

THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }

'04 JUN 30 P5:34

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SENATE

S. No. 441

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

According to Stephane Garelli of the Switzerland-based International Institute for Management Development (IMD), the world is moving into a knowledge-based economy and as a consequence, nations begin to develop policies to entice the best talents. "The battlefield for world competitiveness is moving to Bytes and Brains. In a Darwinian world, the winners are indeed the fastest and fittest to adapt."

In a recently released report, the United Nations Development Program's Human Development Index, listed the Philippines among developing countries that are "dynamic adopters" in terms of technological achievements and capacities. In the UNDP's new technology achievement index (TAI), the Philippines was at the no. 44 slot among 72 countries (both developed and developing economies) surveyed, under the "dynamic adopters" category which included 25 others. The country has also ranked no. 22 in UNDP's list of 30 leading exporters of high-tech products exceeding Israel, Hong Kong, Brazil and Indonesia.

With the country's base of high-tech products for exports and of high-level technical skills now much sought abroad, the government's vision of a newly industrialized economy by the turn of the century has strong foundations. However, if these skilled individuals continue to find opportunities abroad more attractive, the vision may suffer the same fate that other good intentions in previous government encountered.

In its recently released World Competitiveness Yearbook, IMD noted that the Philippines has been one of a few countries losing its technical people to the United States. The IMD report said that between 1994 and 1995, some 57,000 Filipinos who hold higher education degrees were "imported" by the US. The average is nearly a thousand highly skilled individuals per year.

Every year, more than 800,000 Filipinos leave for jobs abroad, according to data from Philippine Overseas Employment Administration (POEA), and the share of persons with higher education or with sophisticated technical skills has been growing in recent years. The Philippine economy benefits substantially

from these through dollar remittances of Filipinos employed abroad. However, although remittances are a significant source of foreign exchange, the money is typically spent on consumer goods and adds little to an economy's productive capacity.

The proposed bill aims to tap the expertise of these overseas Filipino professionals to help accelerate economic development of the country in order to meet the goals for the next millennium. It provides for the methodologies by which these overseas Filipinos may concretely assist in Philippine development processes, notably in the areas of transfer and exchange of technology. Moreover, it is worth mentioning that their burning desire to come back to their land of birth is coupled with their ardent desire to contribute their share in the development and progress of our country. Hence, by allowing them to practice in the Philippines, we give them an opportunity to render service to their motherland where their skills and expertise will be most needed and welcomed.



SERGIO OSMEÑA III
Senator

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RECEIVED BY: *R. R. R.*

SENATE

S. No. 441

Introduced by Senator S. R. Osmeña III

AN ACT
PROVIDING FOR THE TRANSFER OF SCIENCE AND TECHNOLOGY AND
THE PRACTICE OF PROFESSIONS IN THE PHILIPPINES BY OVERSEAS
FILIPINO PROFESSIONALS

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

1 **SECTION 1. Policy Declaration** – Science and technology is essential in
2 national development and progress. In pursuance of this objective, the
3 Government shall enlist the participation of Filipino overseas, particularly high
4 level scientists and professionals in various technical fields, and shall provide
5 proper incentives and programs so as to secure their services in priority
6 development areas of the public and private sectors, with the view of promoting
7 information exchange and contributing to the modernization and industrialization
8 of the country.

9 **SEC. 2. Incentives** – Given the significance of upgrading technologies
10 and the productivity of the people in pursuit of national economic development,
11 the Government shall develop and provide adequate incentives to Filipino
12 expatriates whose expertise and training can play a vital role in the
13 industrialization efforts of the country.

1 **SEC. 3. Implementation** – The Department of Science and Technology
2 and the Department of Foreign Affairs shall develop and implement appropriate
3 measures to ensure attainment of this Act, to include the Balik Scientist Program
4 under Executive Order No. 143, as certified by the Department of Science and
5 Technology.

6 **SEC. 4. Practice of Overseas Professionals in the Philippines** – The
7 Professional Regulation Commission, may upon recommendation of the
8 concerned Professional Regulatory Board, authorize the registration without
9 examination, and the issuance of a certificate of registration and a professional
10 license to any Filipino whether or not he has lost his citizenship when he was
11 overseas, who has been in the practice of his profession in a foreign country or
12 state, subject to the provisions of this Act.

13 **SEC. 5. Qualifications** – For the registration without examination and
14 the issuance of a certificate of registration and a professional license under this
15 Act, the applicant must submit proof that:

- 16 (a) He is a natural-born Filipino, as shown by his birth certificate as a
17 Filipino or other documentation as may be required, whether or not
18 he has lost his Philippine citizenship when he went overseas;
- 19 (b) He is at least twenty-seven years of age;
- 20 (c) He is registered and holder of a valid certificate of registration and/or
21 valid professional license to practice his profession issued by the
22 government body concerned in a foreign country or state whose
23 requirements for registration or licensing are substantially the same
24 as those required and contemplated by the Philippines laws;
- 25 (d) He has been in the practice of his profession in the country or state
26 mentioned in paragraph (c) of this Section for at least five (5) years
27 immediately preceding his application; and

1 (e) He is a person of good moral character, and he has not been
2 convicted of any crime involving moral turpitude; nor sanctioned
3 administratively by any government instrumentality including the body
4 that regulates the practice of his profession.

5 **SEC. 6. Requirements** – The applicant shall file an application under
6 oath stating his personal circumstances, his intention to *practice in the*
7 Philippines and the Office address that he will be using, and his undertaking to
8 abide by all regulations pertaining to the practice of the profession in the
9 Philippines.

10 **SEC. 7. Implementing Guidelines** – All concerned Departments and
11 agencies, particularly the Department of Science and Technology, Department of
12 Foreign Affairs, and the Professional Regulation Commission, shall within ninety
13 (90) days upon this Act's approval, promulgate the necessary guidelines to put
14 into effect the purposes and provisions of this Act.

15 **SEC. 8. Repealing Clause** – All laws which are inconsistent and
16 contrary to the provisions of this Act are hereby repealed.

17 **SEC. 9. Effectivity** - This Act shall take effect fifteen (15) days following
18 its complete publication in at least two (2) newspapers of general circulation.

19 Approved,