

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2052

Introduced by **HON. RONALD M. COSALAN**

EXPLANATORY NOTE

Republic Act No. 8558, which was approved and passed on 26 February 1998, amended Section 287 of Presidential Decree No. 442, otherwise known as The Labor Code of the Philippines, in order to reduce the retirement age of underground mine workers or employees from sixty (60) to fifty (50) years old. The rationale behind is that the continuous exposure of the underground employees to hazardous elements and risks, which are inevitable when working in mines, make them susceptible and vulnerable to all types of health problems and danger.

Consequently, in the Implementing Rules and Regulations Prescribing the Retirement Age of Underground Mine Employees as issued by the Department of Labor and Employment (DOLE) through Department Order No. 09 (series of 1998), the labor department reduced the retirement age of underground mine workers to fifty (50) years old, in compliance with R.A. 8558.

However, the Social Security System (SSS), upon inquiry of the undersigned, refused to comply with said law on the ground that it did not specifically amend the Social Security Law (Republic Act No. 1161). Prior to this, SSS requested for time to fully implement the same because an immediate reduction would be too drastic given its financial condition, implementing instead a partial compliance by revising its Implementing Rules and Regulations allowing retirement of mine workers at fifty-five (55) years of age. Hence, it becomes necessary to expressly and specifically amend the Social Security Law to ensure that retired mine workers are allowed to enjoy all the retirement benefits and privileges of SSS members.

In addition, even surface mine workers, namely: mill plant workers and those who work in support services, such as mechanical, electrical and tailing pond personnel, are likewise susceptible and vulnerable to the same health hazards due to exposure to the same hazardous elements. Their jobs include handling and sorting mineral extracted from mining pits and maintaining electrical and mechanical equipment and fixtures in mining sites. Hence, the need to reduce the retirement age for this group of workers as well.

In view thereof, the undersigned believes that a clarification of the RA 8558 is in order to prevent unfair and unnecessary consequences prejudicial to the plight of hardworking mine workers. It is for these reasons that support for and prompt passage of this proposed bill is earnestly sought.


HON. RONALD M. COSALAN
Representative
Lone District, Benguet Province (CAR)

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“AN ACT AMENDING REPUBLIC ACT NO. 8282, WHICH AMENDED REPUBLIC ACT NO. 1161, OTHERWISE KNOWN AS THE SOCIAL SECURITY LAW, TO REDUCE THE RETIREMENT AGE OF SURFACE MINE WORKERS, MILL PLANT WORKERS AND SUPPORT SERVICES, SUCH AS MECHANICAL, ELECTRICAL AND TAILINGS POND PERSONNEL TO FIFTY (50) YEARS OLD AND AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF THE LABOR CODE OF THE PHILIPPINES AND THE SOCIAL SECURITY LAW”

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

SECTION 1. *Short Title.* – This Act shall be known as the “Mine Workers Retirement Benefits Act”.

SECTION 2. *Declaration of State Policy.* – It shall be the policy of the State to provide protection and adequate retirement benefits to both underground and surface workers of the mining industry who are exposed to hazardous elements, various health risks and even to loss of life.

SECTION 3. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

- (a) “Mine Workers” refer to any person either as underground or surface mine employee or worker
- (b) “Underground Mine Worker” refers to any person employed to extract mineral deposits underground or to work in excavations or workings such as shafts, winzes, tunnels, drifts, crosscuts, raises, working places whether abandoned or in use beneath the surface of the earth for the purpose of prospecting and extracting mineral deposits;
- (c) “Surface Mine Worker” refers to any person employed aboveground of mining sites to, among others, sort out minerals extracted from mining pits as well as maintaining the electrical and mechanical equipment and fixtures in the mining sites. Surface mine workers shall include, but not limited to, mill plant workers and mechanical, electrical and tailings pond personnel.

SECTION 4. *Retirement Age.* – An underground or surface mine 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 and surface mine workers, who has served at least five (5) years as such, may retire and shall be entitled to all the retirement benefits provided by existing laws.

SECTION 5. *Retirement Benefits*. — Retired underground and surface mine workers shall be entitled to all retirement benefits enjoyed by Social Security System members provided under the Social Security System Act.

SECTION 6. *Repealing Clause*. — Article 287 of Presidential Decree No. 442, as amended, otherwise known as The Labor Code of the Philippines, and Section 12-B of Republic Act 1161 as amended by Republic Act No. 8282, otherwise known as the Social Security Law, are hereby amended accordingly. All other laws which are inconsistent with the abovementioned provisions shall be deemed repealed or amended as appropriate.

SECTION 7. *Separability Clause*. — If any part or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SECTION 8. *Effectivity Clause*. — 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,