

**Comments on House Bill No. 3293: “An Act Establishing a National Evaluation Policy”, introduced by Representative Alfred Vargas; and House Bill No. 8025: “An Act Establishing a National Evaluation Policy”, introduced by Representative Luis Raymund F. Villafuerte Jr.**

*Prepared by Michael Ralph Abrigo<sup>1</sup>, Jose Ramon Albert<sup>2</sup>, Connie Dacuycuy<sup>3</sup>, Francis Mark Quimba<sup>4</sup>, Aubrey Tabuga<sup>5</sup>, Vicente Paqueo<sup>6</sup>, Marife Ballesteros<sup>7</sup>, Celia Reyes<sup>8</sup>, Aniceto Orbeta, Jr<sup>9</sup>*

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Introduction

House Bill (HB) Nos. 3293 and 8025 laudably recognize the importance of a national evaluation policy (NEP). Amid the growing budgets across government agencies, including those of local government units (in the wake of the Mandanas ruling), and branches of government outside of the executive, evaluation is critical to learning and accountability. Without a convincing impact evaluation, policies and programs can continue even if these are not delivering on their stated objectives. A NEP law will also enable stronger enforcement of the development or improvement of M&E units/systems in government agencies. Under the current system, many if not all PAPs (Programs, Activities, and Projects) implemented by the government have in place monitoring and evaluation (M&E) units/systems but these are usually not functional or underdeveloped.

Although in principle, many, if not all, public policies and programs sound promising as instruments for achieving development outcomes, in practice, they may not deliver on their stated objectives. The common reasons include poor design and/or implementation, or intervening factors that were not taken into account in the policy project design. Evaluation is a key tool to answer the basic question of whether policies, programs, and projects work as intended and from which subsequent policies and programs can learn. Moreover, it is unsure whether M&E reports of agencies systematically lead to changes in the ways PAPs are implemented.

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<sup>1</sup> Dr. Michael Ralph Abrigo, Senior Research Fellow, Philippine Institute for Development Studies (PIDS)

<sup>2</sup> Dr. Jose Ramon Albert, Senior Research Fellow, PIDS

<sup>3</sup> Dr. Connie Dacuycuy, Junior Research Fellow, PIDS

<sup>4</sup> Dr. Francis Mark Quimba, Senior Research Fellow, PIDS

<sup>5</sup> Dr. Aubrey Tabuga, Senior Research Fellow, PIDS

<sup>6</sup> Dr. Vicente Paqueo, Distinguished Visiting Research Fellow, PIDS

<sup>7</sup> Dr. Marife Ballesteros, Vice President, PIDS

<sup>8</sup> Dr. Celia Reyes, immediate past President, PIDS

<sup>9</sup> Dr. Aniceto Orbeta, President, PIDS

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The Department of Budget and Management (DBM) together with the National Economic and Development Authority (NEDA), established joint circulars on the NEP framework to guide the conduct of evaluations in the Executive Department. The NEP sets standards for evaluations that can guide the government for the establishment of necessary evaluation mechanisms, instruments, and systems, including data, and carrying out objective and independent evaluations.

#### Comments on specific provisions of the proposed bills

1. **On the Declaration of Policy (Sec. 1 of HB3293 and HB8025):** While the bills provide the rationale for a NEP that is results-based, including definitions of terms, as well as a basic grounding of evaluation activities, they do not situate evaluation as being equity-focused, gender-responsive, and data-driven. These are key to making sure that data is used for inclusive and better development outcomes.
2. **On Coverage (Sec. 4 of HB3293 and HB8025):** The coverage suggests that the NEP has comprehensive, broad and wide-ranging concerns that will require different expertise and levels of evaluation as well as a holistic approach to evaluation. This may require a coordinative/collaborative instead of a centralized approach to a national evaluation system.
3. **On the Evaluation Principles (Sec 5 of HB3293 and HB8025):** While HB3293 and HB8025 cover several critical issues, including capacity building, the evaluation scale, and evaluation reporting, it may be pertinent to also include principles on i) adherence to good practices and standards; ii) evaluation ethics; ii) independence of evaluation process; iv) professionalism; and, v) transparency.
4. **On Evaluation Design and Execution (Sec. 12 of HB3293 and HB8025):** It is important to be not too specific about what research methodologies to use as these can vary depending on the situation, data availability, and other factors. For instance, using conclusions from systematic reviews or synthesis of findings is highly recommended but specifying this in the policy may constrain the user from using a single but rigorous analysis. There are many instances where an impact evaluation in the strictest sense cannot be done because of many circumstances. The inability to conduct an impact evaluation should not prevent policymakers from using studies that use other methodologies.
5. **On the Creation of the National Evaluation Council and its Functions (Sections 14 and 16 of HB3293 and HB8025):** While these legislative measures provide a concrete mechanism for enforcing a NEP through the establishment of a new body, viz, the National Evaluation Council, it is unclear whether establishing a new body can strengthen the current evaluation work being undertaken in government, given capacity and resource constraint issues. The functions as provided in the proposed bills are enormous to be undertaken by a single agency.
  - a. There is a concern whether having another council to push for NEP will be effective

given the current technical capacities across the bureaucracy regarding evaluation. At multilateral institutions such as the World Bank, Asian Development Bank (ADB), the unit that is in charge of evaluations are independent (i.e., the Independent Evaluation Group of World Bank, and the ADB Independent Evaluation Department), with a capacity and budget that cannot be influenced by the mother institutions.

Congress may want to consider instead establishing and/or strengthen M&E units in Departments or mother agencies.

- b. The proposed NEP need not be limited to the "legal and institutional framework for the regular conduct of monitoring and evaluation of the results of public policies, programs, and projects" (Section 3(a)). The proposed NEP may be an opportunity to harmonize and strengthen policies not only on the interim, final, and ex-post monitoring and evaluations (i.e., for ongoing and completed interventions or policies) but also on ex-ante evaluations (i.e., for proposed interventions or policies before implementation). A holistic NEP may need to incorporate in its framework the assessment also of likely outcomes of planned development interventions and its alternatives, like those implemented in the environment sector (i.e., Environmental Impact Assessment as provided for in Administrative Order No. 42, s.2002), trade (Regulatory Impact Assessment as provided for in RA11032), and health (Health Technology Assessment as provided for in RA11223), among others.
  - c. Given the need for a holistic approach to NEP, we suggest including a provision for independent or external evaluators to do impact assessments and more in-depth evaluation. These agencies can also be tapped to do capacity building for the Departments' M&E units. There are existing agencies in government doing independent evaluations (e.g. PIDS, PCED, ILS, etc.) and it would be better to strengthen these agencies, expand their evaluation and capacity-building functions and institutionalize a collaborative system amongst them. PIDS can serve as the repository agency of the evaluation studies since the agency is already undertaking such function.
6. **On the Creation of Neutral Evaluation Units (NEUs) of Covered Entities (Sections 19 and 20 of HB3293 and HB8025).** The proposed creation of the NEUs and strengthening thereof of the M&E systems in government departments, agencies, and instrumentalities is a pragmatic solution instead of establishing the NEC. These units will support and complement the work of independent external evaluators such as PIDS.
  7. **On the Utilization of Evaluation Findings (Sec. 21 of HB3293 and HB8025):** The most crucial element of the policy is how to ensure the utilization of M&E results in the policymaking process and program design. It would be extremely important to specify in the IRR, if not in the policy, the specific strategy that will be implemented to ensure that policies and programs will benefit from M&E results. We highly recommend that the utilization of the M&E results in the policymaking and program design be built into the M&E process such as requiring the implementing agency to reveal the action(s) to be taken in response to the M&E results. The results of such will also have to be made transparent.

8. **On Funding of the NEP (Sec. 23 of HB3293 and HB8025):** The allocation of a dedicated portion of the budget for the NEUs and external evaluation should be strictly implemented. We suggest including a provision that will earmark a fixed amount, say 6%<sup>10</sup>, of the total program budget for the conduct of impact and process evaluation.
9. **Transparency of Data and Information under NEP.** We suggest including as part of the NEP a provision on transparency of data and information at all levels and agencies.

Monitoring and evaluation activities are heavily dependent on transparent data and information. M&E is expensive if the agencies involved in doing it will collect their new data regularly, although this can be done in some circumstances. It is therefore important for the national evaluation policy to compel all bodies to be transparent with their administrative data (except of course in circumstances that violate the Data Privacy Act) as these can serve as important sources of information in the M&E process. This may require some technical assistance to be given to government workers who will need to process their data, meaning aggregate them into forms that will not divulge unit-level private and sensitive data.

While HB3293 and HB8025 discussed data but only within the purview of its Section 12 on Evaluation Design and Execution, both HBs do not give enough clout for the evaluation team to demand available data from the agencies concerned, which often have been reluctant to share data even within their own agencies because of misconstrued interpretations of the Data Privacy Act (particularly the fear of getting imprisoned for sharing any personal data, when the Act does not disallow the sharing of personal data, but only requires that personal data is not misused for harming people). Data is the bedrock of evaluation.

10. **Human Resource Development for Evaluation Activities.** A NEP will naturally require human resources who are equipped with the necessary knowledge, skills, and technology to design and conduct evaluations for and with the government. However, the current supply of potential program/policy evaluators may be limited. The proposed NEP Law may be an opportunity to provide scholarship grants and other training opportunities, including government-to-government participatory training, to expand the pool of program evaluators.
11. For your consideration.

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<sup>10</sup> An estimate an average of 6.2 from several projects evaluated is provided in Gertler, et al. (2016) Impact Evaluation in Practice, (p217).