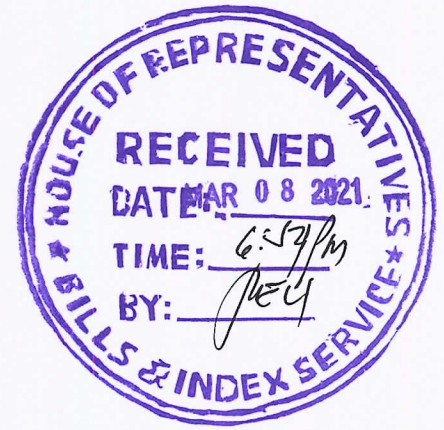


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8936



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

Four decades later, and after a series of democratically elected governments, the Philippines' labor export program is still very much in place. In 2013 alone, 1.8 million temporary migrant workers fanned out to more than 190 countries, each one bearing an employment contract issued and certified by the Philippine government. From factory and domestic workers to engineers and nurses, Filipinos fill a wide range of jobs in foreign labor markets.¹

The legal movement of temporary workers on this scale is unparalleled elsewhere in the developing world. For many international observers, the Philippines' labor export system is unrivaled in its sophistication, making it a model for other developing countries hoping to access the benefits of global labor mobility. At the same time, there are looming concerns about the effects of skills and brain drain.²

Education has been identified as an important determinant of economic growth. Higher levels of educational attainment lead to a more skilled and productive workforce, producing more efficiently a higher standard of goods and services, which in turn forms the basis for faster economic growth and rising living standards.³

Such education is a foundation for further skills development in productive employment, both initially and throughout adult life. Moreover, a wide distribution of educational attainment across society is a better indicator of likely future economic growth than a high average level. A country's capacity to pick up new technologies and turn them to economic advantage is greater if its

¹ <https://www.worldpoliticsreview.com/insights/15998/human-capital-the-philippines-labor-export-model>

² Ibid, 1.

³ <https://www.oecd.org/g20/summits/toronto/G20-Skills-Strategy.pdf>

education and training system creates a broad base of adequately educated individuals able to continue learning throughout their careers. It is increasingly acknowledged that training and skills development, whether in schools or elsewhere, is an essential complement to general education in equipping people to grasp opportunities in the world of work.⁴

This bill seeks to establish a fellowship program for advanced studies, otherwise known as "Pensionado Program". This program is aimed at Filipino government employees, private sector employees, and self-employed individuals. Those under this program will have access to fellowships, scholarships, training grants for advanced studies in international centers of advanced learning and research. Through this program, workers will be incentivized to work locally and further develop our human resources for the benefit of the Filipino people.

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



ALFRED C. DELOS SANTOS

Representative, Ang Probinsyano Partylist

⁴ Ibid, 3.

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Introduced by **ANG PROBINSYANO**
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**AN ACT CREATING AN ADVANCED STUDIES DEVELOPMENT PROGRAM
FOR EXCEPTIONAL EMPLOYEES OF GOVERNMENT AND PRIVATE
SECTOR AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* — This bill shall be known as the "Pensionado Act
of 2020."

SECTION 2. *Declaration of Policies.* — Human resources developments are
essential for economic development and progress. In the pursuit of economic
development and progress, the state shall give priority to the creation of a critical
mass of elite professionals who shall take the lead in harnessing science,
technology, and related disciplines towards accelerating the productivity of the
country's human resources.

Consonant with this trust, it is hereby declared a policy of the state to
devise a program for exceptionally able and highly motivated employees,
preferably age 30-40, from the government, the private sector, and/or the self-
employed to undertake advanced studies in a branch of science, technology or
related fields of learning on which depends on the development and progress of
the country. As such, it shall provide for fellowships to enable them to pursue
advanced studies or research in their field of expertise.

The state shall develop a critical mass of the first-rate specialist in various
disciplines and areas of specializations vital to national development to form a
collective national "think tank" who shall place continuously their knowledge
and skills at the service of the nation, be it in industry, the academe or the

highest policy-making levels of government, with the government taking the lead in harnessing their knowledge and skills for the greatest good of the country.

SECTION 3. *Definition of Terms.* — For purposes of this Act, the following terms are hereunder defined accordingly:

- a. Post-graduate refers to formal degree course program of training/research requiring at least a Master's Degree for entry; a student pursuing such program;
- b. Advanced studies refer to a post-graduate problem-oriented program of studies and/or research, not necessarily leading to a degree, undertaken for further specialization or advanced knowledge in a specific field of a study, or to acquire specialized knowledge and/or skills in a particular area of science or technology; and
- c. Pensionado refers to a Filipino citizen selected and supported by the Philippine government under this program to undertake advanced studies in selected institutions of higher learning or recognized research centers, in fields relevant to the officially declared priority areas for development

SECTION 4. *Establishment of a Program.* — There shall be established under the Commission on Higher Education (CHED), in coordination with the non-government organizations (NGOs), the private sector and other government agencies, namely, the National Economic and Development Authority (NEDA), the Department of Trade and Industry (DTI), and the Department of Science and Technology (DOST), a fellowship program to be called as the "Pensionado Program" for Filipinos employed in the government and the private sectors and those who are self-employed. The program shall pool together all fellowships, scholarships, training grants sponsored or extended by a foreign government, agencies, and other bodies, as well as by local agencies and organizations, whether public or private, intended for advanced studies in international centers of advanced learning, scholarship, and research.

SECTION 5. *Establishment of a National Secretariat; Functions and Composition.* — There shall be established a National Secretariat, hereafter referred to as the "Secretariat", with the following functions:

- a. Identify, and assist in negotiations with sponsors (foreign and local, public and private) of fellowships, scholarships, and grants;
- b. Provide assistance to the selection panel in accomplishing its work;
- c. Provide the Pensionados continuing assistance from the time of selection thru the time of their return to the country, including assistance for the productive utilization of their newly-gained expertise;
- d. Serve as the administrative arm of the government for the program; and

- e. In general, promulgate and implement the policies and guidelines governing the Program.

The National Secretariat shall be headed by an Executive Officer with the rank of Assistant Secretary, to be appointed by the President of the Republic of the Philippines, upon the recommendation of CHED. Members of the Secretariat shall consist of representatives from CHED, NEDA, DTI, and DOST. These representatives shall be seconded to the Secretariat for a period of one year, subject to renewal every year. Service rendered thereat shall be considered as part of their performance for promotions purposes.

SECTION 6. *Number of Pensionados and Length of Grant.* — There shall be selected twenty-four (24) fellows annually - three (3) fellows for each priority discipline industry field of the eight (8) vital disciplines or areas of specializations identified by the CHED in consultation with the NEDA as frontiers or new areas essential for pushing the economic and social development thrusts of the country. The scholarship shall be for a period not exceeding three (3) years.

SECTION 7. *Selection Process.* — There shall be a Selection Panel under the Secretariat consisting of three (3) university presidents and two (2) eminent members from the academe to be appointed by the CHED. They shall serve on a staggered basis for the purposes of continuity and consistency, each for a term of three (3) years. The Selection Panel shall make the final selection of the Pensionados from among the nominees from the academe, industry, and research centers. The integrity and objectives of the program are paramount considerations for the panel in making the selection.

SECTION 8. *Qualifications.* — In order to qualify for the Fellowship Program, the applicant must be:

- a. A Filipino citizen;
- b. Gainfully employed;
- c. A college degree graduate, with honors;
- d. With demonstrated leadership and proven exceptional performance in his/her present work;
- e. Enthusiastic in undergoing further training; and
- f. Willing to sign a contract requiring him/her to return to his/her job in another capacity after training.

SECTION 9. *Place of Study.* — The Pensionados shall be sent to a foreign country well-known for its advanced stage in a particular discipline or an area of specialization. Training and education may be an academic institution, research, and development (R&D) center, or a major industrial establishment with an R&D program. It may or may not lead to an advanced academic degree.

SECTION 10. *Assistance to Grantees.* — The Pensionado is entitled to the following benefits:

- a. Up to three (3) years leave with pay, including allowances and other benefits;
- b. One economy round-trip airfare to and from the host country plus other travel expenses required for foreign travel;
- c. Clothing allowance to be determined by the Secretariat;
- d. Monthly stipend while on study abroad, of such amount to be determined by the Secretariat;
- e. Books/Instructional Materials/Research allowance of such amount to be determined by the Secretariat; and
- f. Health, Travel and Insurance fees of such amount to be determined by the Secretariat.

SECTION 11. *Program Funding.* - The cost of each fellowship grant shall be shared by the Pensionado's employer and the National Government. The employer pays the salary, allowances, and other benefits due to the Fellow as employed during the one-year period of advanced studies overseas while the national Government, through the program, shall be responsible for items b, c, d, e, and f as enumerated in Section 10 hereof. With the transfer of all pertinent foreign and local grants for coordination under the Program, the government, through the Program, may negotiate bilateral arrangements with hosts governments, host universities, host research institutions, and host corporations to share at least 50% of the total cost of items b, c, d, e, and (under Section 10 hereof.

The National Government may also negotiate bilateral agreements with host governments, host universities, research institutions, and corporations to enable our scholars to stay abroad and continue their studies or training at a minimal cost to the national Government. A sharing program can be established where the host government, host-universities, research institutions, and corporations can pick up the expenses of the scholars while he is abroad.

SECTION 12. *Service Obligation.* — Immediately upon completion of the studies or training, a fellow shall be required to return to his job or in another capacity approved by the Secretariat and serve on a full-time basis for a minimum period equivalent to twice the period covered by the fellowship grant. In addition, the scholar shall be required to hold seminars or training sessions for employees from the government and the private sectors on topics related to the course or training he has completed. Any recipient of the program who has not completed his course shall reimburse the Fellowship the grant received or render service to the sponsoring agency or company for a period equivalent to the period covered by the fellowship. Any Pensionado who violates the service obligation imposed under this section shall reimburse the sponsoring agency or company and the national Government of the Fund assistance received under this act in full or in part as the case may be.

SECTION 13. *Mechanism for Utilization of Returned Fellows.* — There shall be established and developed a National Network of Specialized Institutes for Advanced Studies in universities selected by CHED in consultation with the DOST and other appropriate agencies to be determined by the Secretariat to provide returned scholars an office, laboratory, library, and conference facilities for their continuing activities. The Institute shall also serve as a place for an Exchange Program and Collaborative Research among local and international scientists and scholars in priority areas of research and development. The National Government may, through CHED and/or the National Secretariat, negotiate bilateral agreements with a foreign government, universities, research institutions, and corporations, public and private, to effect the exchange of scholars and scientists for collaborative advanced studies, as well as to equip the Institute for purposes of benefit to the cause of scholar and scientists for collaborative advanced studies, as well as to equip the Institute for purposes of benefit to the cause of scholarly or scientific advancement and national development. A sharing program may be established whereby the host government/university/institution/ corporation can pick up part of the expenses of the Fellow in pursuit of his/her Fellowship.

SECTION 14. *Appropriations.* — The amount necessary to carry out the initial implementation of this Act shall be drawn from the savings of the national government. Thereafter, the funds necessary for the continuous implementation of the program shall be included in the General Appropriations Act. The Program shall receive 2% from the share of the DOST and 1% from the share of the Philippine Youth Commission in the Bases Conversion Development Authority (BCDA) proceeds.

SECTION 15. *Transfer of other fellowship, scholarship, and training grants.* — All foreign and locally sponsored fellowship, scholarship, and training grants will be transferred to the program for coordination. With respect to government employees who may be affected by the transfer, the pertinent rules and regulations of the Civil Service Commission (CSC) shall apply.

SECTION 16. *Implementing Rules and Regulations.* — Within ninety (90) days from the approval of this Act, CHED, in coordination with NEDA, DTI, DOST, and CSC, shall promulgate the necessary rules and regulations (or the effective implementation of the provisions thereof.

SECTION 17. *Separability Clause.* — If any provision or part of this Act is held invalid or unconstitutional, the remaining provisions or parts unaffected shall remain in full force and effect.

SECTION 18. *Repealing Clause.* — All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 19. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,