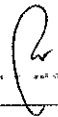


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SECRETARY  
10 SEP 13 4 31 17

SENATE  
S. No. **2498**

RECEIVED BY 

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

One of the greatest paradoxes of our age is that physical assets have ceased to be the main sources of wealth. In its place, human creativity has become the source of economic growth, impelling leaps and bounds in technology and economic productivity.

Human brainpower will be the strongest motive force behind Philippine economic development in the third millennium. In order to harness the country's intellectual resources, we need to put in place measures that will put an end to the brain drain and the migration of our brightest talents, and the non-development of potentials due to poverty.

This bill seeks to harness and optimize our country's intellectual resources through the establishment of the "Pensionado Program." This program shall pool together all foreign and local public and private sponsorship intended for further education, enrichment and training of exceptionally able and highly motivated Filipinos employed in both the government and private sectors. The program will align sponsorships among priority areas identified to be critical to Philippine economic development, and provide incentives for the beneficiaries to put the skills and education acquired under training to the service of the Filipino nation. All parents know that education is the most important investment for the future, and the most valuable legacy to bequeath to one's children. We should therefore provide for measures to manage our country's investments in higher education, and to ensure that they be put to productive use for the welfare of the entire nation.

This bill was originally filed by Sen. Rodolfo G. Biazon during the First Regular Session of the Fourteenth Congress.

  
MIRIAM DEFENSOR SANTIAGO

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SECRET  
OFFICE OF THE SECRETARY

10 SEP 13 7:37

SENATE  
S. No. 2498

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 CREATING AN ADVANCED STUDIES DEVELOPMENT PROGRAM FOR  
3 EXCEPTIONAL EMPLOYEES FROM THE GOVERNMENT AND PRIVATE SECTOR

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

4 SECTION 1. *Short Title.* - This bill shall be known as "The Pensionado Act of 2010."

5 SEC. 2. *Declaration of Policies.* - Human resources development is essential for  
6 economic development and progress. In pursuit of economic development and progress, the State  
7 shall give priority to the creation of a critical mass of elite professionals who shall take the lead  
8 in harnessing science, technology and related disciplines towards accelerating the productivity of  
9 the country's human resources.

10 Consonant with this thrust, it is hereby declared a policy of the State to devise a program  
11 for exceptionally able and highly motivated employees, preferably aged 30 - 45, from the  
12 government, the private sector and/or the self-employed to undertake advanced studies in a  
13 branch of science, technology, or related fields of learning on which depends the development  
14 and progress of the country. As such, it shall provide for fellowships to enable them to pursue  
15 advanced studies to research in their field of expertise.

16 The State shall develop a critical mass of first-rate specialists in various disciplines and  
17 areas of specialization vital to national development. They shall form a collective national "think  
18 tank" who shall continuously place their knowledge and skills at the service of the nation, be it in  
19 industry, the academe or the highest policy-making levels of the government, with the

1 government taking the lead in harnessing their knowledge and skills for the greatest good of the  
2 country.

3 SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms are hereunder  
4 defined accordingly:

5 a) "Post-graduate" - a formal degree course program or program of training/research  
6 requiring at least a Master's Degree for entry; a student pursuing such program;

7 a) "Advanced studies" - a post-graduate problem-oriented program of studies and/or  
8 research, not necessarily leading to a degree, undertaken for further specialization or advanced  
9 knowledge in a specific field of study, or to acquire specialized knowledge and/or skills in a  
10 particular area of science or technology;

11 c) "Pensionado" - A Filipino citizen selected and supported by the Philippine government  
12 under this Program to undertake advanced studies in selected institutions of higher learning or  
13 recognized research centers, in fields relevant to the officially declared priority areas for  
14 development.

15 SEC. 4. *Establishment of a Program.* - There shall be established under the Commission  
16 on Higher Education, hereafter referred to as the CHED, in coordination with non-government  
17 organizations (NGOs), the private sector and other government agencies, namely the National  
18 Economic and Development Authority (NEDA), the Department of Trade and Industry (DTI),  
19 the Department of Science and Technology (DOST), and the Department of Education (DepEd)  
20 fellowship program to be called as the "Pensionado Program", hereunder referred to as the  
21 Program for Filipinos employed in the government and the private sectors and those who are  
22 self-employed.

23 The Program shall pool together all fellowships, scholarships, training grants sponsored  
24 or extended by foreign governments, agencies and other bodies, as well as by local agencies and  
25 organizations, whether public or private, intended for advanced studies in international centers of  
26 advanced learning, or scholarship and research.

1           SEC. 5. *Establishment of National Secretariat: Functions and Composition.* – There shall  
2 be established a National Secretariat, hereafter referred to as the Secretariat, with the following  
3 functions:

4           1. To identify and assist in negotiations with sponsors (foreign and local, public and  
5 private) of fellowships, scholarships and grants;

6           2. To provide assistance to the Selection Panel in accomplishing its work;

7           3. To provide the Pensionados continuing assistance from the time of selection to the  
8 time of their return to the country, including assistance for the productive utilization of their  
9 newly gained expertise;

10          4. To serve as the administrative arm of the government for the Program; and

11          5. To promulgate and implement the policies and guidelines governing the Program.

12          The National Secretariat shall be headed by an Executive Officer, with the rank of  
13 Assistant Secretary, to be appointed by the President of the Republic of the Philippines upon the  
14 recommendation of the CHED. Members of the Secretariat shall consist of representatives from  
15 the National Economic and Development Authority (NEDA), Department of Trade and Industry  
16 (DTI), Department of Science and Technology (DOST) and the Commission on Higher  
17 Education (CHED). These representatives shall be seconded to the Secretariat for a period of one  
18 year, subject to renewal every year. Service rendered thereat shall be considered as service in  
19 their prospective agencies and shall also be considered as part of their performance for  
20 promotions purposes.

21          SEC. 6. *Number of Pensionados and Length of Grant.* - There shall be selected twenty  
22 four (24) fellows annually - three (3) fellows for each priority discipline/industry/field of the  
23 eight vital disciplines or areas of specialization identified by the CHED in consultation with the  
24 NEDA as frontiers or new areas essential for pushing the economic and social development  
25 thrusts of the country.

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

8           SEC. 8. *Qualifications.* - In order to qualify for the Program, the applicant must be:

- 9           (a) A Filipino citizen;
- 10          (b) Gainfully employed;
- 11          (c) A college degree graduate, with honors;
- 12          (d) With demonstrated leadership and proven exceptional performance in his/her present  
13 work;
- 14          (e) Enthusiastic in undergoing further training; and
- 15          (f) Willing to sign a contract requiring his/her to return to his job or in another capacity  
16 after the scholarship.

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

21          SEC. 10. *Assistance to Grantees.* - The Pensionado is entitled to the following benefits:

- 22          (a) Leave with pay, for the duration of the scholarship including allowances and other  
23 benefits;
- 24          (b) One economy round trip airfare to and from the host country plus other travel  
25 expenses required for foreign travel;
- 26          (c) Clothing allowance to be determined by the Secretariat;

1 (d) Monthly stipend while on study abroad, of such amount to be determined by the  
2 Secretariat;

3 (e) Books, instructional material and research allowance of such amount to be determined  
4 by the Secretariat; and

5 (f) Health, travel and insurance fees of such amount to be determined by the Secretariat.

6 SEC. 11. *Program Funding.* - The cost of each fellowship grant shall be shared by the  
7 Pensionado's employer and the National Government. The employer pays the salary, allowances  
8 and other benefits due the Fellow as employed during the duration of advanced studies overseas  
9 while the National Government, thru the Program, shall be responsible for items letter b, c, d, e  
10 and f as enumerated in Section 10 hereof.

11 With the transfer of all pertinent foreign and local sponsored grants for coordination  
12 under the Program, the Government, thru the Program may negotiate bilateral arrangements with  
13 host governments, host universities, host research institutions and host corporations to share at  
14 least 50% of the total cost of items Letter b, c, d, e and f under Section 10 hereof, The National  
15 Government may also negotiate bilateral agreements with host governments, host universities,  
16 research institutions and corporations to enable our scholars to stay abroad and continue their  
17 studies or training at a minimal cost to the National Government.

18 A sharing program can be established where the host government, host universities,  
19 research institutions and corporations can pick up a part of the expenses of the scholars while he  
20 is abroad.

21 SEC. 12. *Service Obligation.* - Immediately upon completion of the studies or training, a  
22 Fellow shall be required to return to his job or in another capacity approved by the Secretariat  
23 and serve on a full-time basis for a minimum period equivalent to twice the period covered by  
24 the fellowship grant. In addition, the scholar shall be required to hold seminars or training  
25 sessions for employees from the government and the private sectors on topics related to the  
26 course or training he has completed.

1 Any recipient of the program who has not completed his course shall reimburse the  
2 Fellowship the grant received or render service to the sponsoring agency or company for a period  
3 equivalent to the period covered by the fellowship grant.

4 Any Pensionado who violates the service obligation imposed under this Section shall  
5 reimburse the sponsoring agency or company and the National Government of the fund  
6 assistance received under this Act in full or in part as the case may be.

7 SEC. 13. *Mechanism for Utilization of Returned Fellows.* - There shall be established and  
8 developed a National Network of Specialized Institutes for Advanced Studies in universities  
9 selected by the CHED in consultation with the DOST and other appropriate agencies to be  
10 determined by the Secretariat to provide returned scholars an office, laboratory, library and  
11 conference facilities for their continuing scholarly work, research development and training  
12 activities. The Institute shall also serve as a place for an Exchange Program and Collaborative  
13 Research among local and international scientists and scholars in priority areas of research and  
14 development.

15 The National Government may, thru the CHED and/or the National Secretariat, negotiate  
16 bilateral agreements with foreign government, universities, research institutions and  
17 corporations, public and private to effect exchange of scholars and scientists for collaborative  
18 advanced studies, as well as to equip the Institute for purposes of benefit to the cause of scholarly  
19 or scientific advancement and national development.

20 A sharing program may be established whereby the host can pick up part of the expenses  
21 of government, university, institution or corporation, the Fellow in pursuit of his/her Fellowship.

22 SEC. 14. *Appropriations.* - The amount necessary to carry out the initial implementation  
23 of this Act shall be drawn from the savings of the National Government. Thereafter, the funds  
24 necessary for the continuous implementation of the Program shall be included in the General  
25 Appropriations Act.

1           The Program shall receive two-tenth percent (0.2%) from the share of the DOST and one  
2 percent (1%) from the share of the Philippine Youth Commission in the Bases Conversion  
3 Development Authority (BCDA) proceeds.

4           SEC. 15. *Transfer of Fellowships, Scholarship and Training Grants.* - All foreign and  
5 locally sponsored fellowships, scholarships and training grants will be transferred to the Program  
6 for coordination. With respect to government employees who may be affected by the transfer, the  
7 pertinent rules and regulations of the Civil Service Commission (CSC) shall apply.

8           SEC. 16. *Rules and Regulations.* - Within ninety (90) days from the approval of this Act,  
9 the Secretariat shall promulgate the necessary rules and regulations for the effective  
10 implementation of the provisions thereof.

11           SEC. 17. *Separability Clause.* - If any provision, or part hereof is held invalid or  
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
13 valid and subsisting.

14           SEC. 18. *Repealing Clause.* - Any law, presidential decree or issuance, executive order,  
15 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the  
16 provisions of this Act is hereby repealed, modified, or amended accordingly.

17           SEC. 19. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
18 publication in at least two (2) newspapers of general circulation.

Approved,