



HOUSE OF REPRESENTATIVES

H. No. 5792

BY REPRESENTATIVES YU, AUMENTADO, SALCEDA, NIETO, MACEDA, VELARDE, RODRIGUEZ (M.), NAVA, CUARESMA, ARCILLAS, MANGAOANG, MARIÑO, CHAVEZ, ELAGO, SAMBAR, MARQUEZ, ABAYA, UNGAB, NOGRALES (K.A.), CUA, ABU, GARIN (S.), ARENAS, BOLILIA, CALDERON, DE VERA, GO (A.C.), GONZALES (A.D.), PIMENTEL, ROCAMORA, SALON, SY-ALVARADO, TING, TINIO, TUGNA, UMALI, VILLANUEVA, DIMAPORO (M.K.), DEL MAR, LOBREGAT, AMATONG, BATAOIL, CAMINERO, DEFENSOR, DELOS-O-MONTALLA, ESCUDERO, GO (M.), GONZALEZ, ROQUE (H.), ROQUE (R.), SARMIENTO (E.M.), SAVELLANO, SUANSING (E.), TEJADA, TUPAS, BATOCABE, PRIMICIAS-AGABAS, CHIPECO, ACOSTA, NUÑEZ-MALANYAON, SAGARBARRIA, DUAVIT, AGGABAO, ONG (H.), SIAO, GASATAYA, VELOSO, MADRONA, GARCIA (J.E.), SILVERIO, BILLONES, MERCADO, PALMA, DALIPE, VILLARICA, BELARO, SALO AND DE VENECIA, PER COMMITTEE REPORT NO. 277

AN ACT INSTITUTIONALIZING THE BALIK SCIENTIST PROGRAM AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Title.* – This Act shall be known as the “Balik Scientist
2 Act”.

3 SEC 2. *Declaration of Policy.* – The State recognizes that the
4 utilization of the expertise of expatriate Filipino scientists and technologists is
5 a vital component of the nation’s political, economic, and social development
6 efforts; hence, it is hereby declared to be the policy of the State to encourage
7 Filipino scientists and technology experts from abroad to return to the
8 Philippines and share their expertise to help accelerate the growth and progress
9 of the country.

1 Towards this end, any foreign-based scientist, professional, technician
2 or any person with special skills or expertise who is of Filipino descent shall
3 be allowed to share such expertise and pertinent knowledge gained through the
4 years in the practice of profession with sectors of the economy that will greatly
5 benefit from such collaboration and transfer of technologies. The participation
6 and service of expatriates or returning scientists shall be governed by rules and
7 regulations that shall be promulgated by the Department of Science and
8 Technology (DOST) in consultation with relevant agencies of the government
9 and nongovernment organizations.

10 SEC. 3. *General Objective.* – This Act aims to strengthen the scientific
11 and technological human resources of the academe, public institutions, and
12 domestic corporations by the promotion of knowledge sharing and accelerate
13 the flow of new technologies into the country.

14 SEC. 4. *Definition of Balik Scientist.* – As used in this Act, a “Balik
15 Scientist” refers to a science or technology expert or professional, as certified
16 by the DOST, who is a Filipino citizen or a foreigner of Filipino descent,
17 residing abroad, and contracted by the government to return and serve in the
18 Philippines in a particular field of expertise for either a short-term award with
19 a duration of at least fifteen (15) days per award, to be served within one (1)
20 year from the date of the award, or a long-term award with a duration of
21 twenty-four (24) to thirty-six (36) months subject to renewal, when necessary,
22 to be determined by the DOST and to be served within five (5) years from the
23 date of the award.

24 SEC. 5. *Incentives.* – The following incentives shall be offered to a
25 “Balik Scientist”:

26 (a) For Short-Term Award:

27 (1) Provision of one (1) free round-trip airfare originating from a
28 foreign country to the Philippines;

1 (2) Reimbursement of expenses for excess baggage allowance related
2 to scientific project or activities;

3 (3) Exemption from the payment of income tax of daily allowance to
4 be determined by the DOST;

5 (4) Exemption from the licensing or permit requirement of the
6 Professional Regulation Commission (PRC): *Provided*, That the DOST shall
7 submit to the PRC the list of "Balik Scientists" whom it has certified prior to
8 the award: *Provided, further*, That accomplishment reports of these "Balik
9 Scientists" shall likewise be furnished by the DOST to the PRC at the end of
10 each award;

11 (5) Exemption from the payment of taxes and duties over donation of
12 equipment, instruments and materials to the DOST to be used actually, directly
13 and exclusively for scientific program or activities of the "Balik Scientist":
14 *Provided*, That freight and storage expenses shall be borne by the host
15 institution;

16 (6) Participation in Grants-in-Aid (GIA) research and development
17 projects of the DOST subject to guidelines to be provided in the implementing
18 rules and regulations;

19 (7) Exemption of the "Balik Scientist" from the payment of visa,
20 immigration and registration fees in accordance with Section 251 of the
21 Philippine Foreign Service Code of 1983, as amended by Section 831 of
22 Department Order No. 19A-95, series of 1995, otherwise known as the
23 Regulations of the Department of Foreign Affairs, and subject to the
24 applicable provisions of Section 29, Commonwealth Act No. 613, otherwise
25 known as the "Philippine Immigration Act of 1940", as amended. The
26 Secretary of Justice may grant the "Balik Scientist" of foreign citizenship
27 special nonimmigrant visas under Section 47(a)(2), after compliance with the
28 requirements therefore; and

29 (8) Free accident and medical insurance; and

1 (b) For Long-Term Award:

2 (1) Provision of one (1) free one-way airfare from a foreign country to
3 the Philippines, including airfare for the spouse and two (2) minor dependents,
4 and one (1) free return trip airfare after completion of the award;

5 (2) Reimbursement of expenses for excess baggage allowance related
6 to scientific project or activities;

7 (3) Relocation allowance to be determined by the DOST;

8 (4) Exemption from the payment of income tax of daily allowance to
9 be determined by the DOST;

10 (5) Provision for housing may be arranged by predetermined host
11 institutions;

12 (6) As determined by the DOST, importation of personal effects and
13 professional instruments and materials in quantities and of class suitable to the
14 profession, rank or position of the "Balik Scientists" importing them for their
15 own use and not for barter or sale; one (1) unit second hand motor vehicle with
16 gross vehicle weight (GVW) not exceeding 3000 kgs shall be exempt from
17 duties and taxes in accordance with Section 800(h) of Republic Act No.
18 10863, entitled: "An Act Modernizing the Customs and Tariff
19 Administration": *Provided*, That the grantee under the short-term program
20 shall likewise be entitled to this benefit who shall decide to avail of the long-
21 term award: *Provided, further*, That the grantee shall be exempted from
22 posting of bond and exportation of the motor vehicle to the country of origin
23 upon expiration of the award;

24 (7) Exemption from the payment of taxes and duties for donations of
25 equipment, instruments and materials to the DOST to be used actually, directly
26 and exclusively for scientific program or activities of the "Balik Scientist":
27 *Provided*, That the freight and storage expenses shall be borne by the host
28 institution: *Provided, further*, That reimbursement of expenses for the surface
29 shipment of personal household effects and professional instruments,

1 including one (1) motor vehicle the total weight of which does not exceed a
2 three and a half (3 ½) tons volume weight;

3 (8) Exemption from the payment of travel tax of the "Balik Scientist"
4 and immediate family members as certified by the DOST;

5 (9) Exemption from submission of Immigration Clearance Certificate
6 and payment of multiple entry fees;

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

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

16 (12) Participation in the GIA for research and development projects
17 approved by the Secretary of the DOST;

18 (13) Provision of funds for construction and setup of the laboratory to
19 be used to come up with an innovation: *Provided*, That the laboratory shall
20 remain as property of the government after the expiration of the contract;

21 (14) Exemption of the "Balik Scientists" and immediate family
22 members from the payment of visa, immigration and registration fees in
23 accordance with the Philippine Foreign Service Code of 1983, as amended by
24 Section 831 of Department Order No. 19A-95, series of 1995, otherwise
25 known as the "Regulations of the Department of Foreign Affairs", subject to
26 applicable provisions of Section 29, Commonwealth Act No. 613, otherwise
27 known as the "Philippine Immigration Act of 1940", as amended. The
28 Secretary of Justice may grant to the "Balik Scientist" of foreign citizenship

1 special nonimmigrant visas under Section 47(a)(2), after compliance with the
2 requirements therefore; and

3 (15) Grant of reasonable accident and medical insurance for the
4 duration of the award as determined by the DOST.

5 The DOST may draw up other privileges that may be extended to the
6 "Balik Scientist" in the rules and regulations to be issued to implement this
7 Act.

8 SEC. 6. *Administration.* – This program shall be administered by the
9 DOST.

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

14 SEC. 8. *Appropriations.* – The amount necessary to carry out the
15 provisions of this Act shall be included in the budget of the DOST under the
16 annual General Appropriations Act.

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

20 SEC. 10. *Repealing Clause.* – All laws, presidential decrees, executive
21 orders, ordinances, rules and regulations, and other issuances or parts thereof
22 which are inconsistent with this Act are hereby repealed or modified
23 accordingly.

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

Approved,

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