

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6057



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The issue of brain drain in the country is not new and has been a long-running concern as early as the 1960s, where majority of Filipino young professionals opt to work abroad. The almost double increase¹ of Filipinos flying to foreign countries could be attributed to low salary, rising cost of living, and the lack of incentives² for our skilled professionals. This outflow of human capital is discouraging progress on the country's science and technology industry, and there is a need to encourage advancement with science and technology as a priority.

Since its establishment in 1975³ through Presidential Decree No. 819, and being revived thereafter in 1993⁴ through Executive Order No. 130, the "*Balik Scientist Program*" has continued to be one of the Department of Science and Technology's (DOST) strategic programs in addressing the country's need for scientific and technological human resources⁵. The DOST calls it as a "brain gain" initiative of the Philippine Government, providing hope for the issue of brain drain and instilling patriotism to our skilled Filipino professionals.

The proposed bill, as a counterpart bill to Senator Poe's version in the Senate, intends to institutionalized the said program by the DOST in order to entice foreign-

¹ <http://globalnation.inquirer.net/43311/brain-drain-more-than-doubled-in-last-12-years>

² <http://www.bworldonline.com/content.php?section=Technology&title=brain-drain-ip-issues-plague-science-community&id=112813>

³ http://www.lawphil.net/statutes/presdecs/pd1975/pd_819_1975.html

⁴ http://www.lawphil.net/executive/execord/eo1993/eo_130_1993.html

⁵ <http://bsp.dost.gov.ph/>

based scientists and professionals who are of Filipino descent to share expertise to the Philippines. Benefits, incentives and privileges are given to "*Balik Scientists*" certified by the DOST such as medical and accident insurance, Professional Regulations Commission registration and special non-immigrant visas for those who have acquired foreign citizenship. The *Balik Scientists* are also given full subsidy on their round-trip airfare to and from the Philippines, relocation allowance, and housing by pre-determined host institutions.

The Government recognizes the need to retain highly-skilled workers⁶ and by institutionalizing programs that aim to strengthen human resources of key industries in the country, such as science and technology, we help steer this nation in the direction of progress and not regression.

In view of the foregoing, the approval of this bill is earnestly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

⁶ <http://newsinfo.inquirer.net/608116/palace-mulls-salary-increase-to-address-dost-brain-drain>

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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:

ARTICLE I
GENERAL PROVISIONS

Section 1. Title. – This Act shall be known as the "*Balik Scientist Act of 2017*".

Section 2. Declaration of Policy. – The State recognizes the utilization of the expertise of expatriate Filipino scientists and technologists as 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, the "*Balik Scientist*" program is hereby institutionalized, in which the State shall provide incentives for foreign-based Filipino scientists, professionals, technicians, or Filipinos with special skills or expertise to share their professional experiences, know-how 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.

Section 3. *Definition of Terms.* – For the purpose of this Act:

- a) *“Balik Scientist”* - refers to a science or technology expert or professional, as certified by the DOST, who is currently or who was formerly a Filipino citizen, and is residing abroad;
- b) *“Balik Scientist Program”* - refers to the program institutionalized under this Act;
- c) *“DOST”* - refers to the Department of Science and Technology;
- d) *“Long-Term Engagement”* - refers to a term of engagement under the Program with duration of at least twenty-four (24) to thirty (36) months subject to renewal to be determined by DOST and to be served within five (5) years from the date of the award;
- e) *“Medium-Term Engagement”* - refers to a term of engagement under the Program with a duration of eight (8) to twelve (12) months per award to be served within two (2) to three (3) years from the date of the award;
- f) *“Short-Term Engagement”* - refers to a term of engagement under the Program with a duration of at least one hundred ninety (190) days per award to be served within one (1) year from the date of the award;
- g) *“Terms of Engagement”* - refers to the duration under which a *Balik Scientist* shall be engaged in the Program. The terms of engagement may be short-term, medium-term or long-term.

ARTICLE II

THE BALIK SCIENTIST PROGRAM

Section 4. *Institutionalization of the Balik Scientist Program.* – There is hereby established and institutionalized the *Balik Scientist* program, hereafter referred to as the “Program”. Under the Program, a “*Balik Scientist*” is contracted by the government to return and serve in the Philippines in his or her field of expertise based on a short-, medium-, or long-term engagement.

Section 5. *Program Objectives.* – The Program shall aim to entice foreign-based scientists, professionals, technicians, or any person with special skills or expertise who are of Filipino descent to share their professional experiences, know-how or expertise in the Philippines to strengthen the scientific and technological human resources and knowledge base of the academe, public institutions, and domestic corporations, in order to promote knowledge-sharing and accelerate the flow of new technologies into the country.

Section 6. *General Benefits, Incentives, and Privileges.* – All *Balik Scientists*, as certified by the DOST, shall be eligible for the following general benefits, incentives, and privileges, including such others which may be provided through additional rules and regulations pursuant to the declared national policy of this Act:

- a) Registration as a professional and issuance of a certificate of registration and license by the PRC, subject to the conditions of Republic Act No. 8981, otherwise known as the “*PRC Modernization Act of 2000*”, *Provided*, that the DOST shall submit to the PRC the list of all accredited or vetted *Balik Scientists*, as well as those who shall serve under the Program, at the end of each award or Project;
- b) Reasonable accident and medical insurance for the duration of the award as determined by the DOST;
- c) Subject to applicable provisions of Section 29 of Commonwealth Act No. 613, otherwise known as “*The Philippine Immigration Act of 1940*”, as

amended, *Balik Scientists* who have acquired 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 same law.

Section 7. Term-Specific Benefits, Incentives, and Privileges. – *Balik Scientists* shall be eligible for the following benefits, incentives, and privileges, including such others which may be provided through additional rules and regulations pursuant to the declared national policy of this Act, depending on their terms of engagement:

- a) Short-Term Program - *Balik Scientists* who are contracted on a short-term engagement basis shall be eligible for the following benefits, incentives and privileges:
 - 1. One (1) fully subsidized round-trip airfare originating from a foreign country to the Philippines;
 - 2. Reimbursement of expenses for excess baggage allowance related to scientific project or activities;
 - 3. Relocation allowance to be determined by DOST;
 - 4. A tax-exempt daily allowance to be determined by the DOST;
 - 5. 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;
 - 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.

b) Medium-Term Program - *Balik Scientists* who are contracted on a medium-term engagement basis shall be eligible for the following benefits, incentives and privileges:

1. One (1) fully-subsidized round-trip airfare originating from a foreign country to the Philippines;
2. Reimbursement of expenses for excess baggage allowance related to scientific project or activities;
3. A tax exempt daily allowance to be determined by the DOST;
4. Relocation allowance to be determined by DOST;
5. 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;
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. Exemption from payment of travel tax of *Balik Scientist* including his or her immediate family members as certified by the DOST; and
8. Exemption from submission of Immigration clearance certificate and payment of multiple entry fees.

c) Long-Term Program - *Balik Scientists* who are contracted on a long-term engagement basis shall be eligible for the following benefits, incentives and privileges:

1. One (1) fully-subsidized one-way airfare from a foreign country to the Philippines, including airfare for the spouse and two (2) minor

dependents, and one (1) free return trip airfare after completion of the award;

2. Reimbursement of expenses for excess baggage allowance related to scientific projects or activities;
3. A tax exempt monthly allowance to be given by the DOST;
4. Relocation allowance to be determined by DOST;
5. Housing may be arranged by pre-determined host institutions;
6. Participation in Grants-in-Aid for research and development projects approved by the Secretary of DOST;
7. 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 3,000 kilograms, subject to the classification standard of motor vehicles transported set forth by the Bureau of Customs: *Provided*, that the grantee under the short-term program shall likewise be entitled to this benefit, if he or she 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;

8. 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;
9. Reimbursement of expenses for the surface shipment of personal household effects and professional instruments, including one (1) motor vehicle the total weight of which does not exceed 3 ½ tons volume weight;
10. Exemption from payment of travel tax of *Balik Scientist* including his or her immediate family members as certified by the DOST;
11. Exemption from submission of Immigration clearance certificate and payment of multiple entry fees;
12. 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; and
13. 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.

ARTICLE III

PROGRAM ADMINISTRATION

Section 8. Role of the DOST. – The Program shall be administered by the DOST. Within thirty (30) days from the effectivity of this Act, the DOST shall convene an *ad hoc* committee which shall, in coordination with concerned government agencies:

- a) Determine the host institutions, application process and documentary requirements for an individual to be certified as a *Balik Scientist*: *Provided*, that the call for application, review of documents and awarding of the status as *Balik Scientists* shall be done at least once per year: *Provided further*, that applications shall be processed within sixty (60) calendar days from receipt;
- b) Determine, in coordination with relevant government agencies, the communications strategy to reach out to prospective *Balik Scientists*; *and*
- c) Determine the parameters, amounts, and funding requirements of the benefits, incentives, and privileges under Sections 7 and 8 of this Act, which shall include:
 - 1. The amounts insurable and procedures for availing of “reasonable accident and medical allowance” provided for all *Balik Scientists*, in coordination with relevant stakeholders;
 - 2. The amount of the daily, monthly, and relocation allowances and its manner of disbursement;
 - 3. The guidelines for participation in Grants-in-Aid (GIA) research and development projects;
 - 4. The guidelines in determining housing for *Balik Scientists* under the Long-Term Program;
 - 5. The guidelines for the utilization of the infrastructure budget for *Balik Scientists* under the Long-Term Program; *and*
 - 6. The guidelines for such other benefits, incentives and privileges as may be provided under the implementing rules and regulations of this Act.

ARTICLE IV FINAL PROVISIONS

Section 9. *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.

Section 10. *Appropriations.* – The funds necessary to carry out the provisions of this Act shall be included in the annual appropriations of the DOST under the General Appropriations Act.

Section 11. *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.

Section 12. *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 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,