

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



Senate
Office of the Secretary

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SENATE

Senate Bill No. 1370

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The various hazards and risks encountered by employees working in mining sites are inevitable and inconceivable. These dangers pose serious threats to their health and to their very lives. To address this problem, it is but proper to reduce retirement age for mining workers.

The Labor Code of the Philippines was amended by Republic Act 8558 on 26 February 1998 to reduce the retirement age of underground mine workers or employees from sixty (60) to fifty (50) years old. This amendment, however, indirectly left out the surface mine employees who are similarly exposed to the hazardous elements and risks as their jobs include sorting out the minerals extracted from the mining pits as well as maintaining the electrical and mechanical equipment and fixtures in the mining sites. Hence, there is a need to include surface mine employees to the reduced retirement age.

Parallel to this, it is necessary to ensure that retired underground and surface mine employees are able to enjoy all the retirement benefits and privileges for Social Security System (SSS) members as provided in the Social Security Law.

In view of better protection of and adequate benefits for our mining employees, the approval of this proposed measure is earnestly sought.



JINGGOY EJERCITO ESTRADA
Senator

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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

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

SECTION 1. Short Title. – This Act shall be known as the "*Mining Workers Retirement Benefits Act*".

SEC. 2. Declaration of State Policy. – It shall be the policy of the State to provide protection and adequate retirement benefits to both underground and surface workers of the mining industry who are exposed to hazardous elements, various health risks and even to loss of life.

SEC. 3. Definition of Terms. – As used in this Act:

- (a) "*Underground mining employee or worker*" refers to any person employed to extract mineral deposits underground or to work in excavations or workings such as shafts, winzes, tunnels, drifts, crosscuts, raises, working places whether abandoned or in use beneath the earth's surface for the purpose of searching for and extracting mineral deposits;
- (b) "*Surface mining employee or worker*" refers to any person employed aboveground of mining sites to, among others, sort out the minerals extracted from the mining pits as well as maintaining the electrical and mechanical equipment and fixtures in the mining sites. Surface mining employees shall include, but not be limited to, mill plant workers and mechanical, electrical and tailings pond personnel.

SEC. 4. Retirement Age. – An underground and surface mining employee upon reaching the age of fifty (50) years or more, but not beyond sixty (60) years which is hereby declared the compulsory retirement age for underground and surface mine

workers, who has served at least five (5) years as underground and/or surface mine worker, may retire and shall be entitled to all the retirement benefits provided by existing laws.

SEC. 5. Retirement Benefits. – Retired underground and surface mining employees shall be entitled to all retirement benefits enjoyed by Social Security System (SSS) members provided under the Social Security System Act.

SEC. 6. Repealing Clause. – Article 287 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, and Section 12-B of Republic Act 1161 as amended by Republic Act No. 8282, otherwise known as the Social Security Law, are hereby amended accordingly. All other laws which are inconsistent with the abovementioned provisions shall be deemed repealed or amended as appropriate.

SEC. 7. Separability Clause. – If any part or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 8. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national papers of general circulation, whichever comes earlier.

Approved,