

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3376



Introduced by: **Hon. Samuel M. Dangwa**

EXPLANATORY NOTE

There is an apparent need to reconcile the ages set under Section 12-B of the Social Security Law (R.A. No. 1161 as amended by R.A. No. 8282) to entitle members of the System to the benefits provided for in said Selection with the retirement ages set for underground mine workers under Republic Act No. 8558, the pertinent paragraph of which reads as follows:

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

There can be no question that the legislative intent in the enactment of R.A. No. 8558, as expressly stated in the sponsorship speech on record of House Bill No. 1513 enacted into R.A. No. 8558, was for the said law to cover all employees of the private sector, including members of the Social Security System. The Social Security System Administration however takes the view that an express amendment of the Social Security Act to embody therein the reduced retirement ages for underground mine workers is needed to make the mandate of the law on this matter clear and unequivocal. Hence, this bill amending SECTION 12-B of the Social Security System Law for this purpose.

The rationale for the reduce ages for retirement of underground mine workers is to recognize the fact that underground work in mining is an energy sapping activity, more hazardous and deleterious to health than work above ground. Long before he has reached the normal retirement age for employees in general, the underground mine worker finds himself burned out and most instances is forced to resign before reaching the age required for him to enjoy the benefit provided for under existing laws. No valid reason exists why an underground mine worker who is a member of the Social Security System, retiring under the provisions of R.A. No. 8558 should not be extended the retirement benefits provided for by the System.

Approval of this measure is earnestly requested.

SAMUEL M. DANGWA

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“ AN ACT AMENDING SECTION 12-B OF REPUBLIC ACT NO. 1161 AS AMENDED BY REPUBLIC ACT NO. 8282, OTHERWISE KNOWN AS THE SOCIAL SECURITY LAW OF 1997 TO ENTITLE UNDERGROUND MINE WORKERS RETIRING AT AGES SET UNDER REPUBLIC ACT NO. 8558 TO THE BENEFITS PROVIDED FOR UNDER THE SECTION.”

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

SECTION 1. Section 12-B of Republic Act No. 1161 as amended, otherwise known as the Social Security Law of 1997 is hereby amended to read as follows:

“ SEC 12-B. Retirement Benefits. – (a) A member who has paid at least one hundred twenty (120) monthly contributions prior to the semester of retirement and who (1) has reached the age of sixty (60) years and is already separated from employment or has ceased to be self-employed, or (2) has reached the age of sixty-five (65) years, shall be entitled for as long as he lives to the monthly pension: **Provided, That** he shall have the option to receive his first eighteen (18) monthly pensions in lump sum discounted at a preferential rate of interest to be determined by the SSS.

“ (b) A covered member who is sixty (60) years old at retirement and who does not qualify for pension benefits under paragraph (a) above, shall be entitled to a lump sum benefit equal to the total contributions paid by him and on his behalf: **Provided, That** he is separated from employment and is not continuing payment of contributions to the SSS on his own.

“ (c) The monthly pension shall be suspended upon the reemployment or resumption of self-employment of a retired member who is less than sixty-five (65) years old. He shall again be subject to Section Eighteen and his employer to Section Nineteen of this Act.

“ (d) Upon the death of the retired member, his primary beneficiaries as of the date of his retirement shall be entitled to receive the monthly pension: **Provided, That** if he has no primary beneficiaries and he dies within sixty (60) months from the start of his monthly pension, his secondary beneficiaries shall be entitled to a lump sum benefit equivalent to the total monthly pensions corresponding to the balance of the five-year guaranteed period, excluding the dependent's pension.

“ (e) The monthly pension of a member who retires after reaching sixty (60) shall be the higher of either. (1) the monthly pension computed at the earliest time he could have retired had he been separated from employment or ceased to be self-employed plus all adjustments thereto; or (2) the monthly pension computed at the time when he actually retires.”

(F) AN UNDERGROUND MINE WORKER WHO RETIRES UNDER REPUBLIC ACT NO. 8558 AND WHO HAS PAID AT LEAST ONE HUNDRED TWENTY MONTHLY CONTRIBUTIONS PRIOR TO THE SEMESTER OF RETIREMENT SHALL BE ENTITLED TO BENEFITS PROVIDED FOR UNDER PARAGRAPH (A) ABOVE, IF: (1) HE HAS REACHED THE AGE OF FIFTY (50) YEARS AND IS ALREADY SEPARATED FROM EMPLOYMENT OR HAS CEASED TO BE SELF-EMPLOYED, OR (2) HE HAS REACHED THE AGE OF SIXTY (60) YEARS; AND TO THE BENEFITS PROVIDED FOR UNDER PARAGRAPH (B) ABOVE, IF HE IS FIFTY (50) YEARS OLD AT RETIREMENT AND DOES NOT QUALIFY FOR PENSION BENEFITS UNDER PARAGRAPH (A) ABOVE: PROVIDED, THAT HE IS SEPARATED FROM EMPLOYMENT AND IS NOT CONTINUING PAYMENT OF CONTRIBUTIONS TO THE SSS ON HIS OWN. THE MONTHLY PENSION OF AN UNDERGROUND MINE WORKER MEMBER WHO RETIRES AFTER REACHING AGE FIFTY (50) UNDER R.A. NO. 8558 SHALL BE COMPUTED IN ACCORDANCE WITH PARAGRAPH (E) ABOVE.

AN UNDERGROUND MINE WORKER IS ONE WHOSE JOB REQUIRES HIM TO BE IN THE UNDERGROUND MINE EIGHTY (80) PERCENT OF HIS WORKING TIME SUCH AS BUT NOT LIMITED TO THE FOLLOWING: MUCKER, MINER, LOAD-HAUL-DUMP OPERATOR, LOCOMOTIVE OPERATOR, LOCOMOTIVE HELPER, MINE MECHANIC, MINE ELECTRICIAN, SANDFILLMAN, PIPEMAN, PUMPMAN, LOW-PROFILE TRUCK OPERATOR, CAPATAZ, SHIFT BOSS, SUPERINTENDENT, ASSISTANT SUPERINTENDENT, HOISTMAN, SECURITY PATROL, GEOLOGIST, SAMPLER, SURVEYOR, SANITATION MAN, CRUSHER OPEARATOR, DRILLER, MACHINE OPERATOR, SHOTCRETE OPERATOR. AND OTHERS SIMILARLY SITUATED.

SECTION 2. This Act shall take effect fifteen (15) days after its complete Publication in the Official Gazette or in at least two (2) national papers of general circulation, whichever comes earlier.

Approved,