

Retirement Benefit Qualifying Conditions



Qualifying Conditions

A member is qualified to avail of this benefit if he/she is:

An employed, self-employed or voluntary paying member who:

- Has paid at least 120 monthly contributions prior to the semester of retirement; and
- Has reached the age of 60 years and is already separated from employment or has ceased to be self-employed or has ceased paying voluntary contributions; or
- Has reached the age of 65 even if still employed/self-employed.

An Underground Mineworker who:

- Has paid at least 120 monthly contributions prior to the semester of retirement; and
- Has reached the age of 55 years and is already separated from employment or has ceased to be self-employed or has ceased paying voluntary contributions; or
- Has reached the age of 60 years even if still employed/self-employed.

Note: To qualify under this condition, the member must have been an Underground Mineworker for at least five (5) years – either continuous or accumulated – prior to the semester of retirement, but whose actual date of retirement is not earlier than March 13, 1998, and the ER/s must be duly registered with the Bureau of Mines as a mining company.

Special Condition in Claiming Retirement Benefits

1. Retirement of spouses employed by their own business

It is presumed that the single/sole proprietorship established during the marriage is either conjugal or absolute community even if it is registered in the name of only one (1) spouse. With the said business still operational, the spouse reported for coverage can only retire at the age of 65 years old, unless the same business is retired/terminated, whichever comes first.

2. For retiree with invalid coverage

A retiree who paid voluntary contributions but was not previously or has no single contribution paid as covered EE or SE shall be allowed to register upon determination of his/her coverability as SE, per declaration made in the "Affidavit of Declaration of Source of Income" for purposes of adjudication of retirement or if records could show that benefit payments have been previously granted.

3. Entitlement to retirement benefit of a member who was previously declared presumptively dead but consequently reappeared

A retiree-member who was declared presumptively dead by final judgement from the Court/SSC or pursuant to SSC Resolution No. 695-s.81 and was granted death benefit is still entitled to retirement benefit if he/she reappeared. However, the death benefit paid to his /her beneficiaries shall be deducted from the proceeds of the retirement benefit.

A Court/SSC declaration of re-appearance is no longer needed since the death benefit was paid on the presumption that subject member was already dead, but is now debunked by his/her reappearance. However, the member shall be required to submit an Affidavit of Reappearance to the SSS.

4. Determination of ER Liability

A. The ER is declared liable for damages if he/she:

- o fails to report the member for coverage prior to date of contingency;
- o misrepresents the true date of employment of the EE;
- o remits contributions lesser than those required under the law; or
- o fails to remit any contributions due prior to the date of contingency resulting in a
- o reduction of benefits.

However, if the contingency occurs within thirty (30) days from the date of employment, the ER shall be relieved of his liability for damages.

B. Retirement benefit is paid to member if no reply/payment is received from the ER/s concerned within thirty (30) days from the date of service of demand letter.

C. Any person or entity engaging the services of an independent contractor shall be subsidiarily liable with such contractor for any civil liability incurred by the latter under the SS Law.

The liability herein provided is without prejudice to the contractor's criminal liability if warranted.

D. Computation of ER Liability

1. For non-reporting, the ER shall pay the SSS damages equivalent to the following:
 - If lump sum benefit - Amount of benefit to which EE would have been entitled.
 - If pension - Accumulated pension due from the date of contingency up to the date of settlement of claim or to the five (5) years' pension, whichever is higher, including dependents' and 13th month pension.
2. For misrepresentation of the true date of employment of his/her EEs, or remittance to the SSS contributions that are less than those required under the SSS Law, as amended, or failure to remit any contribution due prior to the date of contingency, the ER shall pay to the SSS the following:
 - If lump sum benefit - Difference between the amount of benefit to which the EE is entitled.
 - If pension - Difference on the accumulated pension due from the date of contingency up to the date of settlement of the claim or to the five (5) years' pension, whichever is higher, including dependents' and 13th month pension.

In addition under Items 1 and 2, the ER shall also be liable for the payment of the corresponding unremitted contributions and penalties thereon apart from penal sanctions, if warranted. If the member has two (2) or more ERs, each ER's liability shall be based on the contributions the member has under the liable ER.