



HOUSE OF REPRESENTATIVES

H. No. 4133

BY REPRESENTATIVES GUNIGUNDO AND NOGRALES, PER COMMITTEE REPORT
NO. 150

AN ACT REDUCING THE RETIREMENT AGE OF RACE HORSE
JOCKEYS FROM SIXTY (60) TO FIFTY-FIVE (55), AMENDING
FOR THE PURPOSE ARTICLE 287 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 287 of Presidential Decree No. 442, as amended,
2 otherwise known as the Labor Code of the Philippines, is hereby further
3 amended to read as follows:

4 “ART. 287. *Retirement.* – Any employee may be retired
5 upon reaching the retirement age established in the collective
6 bargaining agreement or other applicable employment contract.

7 “In case of retirement, the employee shall be entitled to
8 receive such retirement benefits as he may have earned under
9 existing laws and any collective bargaining agreement and other
10 agreements: *Provided, however,* That an employee’s retirement
11 benefits under any collective bargaining and other agreements
12 shall not be less than those provided herein.

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

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

15 "An underground mining employee upon reaching the age
16 of fifty (50) years or more, but not beyond sixty (60) years which
17 is hereby declared the compulsory retirement age for
18 underground mine workers, who has served at least five (5) years
19 as underground mine worker, may retire and shall be entitled to
20 all the retirement benefits provided for in this Article.

21 **"A RACE HORSE JOCKEY UPON REACHING THE AGE OF**
22 **FIFTY-FIVE (55) YEARS OR MORE, BUT NOT BEYOND SIXTY (60)**
23 **YEARS WHICH IS HEREBY DECLARED THE COMPULSORY**
24 **RETIREMENT AGE FOR RACE HORSE JOCKEYS, WHO HAS**
25 **SERVED AT LEAST FIVE (5) YEARS AS RACE HORSE JOCKEY,**
26 **MAY RETIRE AND SHALL BE ENTITLED TO ALL THE**
27 **RETIREMENT BENEFITS PROVIDED FOR IN THIS ARTICLE.**

1 “Retail, service and agricultural establishments or
2 operations employing not more than ten (10) employees or
3 workers are exempted from the coverage of this provision.

4 “Violation of this provision is hereby declared unlawful
5 and subject to the penal provisions provided under Article 288 of
6 this Code.

7 “Nothing in this Article shall deprive any employee of
8 benefits to which he may be entitled under **SECTION 12-B OF**
9 **REPUBLIC ACT NO. 1161, AS AMENDED, OTHERWISE KNOWN**
10 **AS THE ‘SOCIAL SECURITY ACT OF 1997’ AND OTHER** existing
11 laws or company policies or practices.”

12 **SEC. 2. *Implementing Rules and Regulations.*** – Within thirty (30)
13 days from the effectivity of this Act, the Secretary of Labor and Employment
14 shall, in consultation and coordination with the President of the Social Security
15 System, the Chairman of the Philippine Racing Commission, and the President
16 of the New Philippine Jockeys Association, Inc., promulgate the necessary
17 rules and regulations for the effective implementation of this Act.

18 **SEC. 3. *Repealing Clause.*** – Section 12-B of Republic Act No. 1161,
19 as amended, otherwise known as the “Social Security Act of 1997”, is hereby
20 amended and modified accordingly. All other laws, decrees, executive orders,
21 proclamations, rules and regulations and other issuances or parts thereof
22 inconsistent with the provisions of this Act are hereby repealed or modified
23 accordingly.

24 **SEC. 4. *Effectivity Clause.*** – This Act shall take effect fifteen (15)
25 days after its publication in the *Official Gazette* or in two (2) national
26 newspapers of general circulation.

Approved,