



HOUSE OF REPRESENTATIVES

H. No. 4195

BY REPRESENTATIVE COSALAN

AN ACT EXTENDING THE COVERAGE OF THE REDUCED RETIREMENT AGE FOR UNDERGROUND MINE WORKERS TO INCLUDE MILL PLANT WORKERS AND SUPPORT SERVICES PERSONNEL SUCH AS MECHANICAL, ELECTRICAL AND TAILINGS POND PERSONNEL, AMENDING FURTHER ARTICLE 287 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

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 shall
12 not be less than those provided herein.

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

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

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

20 **"THE ABOVEMENTIONED REDUCED RETIREMENT AGE FOR**
21 **UNDERGROUND MINE WORKERS SHALL LIKEWISE BE**
22 **APPLICABLE TO MILL PLANT WORKERS AND SUPPORT SERVICES**
23 **PERSONNEL SUCH AS MECHANICAL, ELECTRICAL AND TAILINGS**
24 **POND PERSONNEL WHO WORK ABOVEGROUND, THEY BEING**
25 **SUBJECTED TO THE SAME HAZARDS AND RISKS AS THE MINE**
26 **WORKERS WORKING UNDERGROUND.**

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

1 “Violation of this provision is hereby declared unlawful and
2 subject to the penal provisions provided under Article 288 of this
3 Code.

4 “Nothing in this Article shall deprive any employee of
5 benefits to which he may be entitled under existing laws or
6 company policies or practices.”

7 SEC. 2. All laws, decrees, executive orders, proclamations, rules and
8 regulations, and other issuances or parts thereof inconsistent with the
9 provisions of this Act are hereby repealed or modified accordingly.

10 SEC. 3. This Act shall take effect fifteen (15) days after its complete
11 publication in the *Official Gazette* or in at least two (2) national newspapers of
12 general circulation, whichever comes earlier.

 Approved,

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