



REPUBLIKA NG PILIPINAS

Pambansang Pangasiwaan ng Patubig

(NATIONAL IRRIGATION ADMINISTRATION)
LUNGSOD NG QUEZON

MC # 40, s. 1976

MEMORANDUM CIRCULAR

TO : THE ASSISTANT ADMINISTRATORS; HEADS OF DEPARTMENTS AND STAFFS; HEADS OF SPECIAL PROJECTS; REGIONAL IRRIGATION DIRECTORS; PROVINCIAL AND PROJECT IRRIGATION ENGINEERS; IRRIGATION SUPERINTENDENTS AND/OR OFFICERS-IN-CHARGE OF IRRIGATION SYSTEMS/OFFICES; AND ALL OTHERS CONCERNED
National Irrigation Administration

SUBJECT : OP Opinion No. 525 s. 1976 in Answer to a Query as to whether Government Employees on Daily Basis may be Paid their Daily Wage on a Day which Becomes Holiday by Operation of Law.

Reproduced hereunder for the information of all concerned are excerpts from Opinion No. 525, S. 1976 of the Presidential Executive Assistant dated May 27, 1976 in answer to a query of this Office as to whether daily paid employees in the government service may be paid their daily wage on a day which becomes a holiday by operation of law, pursuant to Section 29, Article VIII of the Revised Administrative Code, to wit:

"Section 29. The Legal Holidays are: the first of January, the first of May, the fourth of July, the thirtieth of December, and the holding of general election: Provided, however, That when any regular holiday of fixed date falls on a Sunday, the next succeeding day shall be observed a legal holiday."

It will be observed that, during special public holidays, the rendition of actual service is not a condition precedent before a daily wage employee could be paid his salary, pursuant to Republic Act. No. 4622, which provides:

"Section 1. Any provision of law to the contrary notwithstanding, all laborers and employees of the national, provincial or city level including laborers and employees of government-controlled corporations, whether their employment is permanent or temporary in nature, shall be paid their regular daily wage during special public holidays, national or local." (Underscoring supplied)

Since, the Monday following a legal holiday which falls on a Sunday is not a special public holiday, Section I of Republic Act No. 4622 could not be applied. As a general rule, therefore, employees paid on a daily basis, whether in the government service or not, are

entitled to their daily wage if and when they render actual service on that day. Consequently, where no work is rendered it is but logical that no compensation is due and demandable pursuant to the well-settled principle of 'no work, no pay x x x x '.

Conformably to this principle, where services are required and are in fact rendered, the employee concerned is entitled to his wage regardless of whether the day on which he renders service is a legal holiday or not. Clearly, then, two conditions must concur before a daily wage employee may be deemed entitled to his corresponding remuneration on a holiday which becomes so by operation of the aforementioned Section 29, Article VIII of the Revised Administrative Code, to wit: 1) the employees must have been required to render service and 2) such service was actually rendered. Failing compliance with these requirements, a laborer or employee paid on a daily basis may not of right demand entitlement to his wages."

Please be guided accordingly.


ALEXEDO L. QUINIO
Administrator

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July 22, 1976