. 1 s. 1990²¹)

X X X

*"SEC.2 **Length of Service.** A one (1) step increment shall be granted to officials and employees for every three (3) years of continuous satisfactory service in the position."*

X X X

The Longevity Pay, being exactly similar to step increments, shall not be given to Cabalfin-Valiente, as such privilege is contemplated to benefit an employee in the long term and not within a predetermined period of six-months.

WHEREFORE, the Commission hereby resolves to rule that Luz A. Cabalfin-Valiente is entitled to receive during the period of six (6) months of her extended services, the Additional Compensation Allowance (ACA) and the following **Magna Carta** Benefits:

1. Hazard Allowance;
2. Subsistence Allowance;
3. Laundry Allowance; and
4. Remote Assignment Allowance

5.

However, receipt or entitlement thereto is subject to the implementing rules regarding said benefits.

Quezon City, **May 06, 1999**

THELMA P. GAMINDE
Commissioner

CORAZON ALMA G. DE LEON
Chairman

JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

ARIEL G. RONQUILLO
Director III