

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4578



Introduced by the **Honorable Precious Hipolito Castelo**

EXPLANATORY NOTE

In 2010, Republic Act No. 9994 or the “Expanded Senior Citizens Act” was enacted. This landmark legislation provided more benefits to senior citizens, which include, among others, the promotion of employing senior citizens in the private sector by awarding tax incentives to private entities who are willing to take them in as employees.

Further, Republic Act No. 10911 or the “Anti-Age Discrimination in Employment Act” which was enacted more recently in 2016, provided an overall and general framework to prevent and penalize “ageism” or age discrimination in employment, save for certain exceptions, such as when age is a *bona fide* occupational qualification in the normal operation of a particular business.

Nonetheless, while these laws exist, it cannot be denied that there is still a dearth in employment opportunities to senior citizens in the public and private sector.

Global life expectancy has been steadily increasing over the years. Whether this be the result of advances in medical technology and science, surely, the effect is – senior citizens get to experience more of their twilight years. Thus, the need to institutionalize an employment program for the elderly is imperative in order to allow them to still be productive members of society when they still can.

There are studies to prove that older workers fare better in some respects as compared to their younger counterparts, in terms of performance in the workplace. For instance, the American Association of Retired Persons found that older workers possesses the following qualities and skills: 1) reliability and strong work ethic; 2) varied work experience; 3) lower absenteeism; 4) more job loyalty; 5) eagerness to learn new skills and a positive attitude; and 5) strong people and customer service skills.¹

Further, more and more countries have been embracing the elderly as valuable members of the labor sector through the creation of public policy that encourages them to stay employed if they still can, and want, to earn a living. Notable examples are the countries of Japan, Germany, United States and Singapore where the employment of the elderly has become the “new normal”.²

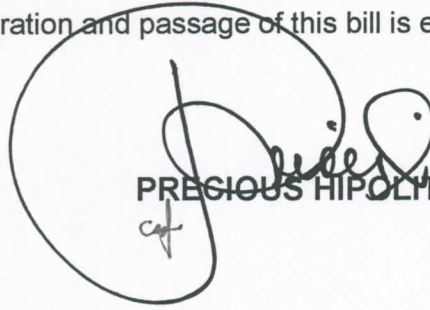
As such, it is the objective of this proposed measure to make it easier for willing and able senior citizens to seek employment or stay employed beyond their retirement age by requiring

¹ <https://www.allbusiness.com/the-potential-benefits-of-hiring-seniors-and-retirees-16226171-1.html>

² <https://www.forbes.com/sites/nextavenue/2018/05/10/how-these-3-countries-embrace-older-workers/#28dafd8a1bd4>

both public and private entities to institutionalize an employment program specifically for senior citizens.

In view of the foregoing, immediate consideration and passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Precious Hipolito Castelo", is written over a large, hand-drawn circle. The signature is stylized and cursive.

PRECIOUS HIPOLITO CASTELO

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HOUSE BILL NO. 4578

Introduced by the **Honorable Precious Hipolito Castelo**

AN ACT
PROVIDING FOR EMPLOYMENT OPPORTUNITIES TO SENIOR CITIZENS BY
MANDATING THE PUBLIC AND PRIVATE SECTOR TO INSTITUTIONALIZE A SENIOR
CITIZENS EMPLOYMENT PROGRAM

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 "Senior Citizens Employment Program Act".

SEC. 2. *Declaration of Policy.* It is the declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life. As such, the State shall:

- (1) Establish mechanisms whereby the contributions of the senior citizens are maximized;
- (2) Adopt measures whereby our senior citizens are assisted and appreciated by the community as a whole;
- (3) Establish a program beneficial to the senior citizens, their families and the rest of the community they serve; and
- (4) Establish community-based health and rehabilitation programs for senior citizens in every political unit of society.

SEC. 3. *Senior Citizens Employment Program.* All public and private entities shall be mandated to institutionalize an employment program specifically for senior citizens who are still willing, able, and qualified to be employed.

SEC. 4. *Exceptions.* Entities may apply for exemption from this Act with the Department of Labor and Employment (DOLE) or the Civil Service Commission (CSC) whenever:

- (a) Age is a *bona fide* occupational qualification reasonably necessary in the normal operation of a particular business or where the differentiation is based on reasonable factors other than age;
- (b) The intent is to observe the terms of a *bona fide* seniority system that is not intended to evade the purpose of this Act;
- (c) The intent is to observe the terms of a *bona fide* employee retirement or a voluntary early retirement plan consistent with the purpose of this Act: *Provided, That* such

retirement or voluntary retirement plan is in accordance with the Labor Code, as amended, and other related laws; or

- (d) The action is duly certified by the Secretary of Labor and Employment or the Chairperson of the CSC, as the case may be, in accordance with the purpose of this Act.

SEC. 5. *Implementing Rules and Regulations.* The DOLE and CSC shall issue the necessary rules and regulations as may be necessary to implement this Act.

SEC. 6. *Separability Clause.* If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC. 7. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* This Act shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation or in the Official Gazette.

Approved,