

**[ REPUBLIC ACT NO. 10757, April 08, 2016 ]**

**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