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



'22 JUL 12 A11 :22

SENATE

RECEIVED BY: 

S. B. NO. 360

Introduced by **SENATOR JOEL VILLANUEVA**

AN ACT EXPANDING EMPLOYMENT OPPORTUNITIES FOR SENIOR CITIZENS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9994, OTHERWISE KNOWN AS THE EXPANDED SENIOR CITIZENS ACT OF 2010, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 9994, otherwise known as the Expanded Senior Citizens Act of 2010, defines a "senior citizen" or "elderly" as any person who is at least sixty (60) years old and above.

Based on the latest available data from the Philippine Statistics Authority's (PSA) on total population by age group, as of 2015, there were 7,548,769 Filipinos aged 60 years old and above, while 4,787,586 Filipinos are aged 65 years and over, accounting for 7.5% and 4.7% of the country's total population of 100,981,437 persons, respectively.¹

While this number is relatively small compared to the total population of the country, previous studies have shown that the Philippines may become an ageing and aged population. Citing the projections made by the United Nations Department of Economic and Social Affairs (UN DESA), the Philippine Institute for Developmental Studies (PIDS) noted that the Philippines will "join the ranks of countries with ageing population" by 2032 (i.e., at least 7% of the population is aged 65 or above) and "eventually become an aged society" by 2069 (i.e., at least 14% of the population is aged 65 or above).²

¹ Philippine Statistics Authority National QuickStat – June 2022, available at <https://psa.gov.ph/statistics/quickstat/national-quickstat/all/> (last accessed June 24, 2022).

² Celia M. Reyes, et al., Philippine Institute for Developmental Studies, Silver Linings for the Elderly in the Philippines: Policies and Programs for Senior Citizens, available at <chrome-extension://efaidnbnmnihpcajpcglclefindmkaj/https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1909.pdf> (last accessed June 24, 2022).

Nonetheless, in 2015, PSA data shows that among the senior citizens, 42.1% or 3.17 million are still gainful workers, with ~1.19 million as skilled agricultural, forestry, and fishery workers (37.7%), ~499,000 as workers engaged in elementary occupations (15.8%), and ~427,000 as managers (13.5%).³

Thus, given the studies showing that the Philippines, while still currently a young society, may move toward the direction of an ageing one, there is a need to provide opportunities for our senior citizens who are still able and willing to obtain gainful employment and wish to continue to become economically active and productive during their golden years.

Our current policies for the employment of senior citizens are Republic Act No. 9994, or the Expanded Senior Citizens Act of 2010, and Republic Act No. 10911, or the Anti-Age Discrimination in Employment Act. Under the Expanded Senior Citizens Act of 2010, private entities are entitled to an additional deduction from their gross income, equivalent to fifteen percent (15%) of the total amount paid as salaries and wages to senior citizens. Moreover, matching services shall be made available to senior citizens to enable them to be productive members of the society, with their terms of employment mandated to conform with the provisions of the Labor Code of the Philippines, as amended, and other laws, rules and regulations.

On the other hand, the Anti-Age Discrimination in Employment Act aims to promote equal work opportunities by prohibiting arbitrary age limitations in job requirements, dismissal, and retirement of employees, except when the age limitations fall under the exemptions provided under the law.

To further support and promote equal work opportunities for our senior citizens, this bill provides for the following:

1. Mandates the Department of Labor and Employment, through the Public Employment Service Offices, to provide matching and employment facilitation services to senior citizens who have the capacity and desire to work or be re-employed;
2. Increases the allowable deduction from gross income of private entities that will employ senior citizens as employees from fifteen percent (15%) to twenty-five percent (25%) of the total amount paid as salaries and wages, as well as trainings provided to senior citizens, in accordance with Section 34 of the National Internal Revenue Code;
3. Removes the proviso that the annual income of the senior citizen should not exceed the latest poverty threshold, to encourage employers to hire senior citizens from all walks of life, as long as they are able, willing and qualified to do the job;

³ Philippine Statistics Authority, Facts on Senior Citizens: Results of the 2015 Census of Population, available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://psa.gov.ph/system/files/2015%20Fact%20Sheets%20on%20Senior%20Citizen_pop.pdf?width=950%26height=700%26iframe=true (last accessed June 24, 2022).

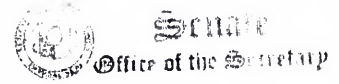
4. Waiving fees and charges from a senior citizen jobseeker if such fee or charge is paid in connection with the application for and the granting of licenses, proofs of identification, clearances, certificates, or other documents usually required in the course of employment; and
5. Allowing employers, the flexibility to grant greater benefits or improve the working conditions and terms of employment of senior citizens beyond the minimum requirements provided under applicable laws.

Given the foregoing, this bill will redound to the benefit of millions of senior citizens who wish to remain economically active and productive. Thus, in line with the State's policy to take care of the interest and welfare of our senior citizens, the immediate passage of this bill is earnestly sought.



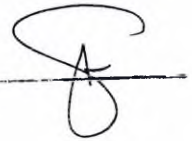
SENATOR JOEL VILLANUEVA *jo*

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Senior Citizens
2 Employment Incentives Act of 2022.”
3

4 **SEC. 2. Declaration of Policies.** – It is the policy of the State to take care of the
5 interest and welfare of senior citizens, including providing them opportunities for gainful
6 employment. For this purpose, the State shall provide incentives to businesses and other
7 private entities that employ senior citizens.
8

9 **SEC. 3. Incentives to Private Firms Employing Senior Citizens.** – Section 5 of
10 Republic Act No. 9994, otherwise known as “An Act Granting Additional Benefits and
11 Privileges to Senior Citizens, further amending Republic Act No. 7432, as amended,
12 otherwise known as “An Act to Maximize the Contribution of Senior Citizens to Nation
13 Building, Grant Benefits and Special Privileges and For Other Purposes,” is hereby
14 amended to read as follows:
15

16 “SEC. 5. Government Assistance. – The government shall provide the
17 following:
18

19 (a) Employment

20 Senior citizens who have the capacity and desire to work, or be re-
21 employed, shall be provided information and matching services **OF**
22

1 AVAILABLE JOB OPPORTUNITIES BY THE DEPARTMENT OF
2 LABOR AND EMPLOYMENT (DOLE), THROUGH THE PUBLIC
3 EMPLOYMENT SERVICE OFFICES, to enable them to be productive
4 members of society. Terms of employment shall conform with the
5 provisions of the Labor Code, as amended, and other laws, rules and
6 regulations.
7

8 Private entities that will employ senior citizens as employees, upon
9 effectivity of this Act, shall be entitled to an additional deduction from their
10 gross income, equivalent to **TWENTY-FIVE PERCENT (25%)** of the total
11 amount paid as salaries and wages and trainings provided to senior
12 citizens, subject to the provision of Section 34 of the NIRC, as amended:
13 Provided, however, That such employment shall continue for a period of
14 at least six (6) months. [~~Provided, further, That the annual income of the~~
15 ~~senior citizen does not exceed the latest poverty threshold as [determined]~~
16 ~~PUBLISHED by the [National Statistical Coordination Board (NSCB) of the~~
17 ~~National Economic and Development Authority (NEDA)] PHILIPPINE~~
18 ~~STATISTICS AUTHORITY (PSA) for that year.]~~

19
20 The [~~Department of Labor and Employment (DOLE)] DOLE, in
21 coordination with other government agencies such as, but not limited to,
22 the [~~Technology and Livelihood Resource Center (TLRC) and the]~~
23 Technical Education and Skills Development Authority (TESDA) and the
24 Department of Trade and Industry, shall assess, design and implement
25 training programs that will provide skills and welfare or livelihood support
26 for senior citizens.
27~~

28 **SEC. 4. Waiver of Fees and Charges.** – All government agencies and
29 instrumentalities, including government-owned and controlled corporations (GOCCs),
30 local government units (LGUs), and government hospitals shall not collect fees and
31 charges from a senior citizen jobseeker: *Provided*, That such fee or charge is paid in
32 connection with the application for and the granting of licenses, proofs of identification,
33 clearances, certificates, or other documents usually required in the course of employment:
34 *Provided, further*, That the benefit provided under this Act shall only be availed of once.
35

36 No fees and other charges shall be collected from senior citizen jobseekers when
37 obtaining the following:
38

- 39 (a) Police clearance certificate;
- 40
- 41 (b) National Bureau of Investigation clearance;
- 42
- 43 (c) Barangay Clearance;
- 44
- 45 (d) Medical certificate from a public hospital, provided that fees and charges collected
46 for laboratory tests and other medical procedures required for the grant of a
47 medical certificate shall not be free of charge;
- 48
- 49 (e) Birth Certificate;
- 50
- 51 (f) Marriage Certificate; and
52

1 (g) Other documentary requirements issued by the government that may be required
2 by employers from job applicants.
3

4 The waiver of fees and charges shall not include those connected in connection
5 with an application to take a professional licensure examination conducted by the
6 Professional Regulation Commission, application for a Philippine passport, authentication
7 and Apostillization of documents from the Department of Foreign Affairs, application for a
8 Career Service Examination (CSC), and application for a driver's license from the Land
9 Transportation Office.

10
11 **SEC. 5. Interpretation.** – Nothing in this Act excludes any private entity from hiring
12 qualified senior citizens for consultancy and other types of arrangements, or prevents any
13 employer from initiating or providing greater benefits or improving the working conditions
14 and terms of employment of senior citizens beyond the minimum requirements provided
15 by applicable laws.
16

17 **SEC. 6. Suppletory Application.** – Republic Act No. 10911, or the “Anti-Age
18 Discrimination in Employment Act,” and all other applicable laws, rules and regulations
19 shall have suppletory application in cases involving employment of senior citizens not
20 provided for under this Act.
21

22 **SEC. 7. Implementing Rules and Regulations.** – Within ninety (90) days from
23 the effectivity of this Act, the DOLE, National Commission of Senior Citizens (NCSC) and
24 the CSC, in coordination with concerned agencies and other stakeholders, shall formulate
25 its implementing rules and regulations.
26

27 **SEC. 8. Separability Clause.** – Any portion or provision of this Act that is declared
28 unconstitutional or invalid shall not have the effect of nullifying other portions or provisions
29 hereof as long as such remaining portions can still subsist and be given effect in their
30 entirety.
31

32 **SEC. 9. Repealing Clause.** – All laws, ordinances, rules, regulations, other
33 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or
34 modified accordingly.
35

36 **SEC. 10. Effectivity.** – This Act shall take effect fifteen (15) days after its
37 publication in the Official Gazette or in two (2) newspapers of general circulation.
38

39 **Approved,**
40