



SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

First Regular Session

'17 FEB 13 P3:40

SENATE
S.B. No. 1324

RECEIVED BY: _____

Introduced by Senator Poe

AN ACT
INSTITUTIONALIZING THE BALIK SCIENTIST PROGRAM, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

Explanatory Note

Several provisions of the 1987 Philippine Constitution (“Constitution”) recognize the primary role of science and technology in promoting national development. For instance, Section 17, Article 2 of the Constitution includes science and technology as a priority area in order to foster “patriotism and nationalism, accelerate social progress, and promote total human liberation and development.” Furthermore, Section 10, Article 14 states that “science and technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation, and their utilization; and to science and technology education, training, and services.”

Unfortunately, the reality is far from the ideals espoused in the Constitution. One major concern is the continuing and overwhelming outflow of Filipino scientists to other countries. According to the Department of Science and Technology (DOST), outbound Science and Technology (“S&T”) workers in the Philippines have increased 148 percent from 9,877 in 1998 to 24,502 in 2009.¹ As a result, the presence of Research and Development (“R&D”) personnel in the Philippines stands at 165 per a million Filipinos - way below the United Nations Educational, Scientific and Cultural Organization (UNESCO) recommendation of 380 per million persons.²

¹<http://www.dost.gov.ph/knowledge-resources/news/36-2011-news/295-ph-s-t-ofw-brain-drain-rises-to-148>

²*Id.*

Fortunately, the framers of the Constitution were prudent enough to include a solution. Section 11, Article 14 states that “the Congress may provide for incentives, including tax deductions, to encourage private participation in programs of basic and applied scientific research. Scholarships, grants-in-aid, or other forms of incentives shall be provided to deserving science students, researchers, scientists, inventors, technologists, and specially gifted citizens.”

The DOST itself leads in this area as it implements the “*Balik Scientist Program*” (the “Program”). Established in 1975, the Program is a “brain gain” tool for the strengthening of the country's scientific and technological human resources.³

This bill seeks to institutionalize the above-mentioned Program. This bill also seeks to provide benefits, incentives, and programs in order to entice Filipino Scientists to share their expertise with the country on a short, medium and/or long-term basis. In doing so, this bill envisions a future in which Filipino scientists contribute to nation building and inclusive growth through the acceleration of research and development in the country.

In view of the foregoing, speedy approval of this measure is earnestly sought.


GRACE POE

³<http://bsp.dost.gov.ph/>



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

ARTICLE I
GENERAL PROVISIONS

Section 1. Title. - This Act shall be known as the "*Balik Scientist Act of 2017*".

Section 2. Declaration of Policy. - The State recognizes the utilization of the expertise of expatriate Filipino scientists and technologists as a vital component of the nation's political, economic, and social development efforts. Hence, it is hereby declared to be the policy of the State to encourage Filipino scientists and technology experts from abroad to return to the Philippines and share their expertise to accelerate the development of the country.

Towards this end, the "*Balik Scientist*" program is hereby institutionalized, in which the State shall provide incentives for foreign-based Filipino scientists, professionals, technicians, or Filipinos with special skills or expertise to share their professional experiences, know-how or expertise in the Philippines in accordance with the implementing rules and regulations which shall be promulgated by the Department of Science and

1 Technology (DOST) in consultation with relevant agencies of the government and non-
2 government organizations.

3
4 **Section 3. Definition of Terms.** - For the purpose of this Act:

- 5
6 a) "*Balik Scientist*"- refers to a science or technology expert or professional, as
7 certified by the DOST, who is currently or who was formerly a Filipino citizen,
8 and is residing abroad;
9
10 b) "*Balik Scientist Program*" - refers to the program institutionalized under this Act;
11
12 c) "*DOST*"- refers to the Department of Science and Technology;
13
14 d) "*Long-Term Engagement*"- refers to a term of engagement under the Program
15 with duration of at least twenty four (24) to thirty (36) months subject to renewal
16 to be determined by DOST and to be served within five (5) years from the date of
17 the award;
18
19 e) "*Medium-Term Engagement*"- refers to a term of engagement under the Program
20 with a duration of six (6) to twelve (12) months per award to be served within two
21 (2) to three (3) years from the date of the award;
22
23 f) "*Short-Term Engagement*" - refers to a term of engagement under the Program
24 with a duration of at least thirty (30) days per award to be served within one (1)
25 year from the date of the award;
26
27 g) "*Terms of Engagement*"- refers to the duration under which a *Balik Scientist* shall
28 be engaged in the Program. The terms of engagement may be short-term, medium-
29 term or long-term.
30

31 **ARTICLE II**

32 **THE BALIK SCIENTIST PROGRAM**

1 **Section 4. Institutionalization of the Balik Scientist Program.** - There is hereby
2 established and institutionalized the *Balik Scientist* program, hereafter referred to as the
3 “Program”. Under the Program, a “*Balik Scientist*” is contracted by the government to return
4 and serve in the Philippines in his or her field of expertise based on a short-, medium-, or
5 long-term engagement.
6

7 **Section 5. Program Objectives.** - The Program shall aim to entice foreign-based
8 scientists, professionals, technicians, or any person with special skills or expertise who are of
9 Filipino descent to share their professional experiences, know-how or expertise in the
10 Philippines to strengthen the scientific and technological human resources and knowledge
11 base of the academe, public institutions, and domestic corporations, in order to promote
12 knowledge-sharing and accelerate the flow of new technologies into the country.
13

14 **Section 6. General Benefits, Incentives, and Privileges.** - All *Balik Scientists*, as
15 certified by the DOST, shall be eligible for the following general benefits, incentives, and
16 privileges, including such others which may be provided through additional rules and
17 regulations pursuant to the declared national policy of this Act:
18

- 19 a) Registration as a professional and issuance of a certificate of registration and
20 license by the PRC, subject to the conditions of Republic Act No. 8981, otherwise
21 known as the “*PRC Modernization Act of 2000*”; *Provided*, that the DOST shall
22 submit to the PRC the list of all accredited or vetted *Balik Scientists*, as well as
23 those who shall serve under the Program, at the end of each award or Project;
24
- 25 b) Reasonable accident and medical insurance for the duration of the award as
26 determined by the DOST;
27
- 28 c) Subject to applicable provisions of Section 29 of Commonwealth Act No. 613,
29 otherwise known as “*The Philippine Immigration Act of 1940*”, as amended,
30 *Balik Scientists* who have acquired foreign citizenship, including his/her
31 immediate family members, as certified by the DOST, shall be granted by the
32 Secretary of Justice special non-immigrant visas under Section 47 (a) (2) of the
33 same law.

1 **Section 7. *Term-Specific Benefits, Incentives, and Privileges.*** - *Balik Scientists* shall
2 be eligible for the following benefits, incentives, and privileges, including such others which
3 may be provided through additional rules and regulations pursuant to the declared national
4 policy of this Act, depending on their terms of engagement:
5

6 a) Short-Term Program - *Balik Scientists* who are contracted on a short-term
7 engagement basis shall be eligible for the following benefits, incentives and
8 privileges:
9

- 10 1. One (1) fully subsidized round-trip airfare originating from a foreign
11 country to the Philippines;
- 12
- 13 2. Reimbursement of expenses for excess baggage allowance related to
14 scientific project or activities;
- 15
- 16 3. Relocation allowance to be determined by DOST;
- 17
- 18 4. A tax-exempt daily allowance to be determined by the DOST;
- 19
- 20 5. Participation in Grants-in-Aid (GIA) research and development projects of
21 the DOST subject to guidelines to be provided in the implementing rules
22 and regulations;
- 23
- 24 6. Donation of instruments and materials related to the scientific program or
25 activities shall be exempted from taxes and duties. Freight and storage
26 expenses shall be borne by the host institution; and
27

28 b) Medium-Term Program - *Balik Scientists* who are contracted on a medium-term
29 engagement basis shall be eligible for the following benefits, incentives and
30 privileges:
31

- 32 1. One (1) fully-subsidized round-trip airfare originating from a foreign
33 country to the Philippines;
- 34

- 1 2. Reimbursement of expenses for excess baggage allowance related to
2 scientific project or activities;
- 3
- 4 3. A tax exempt daily allowance to be determined by the DOST;
- 5
- 6 4. Relocation allowance to be determined by DOST;
- 7
- 8 5. Participation in Grants-in-Aid (GIA) research and development projects of
9 the DOST subject to guidelines to be provided in the implementing rules
10 and regulations; and
- 11
- 12 6. Donation of instruments and materials related to the scientific program or
13 activities shall be exempted from taxes and duties. Freight and storage
14 expenses shall be borne by the host institution.
- 15
- 16 7. Exemption from payment of travel tax of *Balik Scientist* including his or
17 her immediate family members as certified by the DOST;
- 18
- 19 8. Exemption from submission of Immigration clearance certificate and
20 payment of multiple entry fees;
- 21
- 22 c) Long-Term Program - *Balik Scientists* who are contracted on a long-term
23 engagement basis shall be eligible for the following benefits, incentives and
24 privileges:
- 25
- 26 1. One (1) fully-subsidized one-way airfare from a foreign country to the
27 Philippines, including airfare for the spouse and two (2) minor dependents,
28 and one (1) free return trip airfare after completion of the award;
- 29
- 30 2. Reimbursement of expenses for excess baggage allowance related to
31 scientific projects or activities;
- 32
- 33 3. A tax exempt monthly allowance to be given by the DOST;
- 34

- 1 4. Relocation allowance to be determined by DOST;
- 2
- 3 5. Housing may be arranged by pre-determined host institutions;
- 4
- 5 6. Participation in Grants-in-Aid for research and development projects
- 6 approved by the Secretary of DOST;
- 7
- 8 7. As determined by DOST, duty and tax-free importation of personal effect
- 9 and professional instruments and material in quantities and of class
- 10 suitable to the profession, rank or position of the *Balik Scientists* importing
- 11 them for their own use and not for barter or sale in accordance with
- 12 Section 105 of the Tariff Code. Duty and tax free importation of one (1)
- 13 unit. second-hand motor vehicle with gross vehicle weight (GVW) not
- 14 exceeding 3,000 kilograms, subject to the classification standard of motor
- 15 vehicles transported set forth by the Bureau of Customs: *Provided*, that the
- 16 grantee under the short-term program shall likewise be entitled to this
- 17 benefit, if he or she shall decide to avail of the Long Term Award:
- 18 *Provided further*, that the grantee shall abide by the rules and regulations
- 19 under the no-dollar import (NDI) program of the DTI-Bureau of Import
- 20 Service. A certificate of endorsement from the DOST shall be submitted in
- 21 lieu of the required personal appearance: *Provided finally*, that the grantee
- 22 shall be exempted from posting bond and exportation of the motor vehicle
- 23 to the country of origin upon expiration of the award;
- 24
- 25 8. Donations of equipment, instruments. and materials related to the scientific
- 26 program or activities shall be exempted from the taxes and duties:
- 27 *Provided*, that the donation shall be on the account of DOST. Likewise,
- 28 freight and storage expenses shall be borne by the host institution;
- 29
- 30 9. Reimbursement of expenses for the surface shipment of personal
- 31 household effects and professional instruments, including one (1) motor
- 32 vehicle the total weight of which does not exceed 3 ½ tons volume weight;
- 33

- 1 10. Exemption from payment of travel tax of *Balik Scientist* including his or
2 her immediate family members as certified by the DOST;
3
4 11. Exemption from submission of Immigration clearance certificate and
5 payment of multiple entry fees;
6
7 12. Exemption from securing alien employment permit within the duration of
8 their contract pursuant to Section 2 of Department Order No. 97-09, Series
9 of 2009, as amended by Department Order No. 120-12, Series of 2012, of
10 the Department of Labor and Employment; and
11
12 13. Availability of the infrastructure budget for the laboratory to come up with
13 an innovation; *Provided*, That the laboratory shall remain as property of
14 the government after the expiration of the term.
15
16

17 **ARTICLE III**
18 **PROGRAM ADMINISTRATION**
19

20 **Section 8. *Role of the DOST.*** - The Program shall be administered by the DOST.
21 Within thirty (30) days from the effectivity of this Act, the DOST shall convene an *ad hoc*
22 committee which shall, in coordination with concerned government agencies:
23

- 24 a) Determine the host institutions, application process and documentary
25 requirements for an individual to be certified as a *Balik Scientist*: *Provided*, that
26 the call for application, review of documents and awarding of the status as *Balik*
27 *Scientists* shall be done at least once per year: *Provided further*, that applications
28 shall be processed within sixty (60) calendar days from receipt;
29
30 b) Determine, in coordination with relevant government agencies, the
31 communications strategy to reach out to prospective *Balik Scientists*; *and*
32
33 c) Determine the parameters, amounts, and funding requirements of the benefits,
34 incentives, and privileges under Sections 7 and 8 of this Act, which shall include:

- 1
- 2 1. The amounts insurable and procedures for availing of “reasonable accident
- 3 and medical allowance” provided for all *Balik Scientists*, in coordination
- 4 with relevant stakeholders;
- 5
- 6 2. The amount of the daily, monthly, and relocation allowances and its
- 7 manner of disbursement;
- 8
- 9 3. The guidelines for participation in Grants-in-Aid (GIA) research and
- 10 development projects;
- 11
- 12 4. The guidelines in determining housing for *Balik Scientists* under the Long-
- 13 Term Program;
- 14
- 15 5. The guidelines for the utilization of the infrastructure budget for *Balik*
- 16 *Scientists* under the Long-Term Program; *and*
- 17
- 18 6. The guidelines for such other benefits, incentives and privileges as may be
- 19 provided under the implementing rules and regulations of this Act.
- 20

21

22 **ARTICLE IV**

23 **FINAL PROVISIONS**

24

25 **Section 9. *Implementing Rules and Regulations.*** - The DOST, in consultation with

26 concerned agencies and stakeholders, shall promulgate the implementing rules and regulation

27 of this Act within ninety (90) days from the effectivity of this Act.

28

29 **Section 10. *Appropriations.*** - The funds necessary to carry out the provisions of this Act

30 shall be included in the annual appropriations of the DOST under the General Appropriations

31 Act.

32

1 **Section 11. *Repealing Clause.*** - All laws, presidential decrees, executive orders,
2 ordinances, rules and regulation, and other issuances or part thereof, which are inconsistent
3 with this Act are hereby repealed or modified accordingly.

4
5 **Section 12. *Separability Clause.*** - If any provision of this Act shall be held
6 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full
7 force and effect.

8
9 **Section 13. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
10 in the Official Gazette or in a newspaper of general circulation.

11
12 *Approved,*