



HOUSE OF REPRESENTATIVES

H. No. 6346

BY REPRESENTATIVES YU, VELARDE, MANALO, PIAMONTE, DELA CRUZ,
FORTUN, MASONGSONG, AUMENTADO, ABU, GARIN (S.), ESCUDERO,
MENDOZA (R.), ONG, AMATONG (I.), BATOCABE, VILLANUEVA,
PRIMICIAS-AGABAS, CUEVA, TUGNA, DIMAPORO (A.) AND VILLARICA,
PER COMMITTEE REPORT NO. 958

AN ACT STRENGTHENING 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. Towards this end, any foreign-based scientist, professional,
10 technician, or any person with special skills or expertise who is of Filipino
11 descent shall be allowed to share such expertise and pertinent

1 knowledge gained through the years in the practice of profession with sectors
2 of the economy that will greatly benefit from such collaboration and transfer of
3 technologies. The participation and service of expatriate or returning scientists
4 shall be governed by rules and regulations that shall be promulgated by the
5 Department of Science and Technology (DOST), in consultation with relevant
6 agencies of the government and nongovernment organizations.

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

11 **SEC. 4. *Definition of Balik Scientist.*** – A “Balik Scientist” is a science
12 or technology expert or professional, as certified by the DOST, who is a
13 Filipino citizen or a foreigner of Filipino descent, residing abroad, and
14 contracted by the government to return and serve in the Philippines along a
15 particular field of expertise for a short-term award with a duration of at least
16 thirty (30) days per award to be served within one (1) year from the date of the
17 award or long-term award with a duration of twenty-four to thirty-six
18 (24-36) months subject to renewal, when necessary, to be determined by the
19 DOST, and to be served within five (5) years from the date of the award.

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

22 (a) For Short-Term Award:

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

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

27 (3) Daily allowance to be determined by the DOST shall be exempt
28 from income tax;

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

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

11 (6) Participation in Grants-in-Aid (GIA) research and development
12 project/s of the DOST subject to guidelines to be provided in the implementing
13 rules and regulations; and

14 (7) Subject to the applicable provisions of Section 29, Commonwealth
15 Act No. 613, otherwise known as "The Philippine Immigration Act of 1940",
16 as amended, the grant by the Secretary of Justice to the "Balik Scientist" of
17 foreign citizenship special nonimmigrant visas under Section 47(a)(2),
18 after compliance with the requirements therefor. The "Balik Scientist" shall be
19 exempted from the payment of visa, immigration and registration fees in
20 accordance with Section 251 of the Philippine Foreign Service Code of 1983,
21 as amended by Section 831 of Department Order No. 19A-95, Series of 1995,
22 otherwise known as the Regulations of the Department of Foreign Affairs, if
23 applicable.

24 (b) For Long-Term Award:

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

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

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

4 (4) Monthly allowance to be determined by the DOST shall be exempt
5 from income tax;

6 (5) Housing may be arranged by predetermined host institutions;

7 (6) As determined by the DOST, duty and tax-free importation of
8 personal effects and professional instruments and materials in quantities and of
9 class suitable to the profession, rank or position of the "Balik Scientists"
10 importing them for their own use and not for barter or sale in accordance with
11 Section 105 of the Tariff Code. Duty and tax-free importation of one (1) unit
12 second hand motor vehicle with gross vehicle weight (GVW) not exceeding
13 three thousand kilograms (3000 kgs.) subject to the classification standard of
14 motor vehicle transported set forth by the Bureau of Customs: *Provided*, That
15 the grantee under the short-term program shall likewise be entitled to this
16 benefit who shall decide to avail of the long-term award: *Provided, further*,
17 That the grantee shall abide by the rules and regulations under the no-dollar
18 import (NDI) program of the Department of Trade and Industry (DTI)-Bureau
19 of Import Services. A certificate of endorsement from the DOST shall be
20 submitted in lieu of the required personal appearance: *Provided, finally*, That
21 the grantee shall be exempted from posting of bond and exportation of the
22 motor vehicle to the country of origin upon expiration of the award;

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

- 1 (8) Reimbursement of expenses for the surface shipment of personal
2 household effects and professional instruments, including one (1) motor
3 vehicle the total weight of which does not exceed 3 ½ tons volume weight;
- 4 (9) Exemption from the payment of travel tax of the "Balik Scientist"
5 and immediate family members as certified by the DOST;
- 6 (10) Exemption from submission of Immigration clearance certificate
7 and payment of multiple entry fees;
- 8 (11) Exemption from securing alien employment permit within the
9 duration of their award pursuant to Section 2 of Department Order No. 97-09,
10 Series of 2009, as amended by Department Order No. 120-12, Series of 2012,
11 of the Department of Labor and Employment;
- 12 (12) Exemption from the licensing or permit requirement of the PRC:
13 *Provided, That* the DOST shall submit to the PRC the list of "Balik Scientists"
14 whom it has certified prior to the award or project: *Provided, further, That*
15 accomplishment reports of these "Balik Scientists" shall likewise be furnished
16 by the DOST to the PRC at the end of each award;
- 17 (13) Participation in GIA for research and development projects
18 approved by the Secretary of the DOST;
- 19 (14) Provision of funds for construction and set up of the laboratory to
20 be used to come up with an innovation: *Provided, That* the laboratory shall
21 remain as property of the government after the expiration of the contract;
- 22 (15) Subject to applicable provisions of Section 29, Commonwealth
23 Act No. 613, otherwise known as "The Philippine Immigration Act of 1940",
24 as amended, the grant by the Secretary of Justice to the "Balik Scientist" of
25 foreign citizenship special nonimmigrant visas under Section 47(a)(2), after
26 compliance with the requirements therefor. The "Balik Scientists" and
27 immediate family members shall be exempted from the payment of visa,
28 immigration and registration fees in accordance with the Philippine Foreign

1 Service Code of 1983, as amended by Department Order No. 19A-95, Series
2 of 1995, otherwise known as the Regulations of the Department of Foreign
3 Affairs; and

4 (16) Reasonable accident and medical insurance for the duration of the
5 award as determined by the DOST.

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

9 SEC. 6. *Administration.* — This program shall be administered by the
10 DOST.

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

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

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

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

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

Approved,