

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4628**



**INTRODUCED BY HON. JOHN MARVIN "YUL SERVO" NIETO and
HON. EDWARD VERA PEREZ MECEDA**

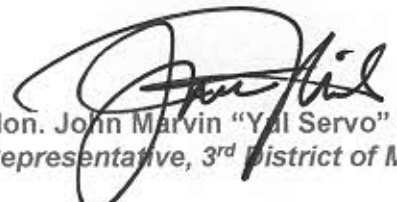
EXPLANATORY NOTE

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. PD No. 819 a Balik Scientist is any foreign-based scientist, technician, or professional, or any person with special skill or expertise who is a Filipino or of Filipino origin or descent and the members of his/her family, who is licensed to practice his/ her profession, special skill or expertise while staying in the Philippines either on a temporary or permanent basis upon approval by the Secretary of Health. PD 819 further provides that such foreign based scientist, technician or professional shall first register with the Professional Regulation Commission regardless of whether or not, his special skill or expertise falls within any of the regulated professions and vocations in the Philippines and pay the required license fee for the practice of her/his profession, skill or expertise in his country.

Notwithstanding the success of the program, there are still a lot of Filipino scientists, technology experts and researchers outside the country that has 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 passage of this bill into law.


Hon. John Marvin "Yul Servo" Nieto
Representative, 3rd District of Manila


Hon. Edward Vera Perez Maceda
Representative, 4th District of Manila

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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:

SEC 1. Title. This Act shall be known as the "*Balik Scientist Act of 2016*"

SEC 2. Declaration of Policy. The State recognizes that the utilization of the expertise of expatriate Filipino scientists and technologist is a vital component of the nation's political, economic and social development efforts, hence, it is hereby declared to be the policy of the State to encourage Filipino scientists and technology experts from abroad to return to the Philippines and share their expertise to accelerate the development of the country. Towards this end, any foreign-based scientist, professional, technician, or any person with special skills or expertise who is of Filipino descent shall be allowed to share his or her profession or expertise in the Philippines in accordance with the implementing rules and regulations which shall be promulgated by the Department of Science and Technology (DOST) in consultation with relevant agencies of the government and non- government organizations.

SEC 3. General- Objectives. This Act aims to strengthen the scientific and technological human resources of the academe, public institutions and domestic corporations in order to promote knowledge sharing and accelerate the flow of new technologies into the country.

SEC 4. Definition of Balik Scientist. - A Balik Scientist is a science or technology expert or professional, as certified by the DOST, who is a Filipino citizen and/or a foreigner of Filipino descent, residing abroad, and contracted by the government to return and serve in the Philippines along his or her field of expertise for a Short Term Engagement with a duration of at least thirty (30) days per award to be served within one year from the date of the award or Long Term Engagement with a duration of at least 24-36 months subject to renewal to be determined by DOST and to be served within five (5) years from the date of the award.

SEC 5. Incentives. The Balik Scientist Program shall include the following and such other privileges as may be provided in the implementing rules and regulations:

A. Short Term Program:

1. One. (1) free round-trip airfare originating from a foreign country to the Philippines;
2. Tax exempt daily allowance to be determined by the DOST;
3. Participation in Grants-in-Aid (GIA) research and development projects of the DOST subject to guidelines to be provided in the implementing rules and regulations;
4. All Balik Scientists, as certified by the DOST, shall be exempt from the licensing or permit requirement of the Professional Regulation Commission (PRC): **Provided**, that the DOST shall submit to the PRC the list of Balik Scientists whom it has certified prior to the award: **Provided further**, that accomplishment

reports of the Balik Scientists shall likewise be furnished by the DOST to the PRC at the end of each award;

5. Reimbursement of expenses for excess baggage allowance related to scientific project or activities; and
6. Donation of instruments and materials related to the scientific program or activities shall be exempted from taxes and duties. Freight and storage expenses shall be borne by the host institution.
7. Subject to the applicable provisions of Sec. 29, Commonwealth Act No. 613, the Balik Scientist of foreign citizenship, as certified by the DOST, shall be granted by the Secretary of Justice special non-immigrant visas under section 47 (a) (2) of the Philippine Immigration Act of 1940, as amended, after compliance with the requirements therefor. Said Balik Scientist shall be exempted from the payment of visa, immigration and registration fees in accordance with section 251 of the Philippine Foreign Service Code of 1983, as amended by Section 831 of Department Order No. 19a-95, series of 1995, otherwise known as the Regulations of the Department of Foreign Affairs, if applicable.

B. Long Term Program:

1. Relocation allowance to be determined by DOST;
2. Tax exempt monthly allowance to be given by the DOST;
3. Housing may be arranged by pre-determined host institutions;
4. As determined by DOST, duty and tax-free importation of personal effect and professional instruments and material in quantities and of class suitable to the profession, rank or position of the Balik Scientists importing them for their own use and not for barter or sale in accordance with Section 105 of the Tariff Code. Duty and tax free importation of one (1) unit second hand motor vehicle with gross vehicle weight (GVW) not exceeding 3000 kilograms 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 shall likewise be entitled to this benefit who shall decide to avail of the Long Term Award: **Provided further**, that the grantee shall abide by the rules and regulations under the no-dollar import (NDI) program of the DTI-Bureau of Import Service. A certificate of endorsement from the DOST shall be submitted in lieu of the required personal appearance: **Provided finally**, that the grantee shall be exempted from posting bond and exportation of the motor vehicle to the country of origin upon expiration of the award ;
5. Donations of equipment, instruments and materials related to the scientific program or activities shall be exempted from the taxes and duties: **Provided**, that the donation shall be on the account of DOST. Likewise, freight and storage expenses shall be borne by the host institution;
6. Exemption from payment of travel tax of Balik Scientist including his or her immediate family members as certified by the DOST;
7. Exemption from submission of Immigration clearance certificate and payment of multiple entry fees;
8. Exemption from securing alien employment permit within the duration of their contract pursuant to Section 2 of Department Order No. 97-09, Series of 2009, as amended by Department Order No. 120-12, Series of 2012, of the Department of Labor and Employment;
9. All Balik Scientists, as certified by the DOST, shall be exempt from the licensing or permit requirement of the PRC: **Provided**, that the DOST shall submit to the PRC the list of Balik Scientists shall likewise be furnished by the DOST to the PRC at the end of each award or Project;
10. Participation in Grants-in Aid for research and development projects approved by the Secretary of DOST;
11. 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; and
12. Subject to applicable provisions of Section 29, Commonwealth Act 613, Balik Scientists of foreign citizenship, including his/her immediate family members, as certified by the DOST, shall be granted by the Secretary of Justice special non-immigrant visas under Section 47 (a) (2) of the Philippine Immigration Act of 1940, as amended, after compliance with the requirements therefor. Said Balik Scientist and immediate family members and registration fees in accordance with Section 251 of the Philippine Foreign Service Code of 1983, as amended by Section 831 of Department Order No. 19A-95, Series of 1995, otherwise known as the Regulations of the Department of Foreign Affairs.
13. Balik Scientists under the Short Term and the Long Term Awards shall be provided with reasonable accident and medical insurance for the duration of the award as determined by DOST.

SEC 6. Administration. This program shall be administered by the DOST which shall issue the implementing rules and regulations in consultation with appropriate agencies ninety (90) days after the approval of this Act.

SEC 7. *Implementing Rules and Regulations.* The DOST, in consultation with concerned agencies and stakeholders, shall promulgate the implementing rules and regulation of this Act within ninety (90) days from the effectivity of this Act.

SEC 8. *Funding.* The funds necessary to carry out the provisions of this Act shall be included in the annual budget of the DOST in accordance with the Annual General Appropriations Act.

SEC 9. *Repealing Clause.* All laws, presidential decrees, executive orders, ordinances, rules and regulation, and other issuances or part thereof which are inconsistent with this Act, are hereby repealed or modified accordingly

SEC 10. *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.

SEC 11. *Effectivity.* This Act shall take after fifteen (15) days after its publication in the Official Gazette or in a newspapers of general circulation.

Approved,