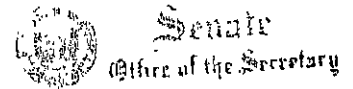


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 JUN -9 P2:13

SENATE

RECEIVED BY: *J*

COMMITTEE REPORT NO. 178

Submitted by the Committees on Labor, Employment and Human Resources Development, and Government Corporations and Public Enterprises on

~~JUN 09 2015~~

Re: Senate Bill No. 2836

Recommending its approval in substitution of Senate Bill No. 1370, taking into consideration Senate Bill No. 1062 and House Bill No. 4271.

Sponsor: Senator Sonny M. Angara

MR. PRESIDENT:

The Committees on Labor, Employment and Human Resources Development, and Government Corporations and Public Enterprises to which was referred Senate Bill No. 1370, introduced by Senator Ejercito Estrada, entitled:

**AN ACT
ENHANCING THE RETIREMENT BENEFITS OF UNDERGROUND AND SURFACE MINING WORKERS BY EXPANDING THE COVERAGE OF REDUCED RETIREMENT AGE AND AFFORDING THEM CORRESPONDING RETIREMENT BENEFITS FROM THE SOCIAL SECURITY SYSTEM (SSS), AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF THE LABOR CODE OF THE PHILIPPINES AND THE SOCIAL SECURITY LAW"**

and taking into consideration S. No. 1062, authored by Senator Jinggoy Estrada, entitled,

**AN ACT
AMENDING ARTICLE 287 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, BY PROVIDING AN EARLIER AGE OF RETIREMENT FOR CERTAIN CLASSES OF EMPLOYEES**

and House Bill No. 4271, authored by Reps. Cosalan and Nograles, entitled:


AN ACT
REDUCING THE RETIREMENT AGE OF SURFACE MINE
WORKERS FROM SIXTY (60) TO FIFTY (50) YEARS, AMENDING
FOR THE PURPOSE ARTICLE 287 OF PRESIDENTIAL DECREE
NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR
CODE OF THE PHILIPPINES

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2836, prepared by the Committees, entitled:

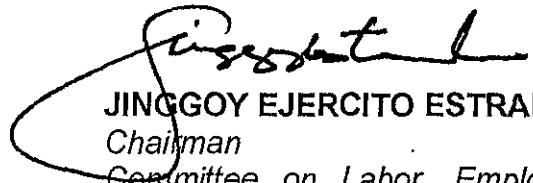
AN ACT
REDUCING THE RETIREMENT AGE OF SURFACE MINE
WORKERS FROM SIXTY (60) TO FIFTY (50) YEARS AMENDING
FOR THE PURPOSE ARTICLE 293 OF PRESIDENTIAL DECREE
NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR
CODE OF THE PHILIPPINES

be approved in substitution of Senate Bill No. 1370 with Senator Jinggoy Ejercito Estrada and Senator Sonny Angara as authors.

Respectfully submitted,



SONNY ANGARA
Acting Chairman
Committee on Labor, Employment
and Human Resources Development



JINGGOY EJERCITO ESTRADA
Chairman
Committee on Labor, Employment
and Human Resources Development

CYNTHIA A. VILLAR
Chairperson
Committee on Government Corporations
And Public Enterprises

Members:



LOREN B. LEGARDA



AQUILINO "KOKO" PIMENTEL III

MANUEL "LITO" M. LAPID

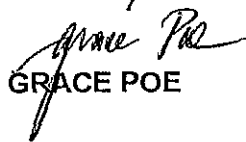


TEOFISTO L. GUINGONA III



FERDINAND R. MARCOS, JR.

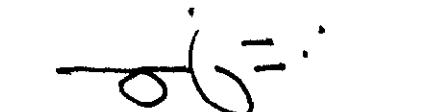
FRANCIS "CHIZ" G. ESCUDERO



GRACE POE

ANTONIO "SONNY" F. TRILLANES IV

PIA S. CAYETANO



JOSEPH VICTOR G. EJERCITO



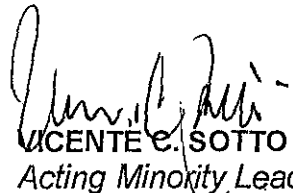
MARIA LOURDES NANCY S. BINAY

Ex-Officio Members:



RALPH G. RECTO
Pro-Tempore

ALAN PETER "COMPANERO" S. CAYETANO
Majority Leader



VICENTE C. SOTTO III
Acting Minority Leader
Member, Committee on Labor,
Employment and Human
Resources Development

HON. FRANKLIN M. DRILON
President
Senate of the Philippines

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

'15 JUN -9 P2:13

SENATE
S. No. 2836

RECEIVED BY: *Ji*

(In substitution of S. B. No. 1370, taking into consideration S. B. No. 1062
and H. No. 4271)

Prepared by the Committee on Labor, Employment and Human Resources
Development, and the Committee on Government Corporations and Public
Enterprises with Senators Estrada and Angara as authors thereof

AN ACT
REDUCING THE RETIREMENT AGE OF SURFACE MINE
WORKERS FROM SIXTY (60) TO FIFTY (50) YEARS
AMENDING FOR THE PURPOSE ARTICLE 293 OF
PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

1 **SECTION 1.** Article 293 of Presidential Decree No. 442, as amended,
2 otherwise known as the *Labor Code of the Philippines*, is hereby amended to
3 read as follows:

4
5 **"ARTICLE 293. Retirement.** – Any employee may be retired
6 upon reaching the retirement age established in the collective
7 bargaining agreement or other applicable employment contract.

8
9 "In case of retirement, the employee shall be entitled to
10 receive such retirement benefits as he may have earned under
11 existing laws and any collective bargaining agreement and other

1 agreements: *Provided, however,* That an employee's retirement
2 benefits under any collective bargaining and other agreements
3 shall not be less than those provided herein.
4

5 "In the absence of a retirement plan or agreement providing
6 for retirement benefits of employees in the establishment, an
7 employee upon reaching the age of sixty (60) years or more, but
8 not beyond sixty-five (65) years which is hereby declared the
9 compulsory retirement age, who has served at least five (5) years
10 in the said establishment, may retire and shall be entitled to
11 retirement pay equivalent to at least one-half (1/2) month salary for
12 every year of service, a fraction of at least six (6) months being
13 considered as one whole year.
14

15 "Unless the parties provide for broader inclusions, the term
16 'one-half (1/2) month salary' shall mean fifteen (15) days plus one-
17 twelfth (1/12) of the 13th month pay and the cash equivalent of not
18 more than five (5) days of service incentive leaves.
19

20 "An underground **OR SURFACE** mining employee upon
21 reaching the age of fifty (50) years or more, but not beyond sixty
22 (60) years which is hereby declared the compulsory retirement age
23 for **BOTH** underground **AND SURFACE** mine workers, who has
24 served at least five (5) years as underground **OR SURFACE** mine

1 worker may retire and shall be entitled to all the retirement benefits
2 provided for in this Article.

3 "FOR PURPOSES OF THIS ACT, SURFACE MINE
4 WORKERS SHALL INCLUDE MILL PLANT WORKERS,
5 ELECTRICAL, MECHANICAL AND TAILINGS POND
6 PERSONNEL.

7
8 "Retail, service and agricultural establishments or
9 operations employing not more than ten (10) employees or workers
10 are exempted from the coverage of this provision.

11
12 "Violation of this provision is hereby declared unlawful and
13 subject to the penal provisions provided under Article 288 of this
14 Code.

15
16 "Nothing in this Article shall deprive any employee of
17 benefits to which he may be entitled under **SECTION 12-B OF**
18 **REPUBLIC ACT NO. 1161, AS AMENDED, OTHERWISE**
19 **KNOWN AS THE SOCIAL SECURITY ACT OF 1997 AND**
20 **OTHER** existing laws or company policies or practices."

21
22 **SEC. 2. Renumbering.** – For purposes of uniformity, the numerical
23 designation of Title II (Retirement), Book Six of Presidential Decree No. 442, as
24 Article 293 in Section 1 of this Act, shall be renumbered in accordance with
25 Republic Act No. 10151.

1

2 **SEC. 3. *Implementing Rules and Regulations.*** – Within thirty (30) days
3 from the effectivity of this Act, the Secretary of Labor and Employment shall, in
4 consultation and coordination with the President of the Social Security System,
5 promulgate the necessary rules and regulations for the effective implementation of
6 this Act.

7 **SEC. 4. *Repealing Clause.*** – Section 12-B of Republic Act No. 1161, as
8 amended, otherwise known as the *Social Security Act of 1997*, is hereby
9 amended and modified accordingly to entitle underground or surface mining
10 employees to the benefits provided therein upon reaching the retirement age of
11 fifty (50) years old. All other laws, decrees, executive orders, proclamations, rules
12 and regulations, and other issuances or parts thereof inconsistent with the
13 provisions of this Act are hereby repealed or modified accordingly.

14 **SEC. 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
15 after its publication in the *Official Gazette* or in a newspaper of general circulation.

16

17 Approved,