

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2900**



Introduced by **Representative Erico Aristotle C. Aumentado**

EXPLANATORY NOTE

The Balik Scientist Program (BSP) was established pursuant to Presidential Decree No. 819 dated 24 October 1975 for a period of five (5) years and was extended up to October 1986 by Letter of Instruction No. 1044 dated 18 July 1980. After this period, the program was stopped for about a decade until it was revived under Executive Order No. 130 dated October 25, 1993. Inasmuch as the program has been a tremendous success in accelerating the flow of strategically important technologies that are vital to national development and progress, this representation deems it necessary to legislate the subject Executive Order into law. Likewise, there are still many untapped Filipino scientists abroad who are willing to share their expertise for the advancement of their native land.

Through this bill, we hope to contribute in developing the poor state of Research and Development in the country. At present, the patent applications in the Philippines has been among the lowest in Asia – 1.8 per million population in 2010 while Thailand had 17.6, Malaysia 43.4, and Vietnam 3.5. Through this proposed legislation, we seek to encourage Filipino scientists abroad to spend some time in the Philippines to teach or to lead research projects that will spur innovations that can move our economy forward. This can be done through the bill's proposed incentives that will make the scientists' entry and stay in the country convenient, comfortable and trouble-free.

It is for the above reason that the immediate passage of this bill is earnestly sought.


ERICO ARISTOTLE C. AUMENTADO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 2900

Introduced by **Erico Aristotle C. Aumentado**

AN ACT
STRENGTHENING THE BALIK SCIENTIST PROGRAM AND
APPROPRIATING FUNDS THEREFOR

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

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2 **SECTION 1. Title.** This Act shall be known as the "*Balik Scientist*
3 *Act*"
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5 **SEC 2. Declaration of Policy.** The State recognizes that the utilization
6 of the expertise of expatriate Filipino scientists and technologists is a vital
7 component of the nation's political, economic, and social development
8 efforts, hence, it is hereby declared to be the policy of the State to encourage
9 Filipino scientists and technology experts from abroad to return to the
10 Philippines and share their expertise to help accelerate the growth and
11 progress of the country. Towards this end, any foreign-based scientist,
12 professional, technician, or any person with special skills or expertise who is
13 of Filipino descent shall be allowed to share such expertise and pertinent
14 knowledge gained through the years in the practice of profession with sectors
15 of the economy that will greatly benefit from such collaboration and transfer
16 of technologies. The participation and service of expatriate or returning
17 scientists shall be governed by rules and regulations that shall be promulgated
18 by the Department of Science and Technology (DOST) in consultation with
19 | relevant agencies of the government and non-government organizations.

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2 **SEC 3. General Objective.** This Act aims to strengthen the scientific
3 and technological human resources of the academe, public institutions, and
4 domestic corporations by the promotion of knowledge sharing and accelerate
5 the flow of new technologies into the country.
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7 **SEC 4. Definition of Balik Scientist.** A “Balik Scientist” is a science
8 or technology expert or professional, as certified by the DOST, who is a
9 Filipino citizen or a foreigner of Filipino descent, residing abroad, and
10 contracted by the government to return and serve in the Philippines along a
11 particular field of expertise for a short term award with a duration of at least
12 thirty (30) days per award to be served within one (1) year from the date of
13 the award or long term award with a duration of twenty-four to thirty-six
14 (24-36) months subject to renewal, when necessary, to be determined by the
15 DOST and to be served within five (5) years from the date of the award.
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17 **SEC 5. Incentives.** The following incentives shall be offered to a
18 “Balik Scientist”:
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20 **(a) For Short Term Award:**
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- 22 (1) Provision of one (1) free round-trip airfare originating from a
23 foreign country to the Philippines;
24 (2) Reimbursement of expenses for excess baggage allowance related
25 to scientific project or activities;
26 (3) Daily allowance to be determined by the DOST shall be exempt
27 from income tax;
28 (4) Exemption from the licensing or permit requirement of the
29 Professional Regulation Commission (PRC): **Provided**, That the
30 DOST shall submit to the PRC the list of “Balik Scientists” whom
31 it has certified prior to the award: **Provided further**, That
32 accomplishment reports of these “Balik Scientists” shall likewise
33 be furnished by the DOST to the PRC at the end of each award;
34 (5) Exemption from taxes and duties for donation of instruments and
35 materials related to the scientific program or activities: **Provided**
36 That the donation shall be for the account of the DOST: **Provided**
37 **further**, That freight and storage expenses shall be borne by the
38 host institution; and

- (6) Participation in Grants-in-Aid (GIA) research and development project/s of the DOST subject to guidelines to be provided in the implementing rules and regulations;
- (7) Subject to the applicable provisions of Sec. 29, Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940 as amended, the grant by the Secretary of Justice to the "Balik Scientist" of foreign citizenship special non-immigrant visas under Section 47 (a) (2), after compliance with the requirements therefor. The "Balik Scientist" shall be exempted from the payment of visa, immigration and registration fees in accordance with Section 251 of the Philippine Foreign Service Code of 1983, as amended by Section 831 of Department Order No. 19a-95, series of 1995, otherwise known as the Regulations of the Department of Foreign Affairs, if applicable.

(b) For Long Term Award:

- (1) Provision of one (1) free one-way airfare from a foreign country to the Philippines, including airfare for the spouse and two (2) minor dependents, and one (1) free return trip airfare after completion of the award;
- (2) Reimbursement of expenses for excess baggage allowance related to scientific project or activities;
- (3) Relocation allowance to be determined by the DOST;
- (4) Monthly allowance to be determined by the DOST shall be exempt from income tax;
- (5) Housing may be arranged by pre-determined host institutions;
- (6) As determined by DOST, duty and tax-free importation of personal effects and professional instruments and materials in quantities and of class suitable to the profession, rank or position of the "Balik Scientists" importing them for their own use and not for barter or sale in accordance with Section 105 of the Tariff Code. Duty and tax-free importation of one (1) unit second hand motor vehicle with gross vehicle weight (GVW) not exceeding 3000 kgs subject to the classification standard of motor vehicle transported set forth by the Bureau of Customs: *Provided*, That the grantee under the short term program shall likewise be entitled to this benefit who shall decide to avail of

the long term award: **Provided further**, That the grantee shall abide by the rules and regulations under the no-dollar import (NDI) program of the DTI-Bureau of Import Services. A certificate of endorsement from the DOST shall be submitted in lieu of the required personal appearance: **Provided finally**, That the grantee shall be exempted from posting of bond and exportation of the motor vehicle to the country of origin upon expiration of the award;

(7) Exemption from taxes and duties for donation of equipment, instruments and materials related to the scientific program or activities: **Provided**, That the donation shall be for the account of the DOST: **Provided further**, That freight and storage expenses shall be borne by the host institution;

(8) Reimbursement of expenses for the surface shipment of personal household effects and professional instruments, including one (1) motor vehicle the total weight of which does not exceed 3 ½ tons volume weight;

(9) Exemption from payment of travel tax of the “Balik Scientist” and immediate family members as certified by the DOST;

(10) Exemption from submission of Immigration clearance certificate and payment of multiple entry fees;

(11) Exemption from securing alien employment permit within the duration of their award pursuant to Section 2 of Department Order No. 97-09, Series of 2009, as amended by Department Order No. 120-12, Series of 2012, of the Department of Labor and Employment;

(12) Exemption from the licensing or permit requirement of the PRC: **Provided**, That the DOST shall submit to the PRC the list of “Balik Scientists” whom it has certified prior to the award or project: **Provided further**, That accomplishment reports of these “Balik Scientists” shall likewise be furnished by the DOST to the PRC at the end of each award;

(13) Participation in Grants-in-Aid for research and development projects approved by the Secretary of DOST;

(14) Provision of funds for construction and set up of the laboratory to be used to come up with an innovation: **Provided**, That the

laboratory shall remain as property of the government after the expiration of the contract; and

- (15) Subject to applicable provisions of Section 29, Commonwealth Act 613, otherwise known as the Philippine Immigration Act of 1940 as amended, grant by the Secretary of Justice to the “Balik Scientist” of foreign citizenship special non-immigrant visas under Section 47 (a) (2), compliance with the requirements therefor. The “Balik Scientists” and immediate family members shall be exempted from the payment of visa, immigration and registration fees in accordance with the Philippine Foreign Service Code of 1983, as amended by Department Order No. 19A-95, Series of 1995, otherwise known as the Regulations of the Department of Foreign Affairs.
- (16) Reasonable accident and medical insurance for the duration of the award as determined by the DOST.

The DOST may draw up other privileges that may be extended to the “Balik Scientist” in the rules and regulations to be issued to implement this Act.

SEC 6. Administration. This program shall be administered by the DOST.

SEC. 7. Implementing Rules and Regulations. The DOST, in consultation with concerned agencies and stakeholders, shall promulgate the implementing rules and regulations of this Act within ninety (90) days from the effectivity of this Act.

SEC 8. Appropriation. The amount necessary to carry out the provisions of this Act shall be included in the budget of the DOST under the Annual General Appropriations Act.

SEC 9. Separability Clause. If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

1 **SEC. 10. *Repealing Clause.*** All laws, presidential decrees, executive
2 orders, ordinances, rules and regulations, and other issuances or parts thereof
3 which are inconsistent with this Act, are hereby repealed or modified
4 accordingly.

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6 **SEC 11. *Effectivity.*** This Act shall take effect fifteen (15) days after its
7 publication in the Official Gazette or in a newspaper of general circulation.

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9 Approved,

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