

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



SENATE  
Office of the Secretary

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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)

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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

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**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 13<sup>th</sup> 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,