

[**DOLE DEPARTMENT ORDER NO. 09, s. 1998[*],
May 04, 1998**]

**RULES PRESCRIBING THE RETIREMENT AGE FOR UNDERGROUND
MINE EMPLOYEES**

Pursuant to the provisions of Article 5 of the Labor Code and Article 287 of the same Code as amended by Republic Act No. 7641 and further by Republic Act No. 8558, the following Rule is hereby issued to implement the latter Act as follows:

RULE II-A

SECTION 1. Coverage — This Rule shall apply to all underground mine employees as contemplated under Republic Act No. 8558. For this purpose, an underground mine employee 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 earth's surface for the purpose of searching for and extracting mineral deposits.

As used herein, the terms "employee", "employees", or "covered workers" shall mean underground mine employee/s.

The term "Act" refers to Republic Act 7641 as amended by Republic Act 8558.

SECTION 2. Optional Retirement and Compulsory Retirement

2.1 Optional Retirement — In the absence of a retirement plan or other applicable agreement providing for retirement benefits of underground mine employees in the establishment, any such employee may retire upon reaching the age of fifty (50) years or more if he has served for at least five (5) years as underground mine employee or in underground mine of the establishment.

2.2 Compulsory Retirement — Where there is no such plan or agreement referred to in the immediately preceding sub-section, an underground mine employee shall be retired upon reaching the age of sixty (60) years.

2.3 Service Requirement — The minimum length of service of at least five (5) years required for entitlement to retirement pay shall include authorized absences and vacations, holidays, and mandatory fulfillment of a military or civic duty.

SECTION 3. Retirement under CBA/Contract

3.1 Any underground mine employee may retire or be retired by his employer upon reaching the retirement age established in the collective bargaining agreement or other applicable employment contract, subject to the provisions of Section 4