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INSTITUTIONAL CAPACITIES IN AGENDA-SETTING AND POLICY FORMULATION IN THE PHILIPPINE HOUSE OF REPRESENTATIVES

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ABSTRACT

The research tracked how bills enter the agenda and were considered in legislative committees, the vital cog where legislation is principally refined.

The research found that agendas are mostly detached from pivotal events, and are influenced by policy entrepreneurs and the President's imprimatur. Meetings are characterized by the varying preferences and volatile participation of Members and resource persons and largely unpredictable treatment of measures. Further, committees decide substantially with a logic of appropriateness, and a measure is approved if this was filed and processed on time; if the Chair and some Members shepherded it; and if the implementing agency consistently supported it.

Keywords: legislative committees, policy-formulation, agenda-setting, multiple streams, organized anarchy, logic of appropriateness

The Philippine Legislature operationalizes representation in our democracy. Acting for the people to serve the public interest, the legislature aims to define policies within which good governance and development are engendered. The institution seeks to fulfill social ideals and to ensure the greatest good for the greatest number, with the least negative impact on the minority. Despite these ideals, the Philippine Legislature is quite unpopular, with net satisfaction rating at an average of 16% from 1998 to 2016 (SWS: 2016). Complaints abound on the inability of the institution to perform its core mandate. Seriously, what keeps Congress from legislating?

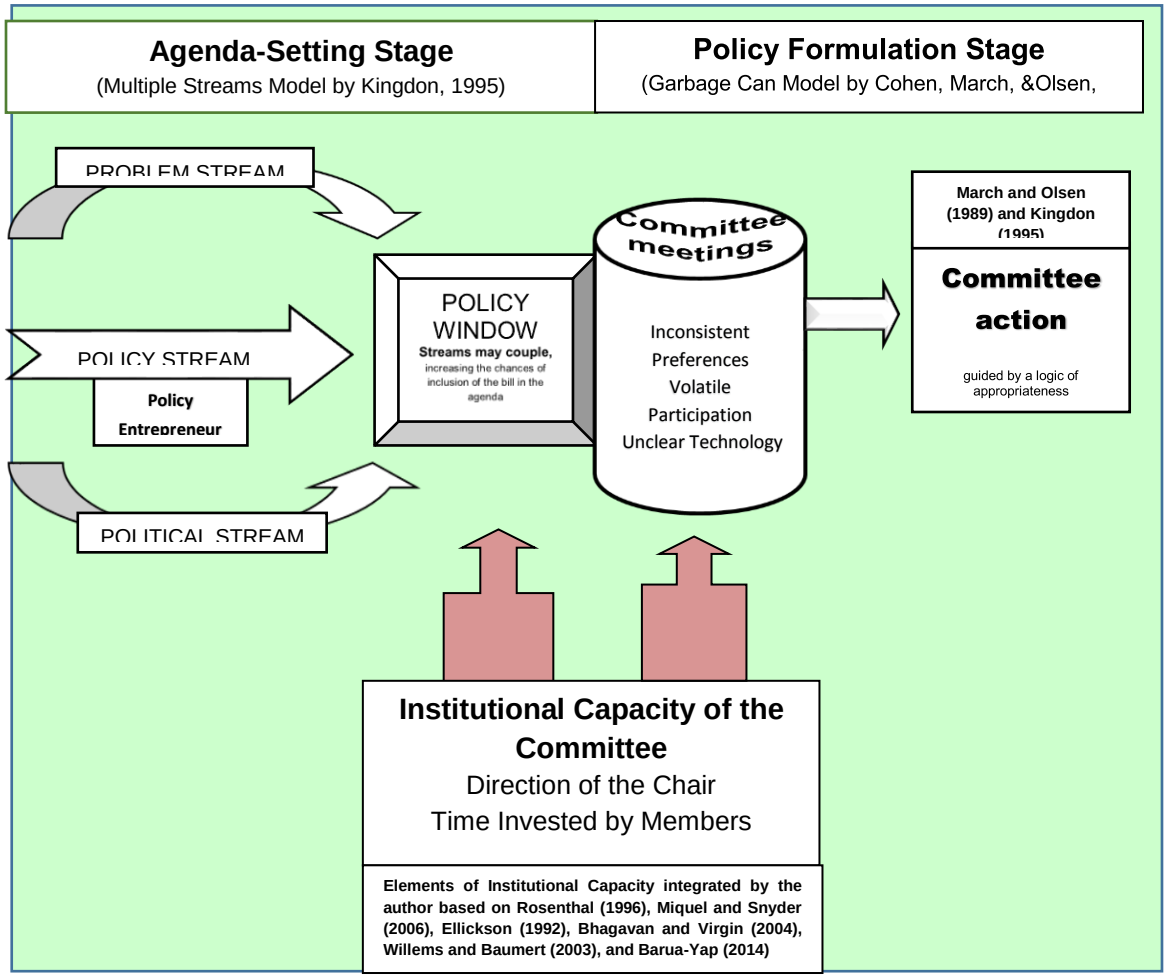
This study focuses on legislative committees, the vital cog where legislation is principally refined. It tracks the influences that lead to the approval of national bills at the committee level using a two-tier approach: (1) an analysis of the factors that determine the agenda of committees using Kingdon's Multiple Streams Model (MSM) (1995); and (2) an examination of the stances and participation of committee members, as well as committee rules, and how these impact the approval of bills using the Garbage Can Model (MSM) of Cohen, March, & Olsen (1972).

Using MSM, the research argues that the agenda of the committee is influenced by the multiple streams of problem, policy, and politics. These streams may converge at a policy window at the right time, increasing the chances of related proposals to be considered. Using GCM, the research argues that committees are organized anarchies that decide based on the contents of the garbage can or the policy space at the time decisions are needed. The characteristics of fluid participation (unequal attention of members); ill-defined and inconsistent goals (incoherent priorities of members and resource persons); and unclear technology (flexible rules), bring about the unpredictability

of committee decisions. Further, the research follows the contention of the Garbage Can Model that decisions are based on a logic of appropriateness. The approval of proposals is based more on whether this action conforms to the rules or norms of the Committee, than on the consequences which the proposals may bring about.

Figure 1 illustrates how the two models intersect.

Figure 1. Integrative framework of Kingdon's MSM and Cohen, March & Olsen's GCM



The three streams of problem, policy, and politics try to enter the committee through the policy window at the agenda-setting stage. Once they've entered the window, the advocacies or the bills that these streams elevate form part of the committee agenda. During the policy formulation stage, the agenda is processed in committee meetings, herein shown as a cylinder to represent a garbage can. During meetings, the properties of the committee as an organized anarchy become evident, given the fluid participation of Members and other policy actors, and the unclear preferences and technologies of the committee. Likewise, the figure shows that the complexities of the policy-making process result in decisions that are largely based on logic of appropriateness. The research inputs an institutional dimension, which can intervene in agenda-setting and policy-formulation of the committee, shown as a light orange box, convinced that if the committee has a high level of institutional capacity, it can set the agenda and it can formulate policies well.

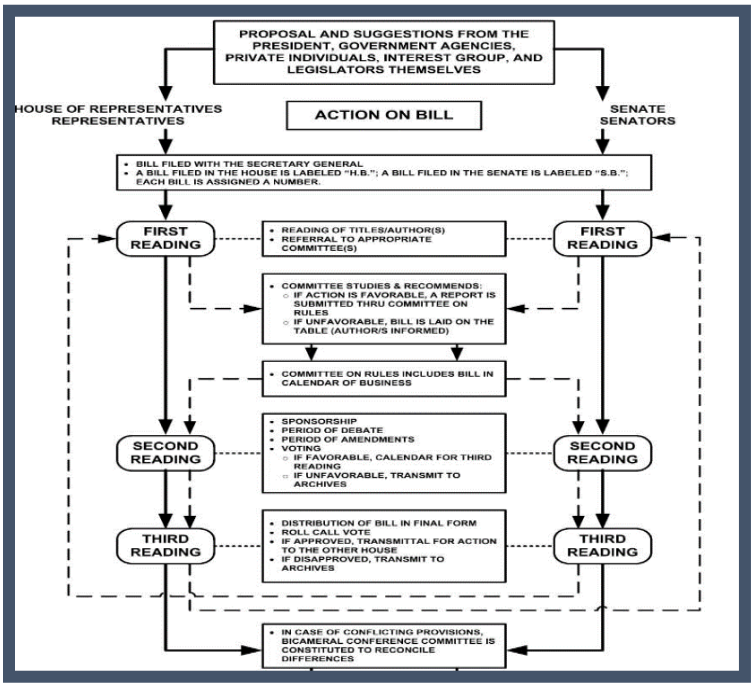
Empirical data was collected from the Committees on Health and on Transportation in the 15th Congress. The study covers the 15th Congress which was the initial Congress of the Aquino administration, and which spans from July 26, 2010 to June 6, 2013.

Based on the assertions of Kingdon (1995), March & Olsen (1989), Cohen, March, & Olsen (1972), March (1988), and Padgett (1980), the research studies the following: (a) the streams of influences that set the agenda; (b) the properties of organized anarchies that affect policy formulation; (c) the institutional capacity of the committee that affect both policy processes; and (d) the logic of appropriateness of approval of measures by the Committees on Health and on Transportation.

I. The Legislative Process in the Philippines

Each Congress holds three regular sessions and special sessions as may be called by the President. Of the three sessions, it is the First Regular Session of the initial Congress of a President that is filled with the possibility of change. At this time, Congress is energetic and enthused, and this period is often taken advantage of to push the approval of meaningful but hard to pass proposals at the committee level. The Second Regular Session is the time when Congress is refining priority measures in the plenary and the bicameral committee, cognizant that the Third Regular Session is driven more by constituent demands, due to impending elections. Figure 2 presents the three-reading process in crafting measures from the time of receipt of proposals to the bicameral conference meetings.

Figure 2. Processing Measures from First Reading to Third Reading



Source: House of Representatives

During the First Reading, the titles of bills are read in the plenary and are transmitted to committees, which process, refine, and decide their fate. Committees may approve or defer bills instantly or draft substitute or consolidated bills, usually through the Technical Working Group (TWG) established for the purpose. Once a committee reports out a measure, the Committee on Rules calendars it for Second Reading. At this point, the bill is presented and interpellation takes place on the Floor, with the Chairperson of the committee usually acting in defense of the bill. Upon approval of the measure, a final and engrossed copy of the bill is prepared and sent back to the plenary for approval on Third Reading, whereupon the House members vote on it. If approved, the measure is transmitted to the Senate, which also subjects the bill to three readings. Once approved in the Senate on Third Reading, a bicameral conference committee may be created to resolve conflicting provisions. Once the final version is accepted by the two Houses, the bill is sent to the President for the signature, who may sign, lapse the bill into law, or veto it.

The Committee System in the Philippine House of Representatives

Committees determine the pace and quality of legislation. Shepsle & Weingast (1994) speak of the committee's central role in policymaking, as its issue specialization and gatekeeping powers enable it to have effective rights over issues, allowing it to dominate public policymaking within its jurisdiction. Birkland (2001) illustrates the power of the committees in two ways: (1) committees have to choose judiciously which bills, resolutions, or privilege speeches deserve to be included in its agenda; and (2) committees filter everything that gets discussed in the plenary.

The Head of the House of Representatives Committee Affairs Department (CAD), Deputy Secretary General Arlene Dada-Arnaldo (2012), introduces committees as "political nerve-ends, gatherers of information, sifters of alternatives, and refiners of legislative details (Davidson, 1981, p. 99)." Zosa-Villalon (2004), a former Director at the Committee on Rules, writes: "It is in the committee level where in-depth studies, deliberations and vital decisions take place. They are the main avenues for the efficient disposal of legislative business" (p. 1). She discusses that committees are called "little legislatures" because they are expected to provide the expertise and specialization to hammer informed legislation; to facilitate negotiation, ensuring that compromises are acceptable to major interests; and to gather information, serving as listening posts of Congress (Zosa-Villalon, 2004, p. 11-12).

The functions of the committee, as defined in the Rules of the House of Representatives in the 15th Congress (hereinafter referred to as the Rules) show the committee's powers over issues under its jurisdiction. Rule 9, Section 26 of the Rules provides that committees: (a) study, deliberate on, and act upon all measures referred to them; (b) establish appropriate systems and procedures to ensure that those affected by pending measures are heard; (c) determine whether laws and programs are implemented in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated; and (d) may, *motu proprio*, conduct hearings and inquiries on relevant issues and concerns (House of Representatives, 2013, p. 27-28).

The committee chooses which bills will form part of the agenda and how these bills will be processed. Baylon (2005) defines agenda-setting as "the phase when policymakers formally recognize that a policy problem exists by making a decision to

undertake concrete policy measures to do something about it" (p. 157). In the committee, this is indicated by inclusion in the agenda of a meeting, prompting the start of policy formulation, the creation of relevant and supportable courses of action for dealing with specific problems within the institutional agenda (Theodolou, 2013, p. 290). Once the bills are considered, the committee decides whether to approve the bill, with or without amendments, or defer its consideration. The Chairperson may also refer the bill to a TWG which shall study the bill by section and prepare a Substitute Bill, for approval of the mother Committee.

The type of the committee determines its functions and powers. There are three common kinds of committees: steering, standing, and special committees. Steering committees perform special functions which affect the work of the other committees. These include the Committees on Accounts, Ways and Means, Appropriations, and Rules. Standing committees handle concerns that need continuing legislative study, attention, and action and are organized parallel to the departments of the Executive Branch to enhance coordination and oversight. Special committees consider special or urgent needs that relevant standing committees are unable to act upon with needed dispatch (House of Representatives, 2013, p. 28). In the 15th Congress, there were four steering committees, 52 standing committees, and 11 special committees.

The Committees on Health and on Transportation—the two standing committees studied in this research—cater to different publics, stakeholders, and interest groups. The Committee on Health has jurisdiction over all matters directly and principally relating to public health and hygiene, quarantine, medical, hospital and other health facilities and services (House of Representatives, 2013, p. 33). The Committee on Transportation has

a more diffuse and complicated mandate. It covers “all matters directly and principally relating to land, sea, and air transportation and all public utilities and services connected thereto, as well as the establishment, operation, management and regulation of airports, seaports and other mass transportation systems including light and heavy rail systems and roll on-roll off systems (RO-RO), civil aviation, air transport agreements, transportation safety standards, air transport security, maritime security, ballast water management, ship financing, ship mortgage, maritime liens and transportation related insurance.” (House of Representatives, 2013, p. 41).

In pursuit of its mandate, the Committee on Health exercises oversight powers over the implementation of 24 health laws and the performance of five health agencies and four specialty hospitals. During the period under study, the Committee conducted oversight hearings over the retention of the income of hospitals, de-nationalization of devolved hospitals, and toxic food additives and other products. The Committee also investigated at least three controversial issues over the management of a provincial hospital, the use of funds in the Philippine General Hospital (PGH); and (c) the hike in Philhealth contributions. The Committee is also mandated to look into local bills pertaining to the establishment of hospitals or an increase on their bed capacity, and approved two Republic Acts on these in Pampanga and in Kalinga-Apayao during the period.

The mandate of the Committee on Transportation is much wider and more diverse. Land, water, and air transportation have diverse problems, have different stakeholders, and demand unique approaches to policymaking. The Committee exercises oversight over 28 laws, 13 maritime conventions, and 21 transportation agencies. These include the Land Transportation Office (LTO), which earns the third-highest government revenue

(Department of Budget and Management, 2016), and five other agencies which were created by law: Land Transportation and Franchise Board (LTFRB), Civil Aeronautics Board (CAB), Civil Aviation Authority of the Philippines (CAAP), Philippine Ports Authority (PPA), and Philippine Coast Guard (PCG). Further, the Committee covers ten government-owned and/or controlled corporations (GOCCs). Given the distinct turfs of these agencies, the Committee deals with inherently territorial and bureaucratic coordination issues, on top of recurring safety issues. On top of these, the Committee investigated scandals, most notable of which was that involving LTO and its Information Technology provider, STRADCOM. The committee also approved bills to create or expand 24 LTO offices and six airports, one of which was enacted into law. Consequently, these investigations and consideration of local bills took up substantial time of the Committee.

II. Agenda-Setting in Legislative Committees

Given the fairly wide mandates of both the Committee on Health and on Transportation, it is important to consider how each determines the agenda for deliberation. Agenda-setting ensues once the Committee Chairperson identifies the priority agenda items, usually based on the recommendation of the Secretariat, and sets a schedule for their deliberation.

The chances of items rising to the agenda of the Health and Transportation Committees, are minimal given the quantity of measures referred to these committees. In the 15th Congress, the two Committees processed less than half of their assigned measures. This reinforces the ideas of Birkland (2001), who asserts that legislative

committees are gatekeepers. The process of agenda-setting—of removing and retaining bills in the agenda—is heavily influenced by external factors. Building on Kingdon's Multiple Streams Model, the research argues that bills are included or remain in the agenda when they muster noticeable media coverage (problem stream); are drafted by interest groups or are pushed by policy entrepreneurs (policy stream); and are deemed important by political elites (politics stream).

The problem stream

Problems rise to the attention of decision makers when there are focusing or pivotal events such as crises, disasters, or powerful symbols; when the key policy actors have bothersome experiences; or when the magnitude of the implementation gap is too great to ignore. To capture this stream, the research surveyed the headlines of the Manila Bulletin and the Philippine Daily Inquirer, two newspapers of national circulation. In addition, the research checked reports of pertinent agencies and experiences shared by legislators during committee meetings which could have elevated certain measures to the agenda.

Based on news headline coverage, the Committee on Transportation generated more attention than the Committee on Health in the 15th Congress. There were 404 transportation headlines compared to 151 health headlines. In terms of placement, transportation headlines were slightly more prominent, with an average score of 2.7 relative to health headlines at 2.5. The highest number of headlines was also recorded in the First Regular Session. Table 1 summarizes the statistics on Manila Bulletin and Philippine Daily Inquirer health and transportation headlines.

Table 1. Summary Statistics on Health and Transportation Headlines in Manila Bulletin and Philippine Daily Inquirer

Committee	Categories	First Regular Session	Second Regular Session	Third Regular Session	TOTAL
Health	Number of Headlines	64	49	38	151
	Average Placement Score (5= highest)	2.7	2.4	2.3	2.5
Transportation	Number of Headlines	137	141	126	404
	Average Placement Score (5= highest)	2.9	2.5	2.7	2.7

Source: Author

The frequency of headline coverage did not translate into approved bills, except in one instance, when there was not even a need for a bill.[2] The media did not appear to advocate any policies in health and transportation and some critical bills were not covered in the headlines at all. For instance, while airport problems attracted intense media attention, there were no news on the Passenger Bill of Rights, the measure which would allow airline passengers to assert rights against flight delays and airline malpractices. Meanwhile, some proposals made it to the headlines with zero to minimal impact on agenda-setting, since most bills were covered after their approval at the committees. The Anti-Drunk Driving bill was reported when it was approved, in the same manner that 11 headlines on HIV and PhilHealth were brought to the fore after the relevant bills were approved by the committee.

[2] Complaints against the toll fee hike in the South Luzon Expressway (SLEX) appeared on the front pages of the two newspapers for more than a month. The Committee also received communication from the Muntinlupa City Council requesting for consultations prior to toll hikes (C. Lazarte, communication to House Speaker Belmonte, August 16, 2010).

More than media coverage, the problem stream was triggered by personal experiences, government reports, and stakeholder complaints. The Passenger Bill of Rights became prominent when a prominent representative experienced a six-hour flight delay at the airport, thus prompting him to insist that the bill be put in the agenda of the Committee on Transportation.[3] Since many legislators travel to their districts regularly, the issue created a bandwagon effect in the committee, capturing the attention of more Members.

Most health news spoke of complaints on health services. The DOH and PhilHealth reasoned out that the Universal Health Care bill would solve problems encountered on the ground.

The policy stream

Certainly, it is not enough that problems are identified. The involvement of interest and civil society groups in policy-making (Blondel, 1973; Key, 1955; and Leyden, 1995) should give rise to ready solutions advocated by policy entrepreneurs, or people who are willing to invest resources to push ideas (Kingdon, 1995, p. 142-143). However, these depend on the coherence of issue areas and policy communities. Between health and transportation, the former is more well-defined, given established medical communities and agenda. Transportation is divided into different modes, which is reflected on various technologies, interest groups, and jurisdictions (Kingdon, 1995, p. 118). As a result, transportation has fewer agreed upon paradigms and greater susceptibility to crisis (p. 121).

[3] P. Silang, personal communication, July 14, 2015

Policy entrepreneurs in the Committee on Health have reached a consensus even before the Committee was constituted. The DOH and Philhealth drafted the Universal Health Care bill and then DOH Secretary Enrique Ona explained its urgency during the organizational meeting. The DOH conducted two more briefings by DOH Assistant Secretaries (Committee on Health, 2010; 2011a) and identified the bill as its top priority in the Health Agenda for Legislation (HEAL).

The DOTC drafted the Transport Policy Act, with Secretary Jose De Jesus, the first DOTC Secretary (covered by the research period), briefing the Committee once (Committee on Transportation, 2010a). However, the other attached DOTC agencies and GOCCs did not advocate this policy or submitted any draft proposals at all.

Affected industries, stakeholders, and the general public advocated or opposed national bills on health and transportation. Their continuous engagement ensured that the bills stayed repeatedly in the agenda until these were resolved. DOH and breastfeeding advocates pushed for amendments to the Milk Code, which would restrict the promotion of infant food to children aged six months and older. Given the negative implications of this on the infant food industry, the Pharmaceutical and Health Care Association of the Philippines (PHAP) petitioned against it.

In the Committee on Transportation, tourism agencies and operators worked toward an institutionalized Open Skies Policy, arguing that the current air transportation policy restricts the industry, given the slow opening of secondary airports to international carriers by the CAB (Committee on Transportation, 2010b). Another notable case is the lobbying of two maritime lawyers for a Maritime Code, who directly steered the TWG on the proposed bill. While this curious move was questionable given the Rules, this allowed

them to act as power brokers, coalition enablers, and manipulators of problematic preferences and technology – the roles identified by Zahariadis (2014) in attempting to couple the three streams of influence.

The political stream

The political stream is comprised of the national mood and the stance of political parties or organized groups toward certain agenda items (p. 146). Policy entrepreneurs, conscious of the political stream, alter their proposals to gain the approval of elected officials (Kingdon, 1995, p. 144).

Of the health and transportation measures, only the Universal Health Care Bill had the backing of then President Benigno Aquino III, who mentioned the measure in two of his State of the Nation Addresses (SONAs). The PhilHealth, the DOH, the Department of Finance (DOF), and other health institutions supported it explicitly. The Presidential Legislative Liaison office (PLLO) harnessed the liaison system to shepherd it in both Houses.[4]

The House Speaker, the Committee Chair, and 59 other representatives authored the Universal Health Care bill. The Office of the Speaker and another Deputy Speaker also frequently followed up on its progress in the Committee.[5] Early on, the technocrats of the House of Representatives also listed the Universal Health Care bill as one of the priority legislative agenda (House of Representatives, 2010).

[4] B. Sayo, personal communication, September 26, 2013
[5] M. L. Sanchez, personal communication, July 11, 2012

Among the transportation bills, political support was provided by the authors and prospective implementing agencies for Anti-Drunk Driving Act, Transport Policy Act, and Passenger Bill of Rights. Former President and then Rep. Gloria Macapagal-Arroyo chaired the TWG on the Anti-Drunk Driving Act and steered its early approval. DOTC Secretary De Jesus advocated the Transport Policy Act, however, the bill fell by the wayside when DOTC Secretary Manuel Roxas took over and chose to prioritize the Passenger Bill of Rights.

Other measures actively pushed by authors failed to make it due to the powerful oppositions of other legislators, prospective implementing agencies, and stakeholders. The proposed Milk Code was approved in its watered-down version after the Department of Trade and Industry (DTI), and the Infant Pediatric Nutrition Association of the Philippines (IPNAP) insisted on the status quo (Committee on Health, 2012d). The discussion on the proposed picture-based health warning on cigarette packs stopped after members of the Ilocano bloc questioned the sole jurisdiction of the Committee on Health over the measure (Committee on Health, 2011f).

The research also entailed asking all of the key informants if there were instances when they felt the influence of the political parties in agenda-setting, to which they all replied in the negative. While political parties may have been instrumental in ensuring members attend crucial meetings, none of the political parties concretely pushed for any measure consistently, affirming the studies of Lallana (1989), Gonzales (2003), and Kasuya (2009) on the general weakness of political parties in the country. Instead, the research showed that those backed by the President, the DOH, and the DOTC

Secretaries were automatically put in the agenda, proving that executive dominance, as posited by Magadia (2003) seeps through the committee.

Coupling of streams

When at least two streams converge, the bill is repeatedly included in the committee agenda until all issues are resolved. This happens when the measure is elevated by the President, the implementing agencies, policy champions, and policy entrepreneurs, or when politics and policy streams coupled around the measure.

The Committee on Health felt a sustained coupling of the problem, policy, and political streams in the Universal Health Care bill. It was elevated by DOH officials specifically assigned to ensure its passage, various academic and civil society advocates, and Former President Aquino.

The Committee on Transportation garnered more media coverage than the Committee on Health, and thus had a substantial flow from the problem stream. However, the Committee had almost no support or input from its political stream. None of its bills received the Presidential imprimatur. Further, aside from the Anti-Drunk Driving Act which was largely buoyed by its sponsors, none of the bills exhibited a sustained coupling of any two of the streams, despite the presence of policy entrepreneurs.

Ultimately, the stance of the implementing agencies defined the policy and political streams. While the DOH and other stakeholders worked in unison to refine and shepherd the Universal Health Care bill, none of the transportation agencies worked with the same vigor with other interested groups on any of its measures. Stakeholders such as the lobby groups in the Open Skies Policy and the Maritime Code bill worked hard but were not

able to build an effective coalition with the CAB, PPA, DOTC, and the Maritime Industry Authority (MARINA) and much less gain the President's support.

III. Policy Formulation in the Legislative Committee

The processes of policy formulation at the committee seem simple and straight-forward. During a meeting, the Chairperson asks the bill author to deliver his sponsorship remarks, after which, representatives of agencies and other stakeholder groups are asked to state their position on the bill. Members are usually free to posit any question or comment at any time. After the discussion, the committee may decide to approve or defer the approval of the bill, conduct further meetings, or create a TWG to study it in detail. The TWG is tasked to come up with a Substitute or Consolidated Bill which shall be submitted to the committee for approval.

Policy formulation is more complicated than this. While agenda items are defined during meetings, policy actors seldom have a firm agreement on the prioritization of measures, much more on their salient provisions. Members of the committee, as well as resource persons from agencies and other stakeholder groups, also enter and exit discussions at will. It is not unusual to see different officials representing the same agencies on the same bills, some of whom have no prior information on agreements made in preceding meetings. It is also quite common to hear Members ask similar questions at different times in the same meeting. Further, given contending factors, the application of rules on processing bills varies. While some may be approved instantly, the deliberation of other measures may be delayed. The research finds that committees contended with

ill-defined shared goals, unequal attention of members, and flexible rules in processing bills, confirming Zahariadis (2014).

Inconsistent preferences

At the outset, both Committees on Health and on Transportation knew what they wanted to achieve. They prioritized bills that were approved in the previous Congress; those certified by the President; and those chosen by the Chair or followed up by members.[6] However, this clarity of prioritization waned as the Committees delved into the details of measures. Inconsistent preferences, where the preferences are more of a loose group rather than a coherent collection of ideas, start to set in and actual preferences are discovered through action more than its basis (Cohen, March & Olsen, 1972, p. 1).

Of all the national bills considered by the two committees, only the goals to pass the Universal Health Care and the Anti-Drunk Driving bills were relatively firm. The preferences of policy actors varied on the bills on the Milk Code, the picture-based health warning on cigarette packs, the Maritime Code, and the Passenger Bill of Rights. Given heavy opposition, the bills on Open Skies and the Milk Code were eventually weakened while the issues on the picture-based health warning were not resolved at all. Nonetheless, the Committee on Health had more consistent preferences, approving 28 bills instantly, relative to three bills which were instantly approved by the Committee on Transportation.

To illustrate the process of deliberation of the Milk Code, for example, the bill's proponents could not agree whether it should ban the promotion, advertisement,

[6] A. Gil, personal communication, July 18, 2011; and M. L. Sanchez, personal communication, July 11, 2011

marketing, sponsorship, and similar activities of milk substitutes for infants zero to six months old or zero to six months and older (Committee on Health, 2012d). The limited coverage (zero to six months) aimed to maintain the status quo while the extended coverage (six months and older) would legislate the provisions of a Revised Implementing Rules and Regulations struck down by the Supreme Court. The TWG initially decided that the Milk Code shall follow the status quo. However, two authors withdrew their co-authorship of the bill and one insisted on the stricter version. To resolve this, the TWG Chair expanded the prohibition from birth to 12 months. Yet, four authors insisted that this be expanded still to two years. (Committee on Health, 2012d).

There were also measures that were opposed by stakeholders and implementing agencies, yet were approved by the committees. In the Committee on Health, the Philippie Medical Association opposed the proposal that defines the substitution of doctors in surgeries or in the application of anesthesia as fraudulent. Likewise, the Philippine Institute of Traditional and Alternative Health Care (PITAHC) protested the proposal to amend the PITAHC Charter. Both bills were nonetheless approved by the Committee in one meeting (Committee on Health, 2012e). In the Committee on Transportation, the CAB was against the Open Skies Policy; the PCG and the MARINA were passive during the TWG meetings on the Maritime Code; and airlines argued against the need for the Passenger Bill of Rights. Yet, after several deliberations, the Committee on Transportation approved the Open Skies Policy and the Maritime Code. The Committee was constrained to approve the Passenger Bill of Rights, since its discussion was continued at DOTC toward the formulation of an Executive Order.

Aside from the varying stances of the policy actors, the ambiguity or complexity of the subject matters contributed to the inconsistency in preferences. The Committee on Health had a difficulty in crafting an Organ Donation bill. While the Chair and the authors recognized the need to address the weaknesses of the transplantation system, representatives from the Philippine Society of Nephrology (PSN), the Transplantation Society of the Philippines, the Philippine Society of Transplant Surgeon (PSTS), and the Integrated Program on Organ Donation (IPOD) strongly warned that this could lead to organ commercialization (Committee on Health, 2012a). Likewise, the Committee on Transportation had difficulty resolving complaints of exorbitant pilotage fees when it took up the Harbor Pilotage Act. The TWG Chair submitted its draft creating an office similar to the Pilotage Committee in Singapore, to which United Harbor Pilots' Association of the Philippines (UHPAP) agreed. However, the Committee Chair and the PSAA, PISA, MARINA, and the PPA representatives disagreed since the Pilotage Committee would perform both operation and regulatory functions. (Committee on Transportation TWG, 2011b)

Interestingly, the pervasiveness of elitism drove inconsistent preferences, a common contention of Villegas (1987), Villamejor-Mendoza (2003), Coronel, Chua, Cruz, & Rimban (2004), Caoili (2006), Baylon (2005), and Booth (2014). First, in the discussion of the proposals for picture-based health warning on cigarette packs, the jurisdiction issue raised by the Ilocano bloc may be a delaying tactic to protect the interests of cigarette manufacturers which sourced their tobacco leaves from Ilocano-speaking provinces. In the Committee on Transportation, the delay in the consideration of the Open Skies Policy

may be attributed to the lobbying strategies of airline companies. Elite interests seemingly worked in opposition to policy reforms.

The huge fiscal requirement of proposed policies also constrained the deliberation of certain measures. While all pertinent Universal Health Care stakeholders agreed to legislate it, it took time to settle how it will be financed. In fact, this was not resolved within the Committee on Health, but with the help of the stakeholders pushing for increased sin tax rates in the Committee on Ways and Means. One would expect that for such an urgent measure, their financial requirement would have been covered at the outset. In the same manner, the TWG discussion on the proposal to ban toxic toys was impeded after realizing that the Food and Drug Administration did not have the budget to procure monitoring equipment to test the toxicity of toys (Committee on Health, 2011g).

Lastly, inconsistencies arose from the non-strategic consideration of the Committees. The Committee on Health listed 30 priorities in the Second Regular Session, thereby dispersing its priorities. The Committee on Transportation took up measures which did not need legislative fiat, i.e., proposal prohibiting the collection of comfort room fees in bus terminals.

In summary, agreement on the goals of the meetings among the authors and resource persons of a bill was rare. Committee preferences were commonly discovered during meetings. Aside from the varying stances of policy actors and the usual funding issues, inconsistent preferences were traced to the ambiguity and complexity of subject matter and the generally non-strategic consideration of bills.

Volatile participation

According to Cohen, March, & Olsen (1972, p.1), “participants vary in the amount of time and effort they devote to different domains; involvement varies from one time to another…. The boundaries of the organization are uncertain and changing; the audiences and decision makers for any particular kind of choice change capriciously.” Peters (2002, p. 19) explains that the members of organized anarchies vary in time and effort, as well as devotion to the issue at hand, thus, their involvement may even be capricious, erratic, and uncertain.

The research verified the attendance of Members at committee meetings and checked the nature of their participation using key words in the minutes of the meetings. The research found that most Members were passive, and it was not unusual for them to ask the same questions or share the same insights repeatedly over several meetings.

Most Members of the Committees on Health and on Transportation attended only four meetings, with nine of the former, and seven of the latter, not attending any of the meetings. Twelve and 18 Members of the Committees on Health and on Transportation, respectively, attended at least six meetings. Of those present in at least six meetings, seven in the Committee on Health and eight in the Committee on Transportation were mentioned in at least four Minutes of the Meetings, the threshold for active participation. However, it is important to note that despite the low participation rate of most Members, committee stalwarts compensated for the lackluster contribution of their peers.

In both committees, the attendance and engagement of Members were at their peak during the First Regular Session. Fewer Members attended the meetings and the intensity of participation in meetings faltered in the Second and Third Regular Sessions.

Table 2 presents the list of active Members.

Table 2. Participation of Members of the Committees on Health and on Transportation in Meetings

Committee on Health			Committee on Transportation		
Members	Attendance = 21 meetings	Inclusion in the Minutes	Members	Attendance = 25 meetings	Inclusion in the Minutes
Eriguel (E.)	7	5	Arnaiz (G)	8	5
Flores (F.)	7	6	Ejercito (J.V.)	11	5
Golez (A.R.)	10	10	Madrona (E. J.)	17	7
Marañon (A.)	18	13	Mercado R	23	18
Mercado-Revilla (L.)	8	6	Osmeña T.	9	6
Pichay (P.)	15	11	Pichay P.	9	6
Roman (H.)	11	7	Salvacion A	6	5
Ting (R.)	11	10	Sarmiento C	11	6
			Sarmiento (M.S.)	13	7

Source: Available Attendance Sheets of the Committee on Health and on Transportation in the 15th Congress.

Similar patterns of fluid participation were observed from the stakeholders of both Committees. There were few policy entrepreneurs who submitted draft proposals or concrete courses of action. Further, the engagement of the transportation advocates was not as active as those of the health advocates, even when the Committee on Transportation provided more space and time for engagement.

The Committee on Health primarily listened to the DOH, which firmed their message well and made the policymakers think that their advocacy is a priority, is feasible, and conforms to the value of policymakers, as posited by Zahariadis (2014). The Committee on Transportation paid attention to many organized groups, largely prioritizing

agenda based on precedence and demand. Without a firm DOTC lobby and consistent transportation priorities, the Committee on Transportation had more time to listen to varied policy entrepreneurs, however, this also jeopardized its deliberative focus. This is a missed opportunity for the DOTC given that most legislatures rely on the expertise of executive agencies, industry players, and consultants (Saiegh, 2005; Tigno, 2003, and Baylon, 2005).

Unclear technology

The Rules of the House provide the general guidelines for the treatment of measures, however, its application depends on the issues raised, the options available, and the attention given at the time of the decision. Indeed, legislation is more dynamic than often portrayed.

Four general patterns were observed as the general technology in processing measures. First, the Committee on Health instantly approved measures with zero to minimal deliberation if these were approved in the previous Congress, or if a Member, supported by an organized lobby, insisted on its passage, and there were no active oppositions or clarifications raised. While this may be the fastest way to deliberate on measures, it is unlikely that specific provisions would be given proper review. In its haste to pass measures, the Committee approved the establishment of several health facilities without resolving major issues. Some bills also proposed existing initiatives and thus needed no legislation, i.e. granting hospitalization benefits to retired public school teachers and the establishment of a mental health care delivery system.

Second, both the Committees on Health and on Transportation approved remaining bills in the Third Regular Session even when these did not seem rational. Near the end of the sessions of Congress, both Committees approved measures with a lack of restraint, including those which still had unresolved issues; those without the support of prospective implementing agencies or the industry; and those with huge fiscal requirements. Such approval may have been resorted to since this placates the authors without unduly ruffling feathers of counterpart executive agencies, mindful that the bills will not be enacted into laws anyway.

Third, there were instances when the Committee on Health instantly deferred or tabled bills. While there is irony in authors asking for the tabling of their bills, this was a straightforward way to clean the list of referrals of the Health Committee. The Secretariat requested the authors for letters requesting tabling of measures, after noting that the bills were already covered by existing laws.

Finally, the TWG was the main technology in processing contentious or complicated proposals. This may be a direct effect of volatile participation of Members, since TWGs enable the few active Members to refine the measures with technocrats freely, without the need for a quorum. The priority measures of the two Committees were all processed through the TWG. These included the Universal Health Care and the Milk Code for the Committee on Health; and the Maritime Code, the Safety of Children in Motorcycle Act, the Anti-Drunk Driving Act, and the Harbor Pilotage Act for the Committee on Transportation.

While the Committee on Health sparingly used the TWG as a processing mechanism, the Committee on Transportation used it as its main technology, creating

eight TWGs in the 15th Congress. The former processed its bills efficiently, however, the latter enabled more democratic deliberations. The nature and success of the TWG depended on the complexity of the measure; the capability of the Chair of the TWG to steer the refinement and approval of the measure; the amount of time and intensity of energy poured by the committees into the measure; and the involvement of pertinent institutions in shepherding the measure. Resultantly, bills that come out of TWGs are substantially different from the original bills, affirming Baylon (2005).

This discussion based on the Garbage Can Model identified the patterns in how the two committees processed bills. Moving further, it is important to know how the committees decided on the bills. What were the underlying patterns or standards of appropriateness, if any?

IV. The Logic of Appropriateness in the Approval of Measures

According to March & Olsen (2009, p. 2), “the logic of appropriateness is a perspective that sees human action as driven by rules of appropriate or exemplary behavior, organized into institutions.” It stems from a tacit understanding of what is reasonable, often based on precedence or congruence rather than on value (March & Olsen, 1989). It is different from a logic of rationality which considers the consequences of actions.

Applying this in the House of Representatives, a logic of appropriateness is based on an acceptance of formal and informal rules that promote harmony in the institution, such as the Rules that provide the primary standard of decision-making and norms of civility among colleagues. The foregoing discussion of the processes of agenda-setting

and policy-formulation in the Committees on Health and on Transportation also infer seven guiding posts in approving measures in the 15th Congress, all of which follow a logic of appropriateness.

First, the committees approved proposals actively pursued by Members and authors. Further, proposals whose authors headed the TWGs got approved, particularly when there was no hostility among stakeholders or the registered oppositions were manageable. Proposals that were significantly resisted by Members and stakeholders were usually either studied, shelved, or approved at a later time. In cases when there was a disagreement among Members, particularly when a proposal entailed joint jurisdiction with another Committee, the Committee maintained its passivity, careful not to step on the mandates of other Committees.

Second, the approval of bills depended largely on the persistence of policy entrepreneurs. Bills which were regularly followed up by policy entrepreneurs, particularly those who assisted TWGs, were taken up more actively and eventually approved. The TWG on the Maritime Code was especially exhaustive in discussing the bill prior to its approval, as the policy entrepreneurs insisted on crafting an entirely new bill. Despite the Executive departments' passive stance, these entrepreneurs, who acted as TWG Chairs, were able to maintain stakeholder interest and attendance, leading to the approval of the Maritime Code, albeit late, in the Third Regular Session.

Third, proposals considered priorities of the President and the prospective implementing agencies were approved by the Committee, particularly when competent authorities lent expertise in refining the bills. The Committee on Health prioritized the Universal Health Care bill, a mainstay in the President's SONAs, devoting most of its

energy on the measure in the First Regular Session. While the Committee lacked the competency to refine its technical aspects, it received help from the DOH, PhilHealth, and pertinent experts and researchers.

Fourth, the committees approved popular proposals, particularly when this was brought about by the coupling of the policy, politics, and problem streams. Once the coupling becomes steadfast, bandwagons were created and the proposals became popular, ensuring their passage. The Committee on Transportation approved newsworthy proposals such as the clamor against the increased toll fees, which was in the headlines for more than a month. Likewise, the consistent favorable policy pronouncements of the President and the enthusiasm of at least 15 institutions in shepherding the Universal Health Care bill indicated a coupling of problem, politics, and policy streams culminating in a bandwagon of support among Members for the measure.

Fifth, proposals with simple policy objectives and which reflect consistent preferences among Members and implementing agencies were passed. For example, the Anti-Drunk Driving bill was efficiently considered in the Committee on Transportation, especially after some legislators pointed out that most Asian countries have already passed similar laws and land transportation agencies registered their support for the proposal.

Sixth, the Committees applied Section 48 of the Rules of the House of Representatives which allowed efficient consideration of re-filed measures. As provided under this Rule, re-filed measures approved by the committee in the previous Congress may be passed without extensive deliberation and stakeholder consultation. This rule was critical in legitimizing the veritable railroading of measures, albeit ensconced in the noble

intention of showing respect to the efforts of the preceding Congress. While it is disconcerting that national proposals were passed in a single sitting, such action enabled efficient consideration of bills which were mere copies of measures approved in the previous Congress. Using this rule, the Committee on Health approved 22 refiled bills in one sitting. Meanwhile, the Committee on Transportation used it only once.

A seventh pattern, timeliness of measures, emerged as a critical factor in ensuring the passage of bills. The speed by which proposals are considered spells ratification or non-ratification. The approval of the Open Skies Policy came too late on the legislative timeline. The Committee defined some of the terms and the Chair asked for position papers during the first meeting, deferred consideration on the second meeting, and only created a TWG in the third meeting. The Maritime Code faced the same predicament. The weighty deliberations informing its rationality delayed its passage until the start of the Third Regular Session. The conduct of more than 20 TWG meetings for the re-drafting of the unwieldy bill extended deliberation beyond the limit. At the end of the day, the Maritime Code proved right yet too late to be politically viable.

Further, proposals which needed the approval of the Appropriations Committee would have to wait if these were referred during the drafting of the General Appropriations Bill, a process which usually takes five months. Three proposals, namely: (1) PPA Charter Amendments; (2) Maritime Code; (3) National Transportation Safety Board (joint with Government Reorganization) suffered this fate.

V. Conclusion

The Committees on Health and on Transportation had weak institutional capacity, affecting agenda-setting and policy-formulation. While both worked hard in processing bills, they considered bills without legislative fiat and approved some in haste, impinging on their ability to strategically prioritize and guide discussions, and ensure timely approval.

The respective Chairpersons consistently presided over meetings, but their energy was only matched by a few committee stalwarts. Resultantly, the Chairpersons monopolized their inherent discretion over agenda-setting, while the TWG chairs ruled policy-formulation.

The coupling of streams was critical in ensuring that the bills form part of and stay in the agenda. In the problem stream, personal experiences, government reports, and stakeholder complaints triggered action more than media coverage. In the policy stream, the findings assert the critical role of policy entrepreneurs in formulating policy reforms. The political stream elevated bills when the President and the concerned Secretaries advocate together.

The research affirms that committees were indeed organized anarchies, as defined by Cohen, March, & Olsen (1972). The clarity of focus waned as the bills were discussed, given the varying, and at times uncompromising stances of policy actors driven by financing issues, political factionalism, turf wars, and elite interests, as well as the ambiguity and complexity of bills.

Due to lack of active Members, the committees preferred the TWG as the main technology in processing contentious proposals. The nature and success of the TWG

depended on the complexity of the measure, the capability of the TWG Chair, the energy poured by the committees into it, and the involvement of pertinent institutions in shepherding it.

Finally, the two Committees structure decisions by adaptation and achieve goals more in an emergent rather than planned manner (Peters, 2002), generally following a logic of appropriateness. They approved bills which were pushed by policy entrepreneurs and champions; pronounced as priorities of the President; lobbied by prospective implementing agencies who lent their expertise in refining the bills; as well as those with simple policy objectives and which reflect consistent preferences among Members. Resultantly, most bills stay un-processed for a long time, a common decision style in organized anarchies (Cohen, March, & Olsen, 1972).

REFERENCES

Barua-Yap, M. (2014). *The Philippine Legislature: Toward a performance accountability framework.* Quezon City, Philippines: University of the Philippines.

Baylon, M. S. (2005). *The political economy of regulation in the Philippine power industry* (Unpublished doctoral thesis). Institute for Development Policy and Management School of Environment and Development, University of Manchester, Manchester, United Kingdom.

Birkland, T. A. (2001). *An introduction to the policy process: Theories, concepts and models of public policy making.* NY and London: M.E. Sharpe.

Blondel, J. (1973). *Comparative legislatures*. Englewood Cliffs, NJ: Prentice-Hall.

Booth, D. (2014). *Aiding institutional reform in developing countries: Lessons from the Philippines on what works, what doesn't and why* (Working Politically in Practice Series Case Study 1). San Francisco, CA: Overseas Development Institute and The Asia Foundation.

Caoili, O. (2006). The Restored Philippine Congress. In T. S. Tadem & N. M. Morada (Eds.), *Philippine politics and governance: An introduction* (p. 299-331). Quezon City, Philippines: University of the Philippines.

Cohen, M. D., March, J. G., & Olsen, J. P. (1972). A GCM of organizational choice. *Administrative Science Quarterly*, *17*(1), 1-25.

Committee on Health. (2011a). Minutes of Meeting. January 26. Conference Rooms 9 & 10, Ramon V. Mitra Bldg., House of Representatives.

Committee on Health. (2011b). Minutes of Meeting. June 8. Conference Rooms 9 & 10, Ramon V. Mitra Bldg., House of Representatives.

Committee on Health. (2011c). Minutes of Meeting. December 14. Conference Rooms 9 & 10, Ramon V. Mitra Bldg., House of Representatives.

Committee on Health. (2012a). Minutes of Meeting. February 8. Conference Rooms 1 & 2, Ramon V. Mitra Bldg., House of Representatives.

Committee on Transportation. (2010a). Minutes of Meeting. August 17. Conference Rooms 9 & 10, Ramon V. Mitra Bldg., House of Representatives.

Committee on Transportation. (2010b). Minutes of Meeting. September 8. Conference Rooms 14 & 15, Ramon V. Mitra Bldg., House of Representatives.

Committee on Transportation. (2011). Minutes of Meeting. February 09. Conference Rooms 7 & 8, Ramon V. Mitra Bldg., House of Representatives.

Committee on Transportation. (2012). Minutes of Meeting. February 22. Conference Rooms 7 & 8, Ramon V. Mitra Bldg., House of Representatives.

Committee on Transportation TWG. (2011). Highlights of Meeting. January 26. Conference Rooms 7 & 8, Ramon V. Mitra Bldg., House of Representatives.

Coronel, S. S., Chua, Y. C., Cruz, B. B., & Rimban, L. (2004). *The rulemakers: How the wealthy and the well-born dominate Congress.* Quezon City, Philippines: Philippine Center for Investigative Journalism.

Dada-Arnaldo, A. C. (2012, July). Presentation for the 13th and 14th Cycles of the Congressional Internship Program for Young Mindanao Leaders (CIPYML) Orientation Program at Rolando Andaya Hall, House of Representatives. Quezon City, Philippines.

Davidson, R. H. (1981). “Subcommittee Government: New Channels for Policy Making.” In T. E. Mann & N. J. Ornsterin (Eds.), *The new Congress*. Washington, D.C.: American Enterprises Institute for Public Policy Research.

Department of Budget and Management. (2016). *Budget of Expenditures and Sources of Financing FY 2017*. Table C.2 REVENUE PROGRAM, BY COLLECTING DEPARTMENT, 2015 – 2019 (In Million Pesos). p. 630-631. **http://www.dbm.gov.ph/wp-content/uploads/BESF2017/C2.pdf**

Gonzalez, E. T. (2003). Regulating campaign finance in the Philippines: Limits and challenges. *Philippine Journal of Public Administration, 47*(1-4), 276-301.

House of Representatives. (2013). *Rules of the House of Representatives, 15th Congress*. Retrieved from **http://www.congress.gov.ph/download/15th/houserules.revised.pdf**

Kasuya, Y. (2009). *Presidential bandwagon: Parties and party systems in the Philippines*. Pasig: Anvil Publishing.

Kingdon, J. W. (1995). *Agendas, alternatives, and public policies*. NY: HarperCollins College Publishers.

Lallana, E. C. (1989). Political parties, political clans and the prospects for Philippine democracy. *Philippine Political Science Journal, 15*(29-30), 43-62.

Leyden, K. M. (1995). Interest group resources and testimony at congressional hearings. *Legislative Studies Quarterly, 20*(3), 431-439.

Magadia, J. J. (2003). *State-society dynamics: Policy-making in a restored democracy.* Quezon City: Ateneo De Manila University Press.

March, J. G. (1988). Introduction: A chronicle of speculations about decision-making in organizations. In J. G. March (Ed.), *Decisions and Organizations* (p. 1-21). New York, NY: Basil Blackwell.

March, J. G. & Olsen, J. P. (1989). *Rediscovering institutions: The organizational basis of politics.* NY: Free Press.

Padgett, J. F. (1980). Managing garbage can hierarchies. *Administrative Science Quarterly, 25*(4), 583-604.

Peters, G. B. (2002). Governance: A Garbage Can Perspective. *Political Science Series 84*, Institute for Advanced Studies: Vienna, Austria.

Saiegh, S. M. (2005). *The role of legislatures in the policymaking process.* Presented at the Workshop on State Reform, Public Policies and Policymaking Processes, Inter-American Development Bank, Washington D.C Prepared for delivery at the Workshop on State Reform, Public Policies and, Inter-American Development Bank, Washington D.C., Feb. 28 - Mar. 2, 2005. http://www6.iadb.org/res/publications/pubfiles/pubS-302.pdf.

Shepsle, K., & Weingast, B. (1994). Positive theories of congressional institutions. *Legislative Studies Quarterly*, *19*(2), 149-179.

Social Weather Stations. (2016, June 16). First quarter 2016 social weather survey: Net satisfaction ratings at moderate +25 for vice-president Binay, good +38 for senate president Drilon, moderate +15 for speaker Belmonte, and moderate +13 for chief justice Sereno. Retrieved November 1, 2016, from Social Weather Stations, **http://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20160915160717**

Theodolou, S. Z. (2013). The structure and context of policy making. In S. Z. Theodolou & M. A. Cahn (Eds.), *Public policy: The essential readings* (p. 287-299). Northridge, CA: Pearson Education.

Tigno, J. V. (2003). *Governance and public policy in the Philippines: RA 8042 and the deregulation of the overseas employment sector* (Unpublished doctoral dissertation). University of the Philippines, Quezon City, Philippines.

Villamejor-Mendoza, M. F. (2003). *Regulation in the Philippine electricity industry: Lessons of the past and implications on governance*. (Unpublished doctoral dissertation). National College of Public Administration and Governance, University of the Philippines, Quezon City, Philippines.

Villegas, E. M. (1987). *Political economy of Philippine labor legislation and administration* (Unpublished doctoral dissertation). National College of Public Administration and Governance, University of the Philippines, Quezon City, Philippines.

Zahariadis, N. (2014). Ambiguity and multiple streams. In P. A. Sabatier & C. M. Weible (Eds.*), Theories of the Policy Process* (33-67). Boulder, CO: Westview Press.

Zosa-Villalon, Zelda (2004). Are Special Committees necessary? An assessment of the responsiveness of the Special Committees of the House of Representatives (Unpublished paper). National College of Public Administration and Governance, University of the Philippines, Quezon City, Philippines.