

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



'22 DEC 14 P1 :44

SENATE
S. B. No. 1614

RECEIVED BY: _____

Introduced by Senator SONNY ANGARA

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

EXPLANATORY NOTE

Thousands of Filipino students have acquired advanced degrees and specialized training in foreign countries through various scholarships grants either of local or foreign funding. While these local and overseas scholarship programs have produced a sizeable number of high-level professionals for the country, these programs have also resulted in a significant brain drain for our country. The 2022 edition of the Fragile States Index (FSI) by Fund for Peace reveal that, although the Philippines has improved in its overall ranking of fragile states in the world, it still ranks 50th out of 179 countries. According to the FSI Economic Indicator, our country yielded 5.1 out of 10 in the Human Flight and Brain drain category.¹

A number of returning scholars have not found the opportunity to maximize utilization of their newly acquired knowledge and training. As a result, many of them leave the country in search of greener pastures abroad.

It is imperative that the Philippines should devise a program for overseas education and training for the brightest and most promising Filipinos who are already employed (or self-employed) in a branch of science or technology along identified priority areas. Such a program shall affect the pooling together of all foreign and local (public or private) sponsorship intended for further education, enrichment, and training of exceptionally able and highly motivated and employed Filipinos.

¹ <https://www.bworldonline.com/infographics/2022/07/18/461550/philippines-2nd-most-fragile-state-in-southeast-asia/> ; <https://fragilestatesindex.org/country-data/>.

The proposed legislation endeavors to provide the Philippines a continuing supply of highly trained leaders for industry, research, and academe. Under the bill, the maximum utilization of returning talents will be coordinated under a single governing body where all scholarships under foreign and local sponsorship are pooled together.

Approval of the bill is, thus earnestly requested.

A handwritten signature in black ink, appearing to be 'SONNY ANGARA', written in a cursive style.

SONNY ANGARA

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

1 Section 1. *Short Title.* – This bill shall be known as the “*Pensionado Act of*
2 *2022*”.

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

8 Consonant with this trust, it is hereby declared a policy of the state to devise
9 a program for exceptionally able and highly motivated employees, preferably aged
10 30-40, from the government, the private sector and/or the self-employed to
11 undertake advanced studies in a branch of science, technology, or related fields of
12 learning on which depends the development and progress of the country. As such, it
13 shall provide for fellowships to enable them to pursue advanced studies or research
14 in their field of expertise.

15 The State shall develop a critical mass of first-rate specialists in various
16 disciplines and areas of specializations vital to national development to form a
17 collective national “think tank” who shall place continuously their knowledge and

1 skills at the service of the nation, be it in industry, the academe, or the highest
2 policy-making levels of government, with the government taking the lead in
3 harnessing their knowledge and skills for the greatest good of the country.

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

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

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

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

30 *Sec. 5. Establishment of a National Secretariat; Functions and Composition.* –
31 There shall be established a National Secretariat, hereafter referred to as the
32 “Secretariat”, with the following functions:

- 1 a) Identify, and assist in negotiations with sponsors (foreign and local, public
- 2 and private) of fellowships, scholarships and grants;
- 3 b) Provide assistance to the selection panel in accomplishing its work;
- 4 c) Provide the Pensionados continuing assistance from the time of selection thru
- 5 the time of their return to the country, including assistance for the productive
- 6 utilization of their newly-gained expertise;
- 7 d) Serve as the administrative arm of the government for the program; and
- 8 e) In general, promulgate and implement the policies and guidelines governing
- 9 the Program.

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

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

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

31 *Sec. 8. Qualifications.* – In order to qualify for the Fellowship Program, the
32 applicant must be:

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

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

14 Sec. 10. *Assistance to Grantees.* – The Pensionado is entitled to the following
15 benefits:

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

26 Sec. 11. *Program Funding.* – The cost of each fellowship grant shall be shared
27 by the Pensionado's employer and the National Government. The employer pays the
28 salary, allowances and other benefits due the Fellow as employed for the whole
29 period of the advanced studies overseas while the national Government, thru the
30 program, shall be responsible for items b, c, d, e, and f as enumerated in Section 10
31 hereof. With the transfer of all pertinent foreign and local grants for coordination
32 under the Program, the government, through the Program, may negotiate bilateral

1 arrangements with hosts governments, host universities, host research institutions
2 and host corporations to share at least 50% of the total cost of items b, c, d, e, and
3 f under Section 10 hereof.

4 The National Government may also negotiate bilateral agreements with host
5 governments, host universities, research institutions and corporations to enable our
6 scholars to stay abroad and continue their studies or training at a minimal cost to
7 the National Government. A sharing program can be established where the host
8 government, host-universities, research institutions and corporations can shoulder
9 the expenses of the scholars while abroad.

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

23 Sec. 13. *Mechanism for Utilization of Returned Fellows.* – There shall be
24 established and developed a National Network of Specialized Institutes for Advanced
25 Studies in universities selected by CHED in consultation with the DOST and other
26 appropriate agencies to be determined by the Secretariat to provide returned
27 scholars an office, laboratory, library and conference facilities for their continuing
28 activities. The Institute shall also serve as a place for an Exchange Program and
29 Collaborative Research among local and international scientists and scholars in
30 priority areas of research and development.

31 Sec. 14. *Appropriations.* – The amount needed to initially implement the
32 provisions of this Act shall be charged against the appropriations of the current year

1 of the concerned departments and agencies. Thereafter, such sums, as may be
2 necessary, for its continued implementation shall be included in the appropriation of
3 the concerned departments and agencies in the annual General Appropriations Act
4 (GAA).

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

10 Sec. 16. *Implementing Rules and Regulations.* – Within ninety (90) days from
11 the approval of this Act, CHED, in coordination with NEDA, DTI, DOST, and CSC, and
12 upon consultation with private sector stakeholders, shall promulgate the necessary
13 rules and regulations for the effective implementation of the provisions thereof.

14 Sec. 17. *Separability Clause.* – If any portion or provision of this Act is
15 subsequently declared invalid or unconstitutional, other provisions hereof which are
16 not affected thereby shall remain in full force and effect.

17 Sec. 18. *Repealing Clause.* – All other laws, acts, presidential decrees,
18 executive orders, presidential proclamations, issuances, rules and regulations, or
19 parts thereof which are contrary to or inconsistent with any of the provisions of this
20 Act are hereby repealed, amended, or modified accordingly.

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

Approved,