



August 25, 2022

**MEMORANDUM**

**TO :** NESTOR S. LOMIBAO  
Accountant III  
CENRO Puerto Princesa City

**FROM :** The Provincial Environment and  
Natural Resources Officer  
Sta. Monica, Puerto Princesa City

**SUBJECT :** RE: STUDY/REVIEW LEAVE APPLICATION (SLA) OF NESTOR S. LOMIBAO FROM MAY TO OCTOBER 2017

This refers to your Memorandum dated August 10, 2022. Upon careful evaluation, the undersigned observed that you failed to comply with the provisions of DENR Memorandum Circular No. 2005-011 and to perform your duties and obligations as an applicant of the study leave privilege, to wit:

1. Your application for leave was filed only on April 28, 2017 to the PENRO, which is four (4) days prior to your intended leave of May 2, 2017 to October 31, 2017.  
Pursuant to DENR Memorandum Circular 2005-011, it is required that you submit your application to the Chair, DENR Scholarship Committee through the Director, Human Resources Development Service (HRDS) two months before the start of your review classes to allow time for the processing of documents and action of the Secretary or authorized representative. However, you only filed your application four (4) days prior to your intended leave of absence. Section 2.2 of DENR Memorandum Circular No. 2005-011 provides that:

“2.2 Employees/officials who wish to avail of this privilege must submit their applications together with the documents indicated in Section 2.1 of this Memorandum Circular to the Chair, DENR Scholarship Committee through the Director, Human Resources Development Service (HRDS).

Applications together with all pertinent documents for the bar review and examination, must be submitted to the Human Resource Development Service not later than 28 of February of every year. For other licensure examinations (accounting, engineering) applications must be submitted two months before the start of the review classes to allow time for the processing of documents and action of the Secretary or authorized representative.  
(Emphasis supplied)

xxx”

2. You did not follow up nor inquire as to the status of your application for study leave during the entire period of your leave. Being a mere privilege, it does not vest the



applicant absolute right upon application. The submission of the documentary requirements does not guarantee approval thereof pending the evaluation of the DENR Scholarship Committee. Hence, you cannot presume that your application has been granted merely on the basis of submission of documentary requirements and receipt of salaries during the first four months.

The draft complaint disclosed that the only time when you started following up your study leave application is the time when you were required by the PENRO Chief, MSD and HRMO to produce a copy of your approved study leave on July 8, 2019 - almost two (2) years after the filing of your application for leave.

Yet, you still pursued to take your leave of absence even without knowing whether your study leave application was approved. This is a clear indication that even without approval of your study leave, you were still willing to take the risk of taking the leave of absence for review and board exam, which may be chargeable to your accumulated leave credits or leave without pay.

3. You have not signed any Scholarship Contract. Based on our records, there is no scholarship contract signed by you and the grantor prior and during the period of your review. The non-signing of any Scholarship Contract/Service Obligation Contract prior to your intended leave indicates that your application for study leave privilege might not have been approved. This should have been an indication for you to follow up and fast track your application, but you failed to do so.

Pursuant to CSC Memorandum Circular No. 21 s. 2004 and DENR Memorandum Circular No. 2005-011, it is imperative that the leave shall be covered by a contract between the agency head or authorized representative and the employee concerned, to wit:

**"SECTION I. SEC. 68. STUDY LEAVE OFFICIALS AND EMPLOYEES, EXCLUDING THOSE IN THE TEACHING PROFESSION WHO ARE COVERED BY DIFFERENT PROVISIONS OF LAW, MAY APPLY FOR STUDY LEAVE SUBJECT TO THE FOLLOWING CONDITIONS:**

**I. THE STUDY LEAVE IS A TIME-OFF FROM WORK NOT EXCEEDING SIX (6) MONTHS WITH PAY FOR QUALIFIED OFFICIALS AND EMPLOYEES TO HELP THEM PREPARE FOR THEIR BAR OR BOARD EXAMINATIONS OR COMPLETE THEIR MASTER'S DEGREE. FOR COMPLETION OF MASTER'S DEGREE, THE STUDY LEAVE SHALL NOT EXCEED FOUR (4) MONTHS.**

**THE LEAVE SHALL BE COVERED BY A CONTRACT BETWEEN THE AGENCY HEAD OR AUTHORIZED REPRESENTATIVE AND THE EMPLOYEE CONCERNED. NO EXTENSION SHALL BE ALLOWED IF THE OFFICIALS OR EMPLOYEES AVAIL OF THE MAXIMUM PERIOD OF LEAVE HEREIN. IF THEY NEED MORE TIME TO COMPLETE THEIR STUDIES, THEY MAY FILE A LEAVE OF ABSENCE CHARGEABLE AGAINST THEIR VACATION LEAVE CREDITS.**



4. Assuming without admitting that your study leave application had been approved, you failed to comply with your obligation to submit a written report on whether or not you failed to take the board exam for Geodetic Engineers. You mentioned in your draft complaint that you presumed that the study leave had been approved since you have been receiving salaries for the period of May to August 2017, however, after your study leave and thereafter, you have not informed this Office in writing, through the personnel office, whether or not you were able to take the board exam for Geodetic Engineers. Compliance therein will determine whether the grantee has to refund the salaries and benefits received during the study leave period. DENR Memorandum Circular No. 2005-011 provides that:

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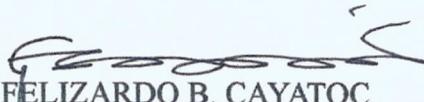
**THE BENEFICIARIES OF STUDY LEAVE SHALL INFORM THEIR RESPECTIVE AGENCIES IN WRITING, THROUGH THE PERSONNEL OFFICE, OF THEIR FAILURE TO TAKE THE BAR/BOARD EXAMINATION OR TO COMPLETE THEIR MASTER'S DEGREE FOR WHICH THEY WERE GRANTED THE STUDY LEAVE. THEY SHALL ALSO REFUND TO THE AGENCY ALL THE SALARIES AND BENEFITS RECEIVED DURING THE STUDY LEAVE. FURTHER FOR CAUSES WITHIN THEIR CONTROL, THEY SHALL BE WARNED THAT A REPEAT OF THE SAME WOULD BAR THEM FROM FUTURE AVAILMENT OF THE STUDY LEAVE AND TRAINING/SCHOLARSHIP GRANT WHETHER FOREIGN OR LOCAL.”**

As the applicant of the study leave privilege, it is your responsibility to exercise due diligence in pursuing the approval of your study leave application and see to it whether the same has been approved by the Secretary or his duly authorized representative, through the HRDS, prior to your leave of absence. The above-mentioned observations indicate that there was negligence on your part since you failed to exercise due diligence in processing and pursuing your study leave application.

It is worthy to stress that upon your filing of the application for study leave on April 28, 2017, this Office immediately acted upon on your application and forwarded the same to the DENR MIMAROPA Regional Office on May 9, 2017 who then forwarded the same to the DENR Central Office. Likewise, this Office did not fail to inquire on the status of your study leave application to the DENR Regional and Central Office as you were also notified of the actions taken by this Office.

With this, we would like to inform you that this Office will not process any claim pertaining to your study leave unless you submit the required supporting documents such as the approved application for leave and the scholarship contract to avoid any future disallowance from the Commission on Audit.

For your information and guidance.

  
FELIZARDO B. CAYATOC

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Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
**Provincial Environment and Natural Resources Office**  
**Province of Palawan**

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Cc: The Director, Human Resource  
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