

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5414



Introduced by **Hon. JULIO A. LEDESMA IV**
Hon. ANGELO B. PALMONES

EXPLANATORY NOTE

Section 2, Chapter 1, Title XVIII, Book IV of the Administrative Code of 1987 mandates the Department of Science and Technology to "formulate and implement policies, plans, programs, and projects for the development of science and technology and for the promotion of scientific and technological activities for both the public and private sectors and ensure that the results of scientific and technological activities are properly applied and utilized to accelerate economic and social development".

In line with this constitutional mandate, the Balik Scientist Program (BSP) was established pursuant to Presidential Decree No. 819 dated 24 October 1975 for a period of five (5) years and was extended up to October 1986 by Letter of Instruction No. 1044 dated 18 July 1980. The program has been dormant for almost a decade after the expiration of the period of extension. However, due to the remarkable outcome of the program as well as the presence of still many highly trained overseas Filipino professionals who have the expertise along the government priority areas of agriculture, energy and nutrition development, the BSP has been revived and instituted under the Department of Science and Technology (DOST) through Executive Order No. 130 dated October 25, 1993.

Notwithstanding the success of the program, there are still a lot of Filipino scientists, technology experts and researchers outside the country who have not been tapped due to circumstances that cannot be addressed by the existing BSP. It is for this reason that the existing BSP needs to be institutionalized and strengthened through a legislative fiat and including therein better incentives and benefits that would draw these Filipino experts to return back to their beloved country and share even for a limited period of time and hopefully for good, their knowledge and expertise, thereby helping the country attain its objective of accelerating economic and social development.

It is for these reasons that we seek immediate approval of this Bill.


JULIO A. LEDESMA IV
Congressman


ANGELO B. PALMONES
Congressman

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Hon. Angelo B. Palmones

**AN ACT INSTITUTIONALIZING THE BALIK SCIENTIST PROGRAM
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. Title. This Act shall be known as the *"Balik Scientist Act of 2011"*

SECTION 2. Statement of Policy. Science and Technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation and their utilization; and to science and technology education, training and services.

In line with the above, it is hereby declared the policy of the state to encourage Filipino scientists and technology experts from overseas to return to the Philippines and share their expertise to accelerate the development of the country. To achieve this, any foreign-based scientist, professional, technician, or any person with special skills or expertise who is of Filipino descent shall be allowed to practice his or her profession or expertise in the Philippines.

SECTION 3. General Objectives. This Act aims to strengthen the scientific and technological human resources of academic, public and private institutions in order to accelerate the flow of technologies and stimulate the development of new or strategically important technologies that are vital to national development and progress.

SECTION 4. Definition of Terms.

- **Balik Scientist** - is a science or technology expert or professional, who is a Filipino citizen or a foreigner of Filipino descent, residing abroad, working with any public or private entity or graduate from a Department of Science and Technology (DOST) - recognized foreign science and technology institution and contracted by the government to return and work in the Philippines along with his or her field of expertise.
- **Long-Term Program** - it is a program utilizing the expertise of expatriate Filipino Scientist and Technologist with duration of at least two (2) years in the case of Balik Scientist and three (3) years in the case of New Graduates.
- **New Graduate** - any foreign-based individual who is a Filipino citizen or a foreigner of Filipino descent and a holder of a doctorate degree and whose field of study must be consistent with the S&T priorities as may be promulgated by the DOST
- **Short-Term Program** - It is a program utilizing the expertise of expatriate Filipino Scientist and Technologist with duration of at least three (3) three months but not to exceed six (6) months. The program can be availed of by the Scientist several times with graduated incentives subject to the approval of the Secretary.
- **Secretary** - Refers to the Secretary of the Department of Science and Technology

SECTION. 5. *Priority Areas.* The Balik Scientist Program shall have the following priority areas:

- Alternative Fuel
- Biotechnology
- ICT
- Pharmaceutical
- Environment

These priority areas shall be subject to review by the Secretary and may be modified depending on the needs and programs of the government.

SECTION 6. *Qualifications of BSP applicants.* BSP applicants should have the following qualifications:

- He/She must be a holder of a graduate degree and must have practised his/her profession for not less than three (3) years after obtaining his/her masteral or doctorate degree and preferably working with the private sector, a reputable R & D institution and/or in the academe.
- He/She must have made an outstanding contribution in his/her field of specialization.
- Provided however that a Balik Scientist Applicant with a highly specialized skill without a graduate degree may be qualified on special cases as long as his/her field of expertise must be consistent with the science and technology (S&T) priorities promulgated by the Department of Science and Technology (DOST).

As a rule, a Balik Scientist Applicant who is a recipient of any grant (scholarship or fellowship and other similar grants) that requires him/her to come back to the country may not qualify under the two (2) programs except when such applicant holds an exchange visitor's visa (i.e J-1 of USA) and whose training was self-solicited with no financial or service obligation with any public or private institution in the Philippines.

SECTION 7. *Procedure of Application.* Qualified Balik Scientist Applicant/host institution shall submit the following requirements:

- Accomplished Balik Scientist Program (BSP) Form, with 2"x2" photo and detailed curriculum vitae of the Balik Scientist Applicant;
- Photocopy of the Balik Scientist Applicant's diploma or transcript of academic records or a certification of academic achievements from a credible local or international public/private institution/association;
- Endorsement/Invitation letter from a credible local public private institution/association (if application is submitted directly by the Balik Scientist Applicant);
- Copy of a valid certificate of registration, valid professional license or a temporary special permit or any foreign license, or any valid documents for identification.

When applicable, a Balik Scientist Applicant under the Long Term Program (including New Graduate), in addition to the aforesaid requirements, must submit a detailed Statement of Research and/or Activity Plan with "conformance" of the Host Institution. On the other hand, a Balik Scientist Applicant under the Short Term Program, in addition to the aforementioned requirement, must submit a specific Term of Reference/Work Plan and expected output indicating the concurrence of the Host Institution.

SECTION 8. *Criteria for Selection of Awardees.* The Balik Scientist Evaluation Committee (BSEC), which shall be created by the Secretary, shall evaluate the qualifications of all Balik Scientist Applicants on the basis of information submitted. Prioritization will be based on the following factors:

- Expertise of a Balik Scientist Applicant which should be consistent with the BSP priority areas and S & T priorities promulgated by DOST;
- Acceptance of the offer/program of the Balik Scientist Applicant from a locally-based private firm or academic institution, or government agency which is engaged in priority R&D projects and S & T services. Such private firm or academic institution or government agency shall be committed to provide necessary resources and counterpart incentive for the Balik Scientist Applicant;
- Relevance of the proposed activities relative to the expertise or field of specialization of the Balik Scientist Applicant;
- Concurrence of the Host Institution on the proposed activities of the Balik Scientist Applicant; and
- Well-defined proposed work program, schedule of activities, target beneficiaries and outcomes of the Balik Scientist Applicant which are mutually acceptable to all parties including DOST.

SECTION 9. *Incentives.* Incentives under the Balik Scientist Program shall include the following:

- **Short Term Program:**
 - Free round-trip economy airfare originating from a foreign country to the Philippines by direct route, and such other privileges that may be given under the short-term program implementing guidelines;
 - Daily subsistence allowance to be determined by the DOST; and
 - Grants-in-aid (GIA) for research and development projects approved by the Secretary of DOST. The GIA shall be released to the grantee upon the start of the program.
- **Long Term Program:**
 - Free one-way economy airfare from a foreign country to the Philippines, including airfare for the spouse and two (2) minor dependents, and free return trip economy airfare after completion of two (2) years in the case of balik scientists with at least five (5) years experience abroad, and three (3) years in the case of balik scientist who are new graduates at the time of availment of the balik scientist program;
 - Excess baggage allowance to be determined by DOST;
 - Relocation allowance to be determined by DOST;
 - Duty and tax-free importation of personal effects and professional instruments and implements in quantities and of the class suitable to the profession, rank or position of the persons importing them for their own use and not for barter or sale.
 - Duty and tax-free importation of one (1) unit second-hand motor vehicle with maximum displacement of 1600cc subject to the classification standard of motor vehicle transported set forth by the Bureau of Customs. Provided, that the grantee under the short-term

program who shall decide to avail of the long-term program may likewise be entitled to this benefit;

- Exemption from payment of travel tax including those for the spouse and minor dependents as certified by the DOST;
- Exemption from the Immigration clearance certificates and payment of multiple entry fees as provided under existing laws, rules and regulations;
- Exemption from securing alien employment permit within the duration of their contract;
- Reimbursement of expenses for the surface shipment of personal and household effects including one (1) motor vehicle not exceeding 2 % tons volume weight;
- Grants-in-aid (GIA) for research and development projects approved by the Secretary of DOST. The GIA shall be released to the recipient within three (3) months upon arrival of the grantee;
- Availability of the infrastructure budget for the laboratory to come up with an innovation. Provided, that the laboratory shall remain as property of the government after the expiration of the term;
- Grant by the Secretary of the Department of Justice special non-immigrant visa under Section 47 (a) (2) of the Philippine Immigration Act of 1940, as amended, including those for the spouse and minor dependents, after compliance with the requirements therefore and exemption from payment of visa, immigration and registration fees in accordance with existing laws, rules or regulations;
- Medical and Accident Insurance shall be provided to the Scientist and his/her spouse and two (2) minor dependents throughout the duration of the grant;
- Educational Support for the two (2) minor dependents during the duration of the grant; and
- Housing Subsidy during the duration of the contract.
- The returning scientists/experts who are non-Filipino Nationals shall also be exempted from the Professional Regulation Commission (PRC), Department of Labor and Management (DOLE) and in any other government agencies' laws, rules and regulations and policies, limiting the practice of their profession in the country.

SECTION 10. *Inter-Agency Body.* There shall be an inter-agency body which shall review the policies and programs of the BSP to ensure attainment of the objectives of this Act.

The Inter-Agency Body shall consist of the following:

- The Secretary of the Department of Science and Technology – Chairperson
- The Secretary of the National Economic Development Authority Co-Vice-Chairperson
- The Secretary of the Department of Foreign Affairs – Co-Vice-Chairperson

- The Secretary of the Department of Agriculture
- The Secretary of the Department of Environment and Natural Resources
- The Secretary of the Department of Labor and Employment
- The Secretary of the Department of Health
- The Secretary of the Department of Tourism
- The Commissioner of the Bureau of Immigration
- The Commissioner of the Philippine Regulation Commission
- The Commissioner of the Philippine Retirement Authority
- A representative from the private sector organization
- A representative from the Academe

SECTION 13. *BSP Secretariat.* There shall be a permanent BSP Secretariat to assist the DOST and the Inter-Agency Body in the implementation of the BSP.

SECTION 12. *Administration.* This program shall be under the direction and administration of the DOST.

SECTION 13. *Annual review.* The BSP shall be reviewed annually by the Inter-Agency Body, the private sector, representatives from both Houses of Congress, Committee on Science and Technology (COMSTE) and the Office of the President.

SECTION 14. *Annual Report.* To ensure the attainment of the objective of this Act and for purposes of review of the viability/success of the BSP, the DOST shall render an annual report to the Commission on Science and Technology and Engineering (COMSTE) on the accomplishments of the program.

SECTION 15. *Funding.* To carry out the provisions of this Act, the sum of twenty five million pesos (P25, 000,000.00) in addition to existing budget for the BSP of DOST is hereby appropriated for the initial year of implementation of this Act. Thereafter, the said amount shall be included in the annual budget of DOST in accordance with the Annual General Appropriations Act.

SECTION 16. *Implementing Rules and Regulations.* The Department of Science and Technology shall issue within 90 calendar days the implementing rules of this Act in consultation with the appropriate private and government organizations and agencies to effectively implement the Program.

SECTION 17. *Separability Clause.* If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 18. *Effectivity.* This Act shall take after fifteen (15) days following the date of its publication in the Official Gazette or in two (2) newspapers of general circulation whichever comes earlier.

Approved,