



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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June 27, 2018

CUSTOMS MEMORANDUM CIRCULAR
NO. 127 - 2018



To: All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

Subject: RA 11035/Balik Scientist Program

Attached is a certified copy of Republic Act No. 11035 entitled: "**AN ACT INSTITUTIONALIZING THE BALIK SCIENTIST PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**".

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.



Bureau of Customs
ISIDRO S. LAPEÑA
Commissioner
18-10995
ISIDRO S LAPEÑA, PhD, CSEE
Commissioner
JUL 06 2018

S. No. 1533
H. No. 5792

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand seventeen.



[REPUBLIC ACT NO. 11035]

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

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

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

SEC. 2. *Declaration of Policy.* – The State recognizes that the utilization of the expertise of science, technology or innovation experts of Filipino descent is a vital component of the nation’s political, economic, and social development efforts. Hence, it is hereby declared the policy of the State to support the participation of science, technology or innovation experts of Filipino descent in research and development initiatives for our country.

Towards this end, science, technology or innovation experts, such as scientists, professionals, educators, technicians,

researchers, engineers, innovators, technologists, technology entrepreneurs or any person with special skills or expertise, who is of Filipino descent, shall be accorded with benefits, incentives and privileges under this Act to encourage and support their participation in strengthening the scientific and technological human resources of public or private institutions and industry in our country to accelerate the development of new or strategically important technologies that are vital to our national development and progress.

SEC. 3. *Balik Scientist Program.* - There is hereby created a Balik Scientist Program, hereinafter referred to as the "Program", to be administered by the Department of Science and Technology (DOST).

Under the Program, the DOST shall:

- (a) Survey and identify scientific and technological expertise absent or limited locally which may be addressed by a Balik Scientist as defined in this Act in coordination with the host institution(s);
- (b) Manage and facilitate the processing of applications and awards for short-term, medium-term, or long-term engagement of Balik Scientists in coordination with the host institution(s);
- (c) Provide and facilitate the release of the appropriate benefits and incentives provided under this Act to Balik Scientists who have passed the application process of the DOST in coordination with the respective host institution(s);
- (d) Issue the appropriate rules and regulations for the efficient provision of benefits and incentives, which shall include the clarification of pertinent rules and regulations promulgated and administered by other government agencies;
- (e) Monitor the implementation of the Program, in coordination with the respective host institution(s), and the fulfillment of the agreed obligations and responsibilities of Balik Scientists under the Program;

(f) Assess the actual, and/or anticipated impact of each short-term, medium-term, long-term engagement awarded, and the overall implementation of the Program; and

(g) Issue the guiding science, technology, or innovation research and development, and industry development agenda that shall guide the implementation of prioritization in the provision of awards and grants-in-aid provided under this Act.

The DOST shall prioritize the awarding of short-term, medium-term, and long-term engagements, and grants-in-aid provided under this Act that complement or address needs in ongoing or prospective government programs and projects of local and national significance. The DOST shall determine other privileges and incentives that may be extended to Balik Scientists.

SEC. 4. *General Program Objectives.* - The Program shall aim to strengthen the scientific and technological human resources of the academe, public and private institutions, including locally registered enterprises in order to promote knowledge sharing and accelerate the flow of new technologies into the country.

Towards this end, the DOST shall approve and award short-term, medium-term, and long-term engagements to Balik Scientists, and ensure their participation in activities such as, but not limited to, mentorship, training, lecture, research and development, technology transfer initiatives, and other similar endeavors in any institution subject to the agreement between the DOST, the Balik Scientist, and the host institution, and in due consideration of national priorities and agenda on science, technology or innovation, research and development, and industry development.

SEC. 5. *Definition of Terms.* - For the purpose of this Act:

(a) *Balik Scientist* - a science, technology or innovation expert or professional, as certified by the DOST, who is a Filipino citizen or a foreigner of Filipino descent, accorded with benefits and incentives under this Act to undertake science

and technology activities along his or her field of expertise with a host institution under short-term, medium-term, or long-term engagement, who is either:

(1) A resident of another country at the time of application; or

(2) A Philippine-resident for not more than three (3) years at the time of application, beginning from the most recent date of arrival from overseas education or employment along his or her field of expertise:

Provided, That those without graduate degrees equipped with exceptional expertise can be qualified under this Program:

(b) *Balik Scientist Program* – the Program institutionalized under this Act;

(c) *Host Institution* – a government agency, public or private academic institution, or a locally registered enterprise in the Philippines that will undertake science, technology or innovation activities, or research and development initiatives with a Balik Scientist;

(d) *Short-Term Engagement* – the term of engagement under the Program with a minimum duration of fifteen (15) days to a maximum duration of six (6) months per award to be served within one (1) year from the date of the award;

(e) *Medium-Term Engagement* – the term of engagement under the Program with a duration of more than six (6) months but not to exceed one (1) year per award to be served within two (2) to three (3) years from the date of the award;

(f) *Long-Term Engagement* – the term of engagement under the Program with duration of more than one (1) year to three (3) years, subject to renewal to be determined by the DOST and to be served within five (5) years from the date of the award.

SEC. 6. *General Benefits, Incentives, and Privileges.* – All Balik Scientists under the short-term, medium-term, or

long-term engagements shall be eligible for the following general benefits, incentives, and privileges:

(a) Exemption from the licensing or permitting requirements of the Professional Regulation Commission (PRC): *Provided*, That the DOST shall submit to the PRC the list of Balik Scientists with the corresponding duration of awarded engagement;

(b) Accident and medical insurance covering the duration of the engagement awarded by the DOST;

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

(d) Exemption from renouncing their oath of allegiance to the country where they took the oath, unless the Balik Scientist after the service decides to repatriate and retain the government position, as applicable;

(e) Tax and duty exemption in the donation of equipment, instruments, and materials to the DOST. *Provided*, That the DOST shall bear the freight and storage expenses related to the importation and transportation of the donated equipment, instruments, and materials; and

(f) Tax and duty exemption in the importation of professional equipment, instruments, and materials of the Balik Scientists.

SEC. 7. *Term-Specific Benefits, Incentives, and Privileges.* – Balik Scientists shall be eligible for the benefits, incentives, and privileges under the following terms of engagement:

(a) Short-Term Program:

(1) One (1) round-trip airfare originating from a foreign country to the Philippines, exempt from Philippine Travel Tax;

(2) When applicable, application for a visa duly subsidized and facilitated by the DOST whose validity shall cover the duration of the awarded engagement;

(3) Tax exempt daily allowance to be determined by the DOST; and

(4) Participation in Grants-in-Aid (GIA) research and development projects of the DOST subject to guidelines to be provided in the implementing rules and regulations. A grant may be provided to the Balik Scientist and released through the host institution for the implementation of the project in accordance with relevant government regulations and the need of the Program involved;

(b) Medium-Term Program:

(1) One (1) round-trip airfare originating from a foreign country to the Philippines, exempt from Philippine Travel Tax;

(2) When applicable, application for a visa duly subsidized and facilitated by the DOST whose validity shall cover the duration of the awarded engagement;

(3) Tax exempt daily allowance with rates to be determined by the DOST;

(4) Participation in GIA research and development projects of the DOST subject to guidelines to be provided in the implementing rules and regulations. A grant may be provided to the Balik Scientist and released through the host institution for the implementation of the project in accordance with relevant government regulations and the need of the Program involved;

(c) Long-Term Program:

(1) One (1) round-trip airfare originating from a foreign country to the Philippines, exempt from Philippine Travel Tax, for the awardees, their spouses, and minor dependents;

(2) Special Relocation Benefits:

(i) Special nonimmigrant visa, for awardees, their spouses, and minor children: *Provided*, That the validity of the visa shall cover the duration of the awarded long-term engagement;

(ii) Exemption from the requirement to secure an alien employment permit from the Department of Labor and Employment (DOLE) for Balik Scientists and their spouses;

(iii) Exemption from submission of immigration clearance certificate and payment of multiple entry fees;

(iv) Tax and duty exemption in the importation of personal and household effects, professional equipment, instruments, and materials of the Balik Scientist;

(v) Tax and duty exemption in the importation of one (1) motor vehicle whose gross vehicle weight (GVW) does not exceed 3.5 tons, and subject to the motor vehicle classification standard set forth by the Bureau of Customs: *Provided*, That the Balik Scientist, assisted by the DOST, shall ensure compliance with other applicable rules and regulations in the importation of motor vehicles: *Provided, further*, That an endorsement from the DOST shall suffice as substitute to the required personal appearance: *Provided, finally*, That the Balik Scientist shall be exempt from posting bond and exportation of the motor vehicle to the country of origin upon the expiration of the award;

(vi) Admission assistance to the preferred schools for the minor children of Balik Scientists;

(vii) Assistance in securing job opportunities for the spouse of the Balik Scientist;

(viii) Relocation allowance to be determined by the DOST; and

(ix) Monthly housing or accommodation allowance;

(3) Participation in GIA research and development projects of the DOST subject to guidelines to be provided in the implementing rules and regulations. A grant may be provided to the Balik Scientist and released through the host institution for the implementation of the project in accordance with relevant government regulations and the need of the Program involved; and

(4) Funding for the establishment and development of a facility or laboratory: *Provided*, That the facility or laboratory shall be deemed government property.

SEC. 8. *Role in the Research and Development (R&D) Leadership Program of the DOST.* – Balik Scientist awardees shall assume mentorship, leadership, professional or technical roles in the R&D Leadership Program of the DOST and other similar initiatives, which shall be included in the contract among the DOST, the host agency, and the Balik Scientist awardee.

SEC. 9. *Administration.* – The Balik Scientist Program shall be administered by the DOST. The DOST shall coordinate their activities with other departments, agencies and bureaus, including government-owned and/or -controlled corporations, to carry out effectively the provisions of this Act.

The DOST shall prioritize the following areas, including, but not limited to: Space Technology, Artificial Intelligence, Biomedical Engineering, Energy, Agriculture and Food, Biotechnology, Information and Communications Technology, Pharmaceutical, Disaster Mitigation and Management, Environment and Natural Resources, Electronics, Genomics, Health, Manufacturing, Nanotechnology, Cyber Security, and Semiconductors in accordance with the Philippine Development Plan. The priority areas identified by the DOST Secretary may vary depending on the urgent needs and programs of the Philippine government. The DOST may assign the Balik Scientist Program to its sectoral councils to strengthen, institutionalize and give more focus on each of the council's priority programs.

SEC. 10. *Other Related Activities.* – The DOST shall organize annual conventions to acknowledge the vital role of Balik Scientists in the scientific and economic growth of the country. The convention shall highlight the successes of explorations and research of industries, science, technology or innovations and other emerging technologies.

SEC. 11. *Monitoring and Reporting.* – To ensure that the results of scientific and technological activities are properly applied and utilized, the DOST shall require the Balik

Scientists to submit their respective accomplishment reports after serving their term.

Likewise, the DOST shall submit an Annual Summary Report of the Program to the Committees on Science and Technology of both Houses of Congress with an accurate account of the expenditures and work-related activities for the duration of the term.

SEC. 12. *Data Banking Responsibility.* – The DOST shall create and maintain a databank of the Balik Scientists who have availed of the Program from the start of its implementation to serve as a directory and guide in promoting Filipino scientific research and technological human resources that will improve the research and development in the public and private corporations in the country.

SEC. 13. *Other Benefits and Privileges.* – The DOST may draw up other benefits and privileges that may be extended to the Balik Scientist in the rules and regulations to be issued to implement this Act in accordance with other existing laws, codes, presidential decrees, executive orders, department orders, rules, regulations and other issuances promulgated for the purpose of accelerating the industrial development of the country.

Said rules and regulations may include a one-time incentive bonus and such additional incentives, benefits, and privileges that may be necessary to attract the individual Balik Scientist to come and help in the scientific and technology advancement of the country.

SEC. 14. *Appropriations.* – The funds necessary to carry out the provisions of this Act shall be included in the annual budget of the DOST in accordance with the annual General Appropriations Act.

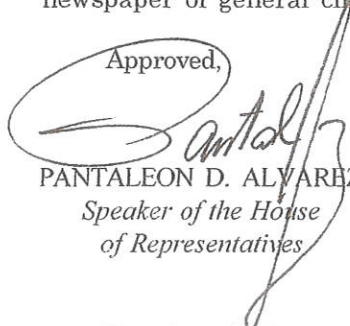
SEC. 15. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DOST, in consultation with concerned agencies and other relevant stakeholders, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 16. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

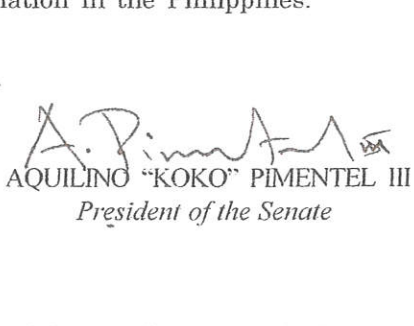
SEC. 17. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation in the Philippines.

Approved,

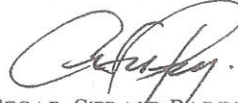


PANTALEON D. ALVAREZ
Speaker of the House of Representatives




AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1533 and House Bill No. 5792 was passed by the Senate and the House of Representatives on March 20, 2018 and March 21, 2018, respectively.



CESAR STRAIT PAREJA
Secretary General House of Representatives

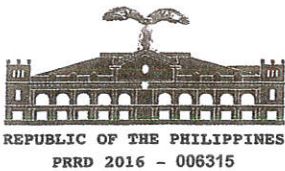


LUTGARDO B. BARBO
Secretary of the Senate

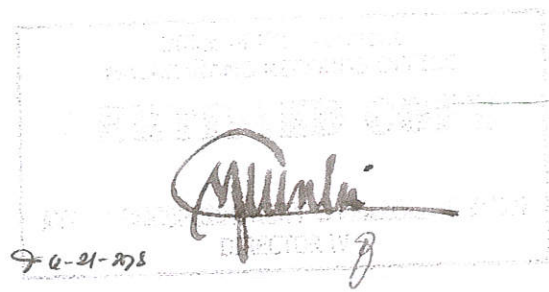
Approved: JUN 16 2018




RODRIGO ROA DUTERTE
President of the Philippines



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9-21-2018