

S. No. 2836  
H. No. 4271

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

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[ REPUBLIC ACT NO. 10757 ]

AN ACT REDUCING THE RETIREMENT AGE OF SURFACE MINE WORKERS FROM SIXTY (60) TO FIFTY (50) YEARS, AMENDING FOR THE PURPOSE ARTICLE 302 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:*

SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State to enhance the welfare of mine workers, both surface and underground, by appropriately adjusting their retirement age. The State recognizes the vulnerability of miners due to the presence of innumerable harmful elements in their profession leading to more serious health problems,

especially as these individuals age, and how the circumstances are more dangerous compared to the ordinary worker far away from mines.

SEC. 2. Article 302 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", is hereby amended to read as follows:

"Article 302. *Retirement.* – Any employee may be retired upon reaching the retirement age established in the collective bargaining agreement or other applicable employment contract.

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

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

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

"An underground or 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 both underground and surface mine workers, who has served at least five (5) years as underground or surface mine worker may retire and shall be entitled to all the retirement benefits provided for in this Article.

“For purposes of this Act, surface mine workers shall only include mill plant workers, electrical, mechanical and tailings pond personnel.

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

“Violation of this provision is hereby declared unlawful and subject to the penal provisions provided under Article 302 of this Code.

“Nothing in this Article shall deprive any employee of benefits to which he may be entitled under Section 12-B of Republic Act No. 1161, as amended, otherwise known as the Social Security Act of 1997 and other existing laws or company policies or practices.”

**SEC. 3. *Renumbering.*** – For purposes of uniformity, the numerical designation of Title II (Retirement), Book Six of Presidential Decree No. 442, as Article 302 in Section 1 of this Act, shall be renumbered in accordance with Republic Act No. 10151 and as promulgated by the Department of Labor and Employment in their Department Advisory Order No. 01, series of 2015.

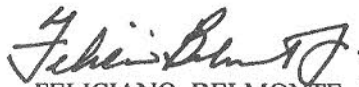
**SEC. 4. *Implementing Rules and Regulations.*** – Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment shall, in consultation and coordination with the President of the Social Security System, promulgate the necessary rules and regulations for the effective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

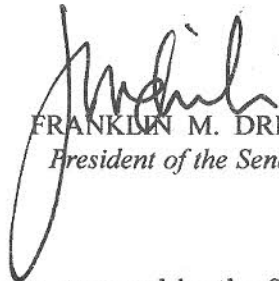
**SEC. 5. *Repealing Clause.*** – Section 12-B of Republic Act No. 1161, as amended, otherwise known as the Social Security

Act of 1997, is hereby amended and modified accordingly to entitle underground or surface mining employees to the benefits provided therein upon reaching the retirement age of fifty (50) years old. All other laws, decrees, executive orders, proclamations, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.


SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.


Approved,

  
FELICIANO BELMONTE JR.  
*Speaker of the House  
of Representatives*

  
FRANKLIN M. DRILON  
*President of the Senate*

Senate Bill No. 2836 which was approved by the Senate on December 14, 2015 was adopted by the House of Representatives as an amendment to House Bill No. 4271 on January 19, 2016.

  
MARILYN B. BARUA-YAP  
*Secretary General  
House of Representatives*

  
OSCAR G. YABES  
*Secretary of the Senate*

Approved: APR 08 2016

  
BENIGNO S. AQUINO III  
*President of the Philippines*

