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S. No. 553

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

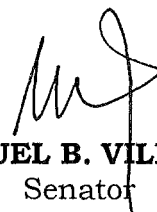
EXPLANATORY NOTE

Year after year, thousands of Filipinos seek advanced degrees and specialized training from various institutions abroad through scholarship grants. These scholarship programs have produced a considerable number of high-level professionals, vital to the country's economic development and progress. Sadly, many of the scholars who return to the country fail to find the opportunity for the maximum utilization of their newly acquired knowledge and training. Thus, the country continues to experience brain drain as these scholars leave for better pay and opportunities abroad.

To put an end to this unfortunate occurrence, we must devise a program that shall pool together all foreign and local scholarship, whether public or private, meant for further education, development and training of our bright and promising Filipinos who are employed.

This bill seeks to provide our country with a constant supply of highly trained leaders for industry, research and the academe. In this proposed measure, the maximum utilization of returning scholars will be coordinated under a single body where all scholarships are pooled together.

In view of the significance of this bill to the country's development and progress, the approval of this bill is earnestly sought.



MANUEL B. VILLAR, JR.
Senator

OFFICE OF THE SECRETARY
JAN 30 2 16

SENATE

S. No. 553

Author: *Adm*

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

AN ACT
CREATING AN ADVANCED STUDIES DEVELOPMENT PROGRAM FOR
EXCEPTIONAL EMPLOYEES FROM THE GOVERNMENT AND THE
PRIVATE SECTOR AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This bill shall be known as "The Pensionado Act of 2004."

SECTION 2. *Declaration of Policies.* - Human resources development is essential for the 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 thrust, 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 branch of science, technology or related fields on learning on which depends 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 first-rate specialists in various disciplines and areas of specialization 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 the 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 the purpose of this Act, the following terms are hereunder defined accordingly:

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

(b) *Advanced studies* - 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 and technology;

(c) *Pensionado* - a Filipino citizen selected and supported by the Philippine government under this program to undertake the 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, hereafter referred to as the CIED, in coordination with the non-government organizations (NGOs), the private sector and other

government agencies, namely, the National Economic Development Authority (NEDA), the Department of Trade and Industry (DTI), the Department of Science and Technology (DOST) and the Department of Education (DepEd), fellowship program to be called as the "*Pensionado Program*" for the private sectors and those who are self-employed.

The Program shall pool together all fellowships, scholarships, training grants sponsored or extended by foreign governments, 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.

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

1. To identify, and assist in negotiations with, sponsors (foreign and local, public and private) of fellowships, scholarships and grants;
2. To provide assistance to the Selection Panel in accomplishing its work;
3. To 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;
4. To serve as the administrative arm of the government for the Program;
5. In general, to 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 the CHED.

Members of the Secretariat shall consist of representatives from the National Economic and Development Authority (NEDA), Department of Trade and Industry (DTI), Department of Science and Technology (DOST) and the Commission on Higher Education (CHED). 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 service in their prospective agencies and shall also be considered as part of their performance for promotions responses.

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 specialization 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 one year only.

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 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;
- (f) Willing to sign a contract requiring him/her to return to his job or in another capacity after one year of 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 area of specialization. Training and education may be in academic institution, research and development center (R & D) or a major 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) One year leave with pay, including allowances and other benefits;
- (b) One economy round-trip air fare 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 the 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;
- (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 employer and the National Government- The employer pays the salary, allowances and other benefits due the Fellow as employed during one year period of advanced studies overseas while the National Government, thru the program, shall be responsible for items b, c, d, a and f as enumerated in Section 10 hereof.

With the transfer of all pertinent foreign and local sponsored grants for coordination under the Program, the Government, thru the Program, may negotiate bilateral arrangements with host governments, host universities, most research institutions and host corporations to share at least 50% of the total cost of items b, c, d, a and f 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 part of 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 to approve 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 grant.

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 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 scholarly work, research development and training activities. The institute shall also serve as a place for an Exchange Program and Collaborative Research among local and international scientist and scholars in priority areas or research and development.

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

A sharing program may be entitled 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. *Rules and Regulations.* - Within ninety (90) days from the approval of this Act, the Secretariat shall promulgate the necessary rules and regulations for the effective implementation of the provisions thereof.

SECTION 17. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 18. *Separability Clause* - In the event that any of the provisions of this Act is declared unconstitutional, the validity of the other provisions shall not be affected by such declaration.

SECTION 19. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,