

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE
S. No. 1437

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
INSTITUTIONALIZING A RESULTS-BASED NATIONAL EVALUATION POLICY

EXPLANATORY NOTE

Equally important in the process of legislating and executing national policies is an examination of their effectiveness and an honest assessment whether their intended results are achieved or not. Such an evaluation identifies gaps in the implementation, and allows decision makers to learn and correct weaknesses in the interventions. It also ensures that government resources are allocated wisely and optimized by directing funds and other assets on strategies that actually work and on programs which are periodically refined and enhanced to address social ills.

Over the years, there are laudable efforts to pursue an evaluation agenda. An example of which is the Joint Memorandum Circular issued by the Department of Budget and Management (DBM) and the National Economic and Development Authority (NEDA) which acknowledged the need for an evaluation policy framework that would govern the practice of evaluation in the public sector.

The NEDA-DBM JMC No. 2015-01, which covers all projects and programs implemented by the agencies of the government, including the state universities and colleges, government-owned and controlled corporations, and government financial institutions, has three-fold objectives: 1) support for evidence-based decisions; 2) ensure program improvement; and 3) ensure accountability.

In addition, DBM also issued National Budget Circular No. 565 in 2016 on the adoption of a Results-Based Monitoring, Evaluation and Reporting Policy (RBMER). The policy framework aims to “strengthen, streamline and standardize the RBMER system evidenced by a timely, useful, accurate and credible reporting of performance information in order to support policy and program improvement, expenditure management, and local and national decision making”.

This measure seeks to institutionalize via legislation a National Evaluation Policy (NEP) to promote evidence-based decision making in government, thereby promoting good governance, effective public resources management and transparency. It also seeks to ensure that the crafting and implementing of policies are aligned towards our long-term goals and aspirations as a nation, and in line with our commitments to international conventions.

A version of this measure was already reported out by the Senate Committees on Economic Affairs, and Finance during the Eighteenth Congress. However, due to lack of material time, the important measure was not passed into law.

In view of the foregoing, immediate passage of this legislation is sought.



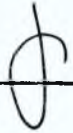
JINGGOY EJERCITO ESTRADA

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AN ACT
INSTITUTIONALIZING A RESULTS-BASED NATIONAL EVALUATION POLICY

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

1 Section 1. *Short Title.* – This Act shall be known as the "*Results-Based*
2 *National Evaluation Policy (RBNEP) Act.*"

3 Sec. 2. *Declaration of Policy.* – It is hereby declared a policy of the State to
4 ensure the relevance, efficiency, effectiveness, coherence, and impact of laws,
5 policies, strategies, and programs, activities, and projects (PAPs) of the government
6 through the regular conduct and use of credible evaluations of its interventions to
7 achieve its inclusive development and poverty reduction goals.

8 Sec. 3. *Policy Objectives.* – The RBNEP intends to achieve the following
9 objectives:

- 10 a) Facilitate the institutionalization of an integrated evaluation system of the
11 government;
- 12 b) Ensure the timely provision to government decision makers of credible and
13 useful evaluations in support of results-based formulation, planning,
14 budgeting, implementation, and oversight of government interventions;
- 15 c) Ensure the systematic utilization of evaluation findings and
16 recommendations for the continuous improvement of government
17 interventions and optimum allocation of resources;

- 1 d) Promote greater transparency and accountability for results of government
2 departments, agencies and other instrumentalities; and,
3 e) Monitor the progress and assist in the achievement of long-term vision
4 and aspirations of the nation as embodied in the AmBisyon Natin 2040 and
5 the Philippine Development Plans (PDP), and in the meeting of the targets
6 set by the Sustainable Development Goals (SDGs).

7 Sec. 4. *Definition of Terms.* – The terms used in this Act are defined as
8 follows:

- 9 a) *Government Interventions* – refer to the laws, policies, strategies, and
10 programs, activities, and projects (PAPs) of the government departments,
11 agencies, and other instrumentalities;
12 b) *Results* – refer to changes in a state or condition due to a government
13 intervention. There are three types of such changes – outputs, outcomes,
14 and impacts – which can be intended or unintended, positive and/or
15 negative;
16 c) *Evaluation* – refers to the systematic, rigorous and impartial assessment of
17 the results of government interventions. It provides credible information
18 on the efficiency, effectiveness, relevance, coherence, impact, and
19 sustainability of government interventions, enabling the incorporation of
20 lessons learned into the decision-making process;
21 d) *Monitoring* – refers to a continuous and systematic collection of data on
22 key results indicators to track progress in achieving the objectives of
23 government interventions;
24 e) *Outputs* – refer to the goods and services delivered to the external
25 stakeholders of government departments, agencies and other
26 instrumentalities implementing government interventions;
27 f) *Outcomes* – refer to the short-term and medium-term benefits to clients,
28 beneficiaries and stakeholders, as a result of the outputs of government
29 interventions;
30 g) *Impacts* – are higher-level sectoral and societal benefits and other
31 consequences of government interventions. Impacts take place long after

1 target individuals, groups, systems, or organizations have experienced the
2 outputs and outcomes of government interventions.

3 Sec. 5. *Coverage.* – The RBNEP shall apply to the following:

- 4 a) All departments, agencies, and other instrumentalities of the national
5 government, including state universities and colleges (SUCs),
6 constitutional commissions, and government-owned and/or controlled
7 corporations (GOCCs); and legislative and judicial branches of the
8 government;
- 9 b) All government interventions formulated and implemented by the above
10 entities including those funded by Official Development Assistance (ODA)
11 and those contracted to and executed by local government units (LGUs),
12 private sector and civil society organizations.

13 Sec. 6. *Guiding Principles for Evaluation.* – The credibility, quality, and
14 usefulness of evaluation shall be ensured through adherence to the following
15 principles:

- 16 a) *Utility* – In commissioning or conducting an evaluation, there shall be a
17 clear intention to use the evaluation findings and recommendations for
18 results-based formulation, planning, budgeting, implementation, and
19 oversight of government interventions. The design and timing of
20 evaluations shall address the information needs of government decision-
21 makers.
- 22 b) *Applying evaluation criteria* – Evaluations shall assess and report on the
23 relevance, efficiency, effectiveness, coherence, impact and sustainability of
24 government interventions in accordance with internationally accepted
25 evaluation criteria. The use of these criteria shall be responsive to the
26 needs of decision-makers, and to the purpose and context of evaluation.
27 The following factors shall be assessed and measured:
- 28 i. Alignment and consistency with national priorities and policies.
 - 29 ii. Responsiveness to stakeholder needs.
 - 30 iii. Complementation with other programs and projects.
 - 31 iv. Programmatic alternatives.
 - 32 v. Objectiveness achievement.

- 1 vi. Unintended results.
- 2 vii. Efficient delivery of outputs.
- 3 viii. Operations alternatives.
- 4 ix. Timeliness.
- 5 x. Continuation of intended results.
- 6 xi. Capacities needed to sustain the benefits over time.
- 7 xii. Ultimate significance and transformative effects of the intervention.

8 c) *Observing evaluation standards.* – Evaluation shall be consistent with
9 internationally accepted evaluation norms, standards and best practices,
10 including the use of evaluation designs and methodologies capable of
11 attributing observed outputs, outcomes and impacts to government
12 interventions being evaluated. Evaluation reference groups and other
13 mechanisms shall be established and strengthened to ensure the
14 generation of credible, quality and useful evaluations.

15 d) *Independence and Impartiality.* – The independence of the evaluation
16 units of departments, agencies and other instrumentalities shall be
17 ensured at all times. Those who design, manage and conduct evaluations
18 shall be shielded from any undue influence that will undermine the
19 credibility of evaluations. They shall be provided with adequate resources
20 to produce credible, high-quality and useful evaluations. Evaluation shall
21 be conducted with the highest degree of impartiality. In case third-party
22 evaluators are commissioned to ensure impartial evaluation, they shall be
23 selected from a wide and diversified pool according to objective criteria.

24 e) *Evaluation Competencies.* – Evaluations shall be conducted by
25 organizations and individuals having the required knowledge, skills, and
26 other evaluation competencies. Capacity-building initiatives shall be
27 implemented to strengthen the evaluation competencies of organizations
28 and individuals who commission, design, manage, conduct, communicate
29 and use evaluations. Subject matter experts, professionals with technical
30 and multi-disciplinary proficiency, and individuals with relevant knowledge
31 and experience may be consulted and sought for their insights and
32 recommendations.

1 f) *Ethics.* – Individuals and organizations who commission, manage, design
2 and conduct evaluations shall observe accepted ethical standards including
3 integrity, fairness, gender sensitivity, respect for culture and beliefs, and
4 protection of the rights of evaluation participants.

5 g) *Human rights and gender equality.* – Evaluations should protect, promote,
6 and uphold the universally-recognized values and principles of human
7 rights, and address issues involving gender, inequalities, underrepresented
8 groups and marginalized sector. Each evaluation goal, methodology,
9 finding, and recommendation should embrace and reinforce the “no one
10 left behind” principle.

11 h) *Transparency.* – The implementation of RBNEP shall promote transparency
12 crucial to ensuring credible, high-quality and useful evaluations. To the
13 greatest extent possible, all information required for evaluation shall be
14 made available to evaluators, subject to existing laws and regulations
15 governing the confidentiality and nondisclosure of information.

16 Those who commission or manage evaluation shall ensure the
17 selection of evaluators with no conflict of interest with the evaluation to be
18 undertaken. Potential evaluators of government interventions shall
19 disclose possible conflict of interest that may undermine the credibility of
20 evaluation. They shall disclose the identities of the members of the
21 evaluation team.

22 Evaluators shall disclose to government decision-makers and other
23 stakeholders the purpose, design, implementation, results, and utilization,
24 including possible constraints or limitations of an evaluation. Complete
25 evaluation reports shall be made easily accessible to government decision-
26 makers, relevant stakeholders, and the public.

27 i) *Accountability.* – Entities responsible for the commissioning, managing and
28 conducting evaluations shall ensure that evaluations are credible, quality,
29 useful and timely. Key findings and recommendations of completed
30 evaluations shall be communicated clearly by the same entities to
31 government decision-makers and other stakeholders. The covered entities
32 of the RBNEP shall incorporate the use of evaluations in results-based

1 formulation, planning, budgeting, implementation, and oversight of
2 government interventions.

3 *Sec. 7. Establishment of a National Evaluation Council.* – A National
4 Evaluation Council (NEC) is hereby established to oversee the implementation of the
5 RBNEP.

6 *Sec. 8. Composition of the National Evaluation Council.* – The NEC shall have
7 the following seven (7) voting members:

- 8 a) Secretary of the National Economic and Development Authority (NEDA), or
9 his/her authorized representative, as Chairperson. The representative of
10 the NEDA Secretary shall be an Undersecretary in charge of monitoring
11 and evaluation in NEDA;
- 12 b) Secretary of the Department of Budget and Management (DBM), or
13 his/her authorized representative, as Co-Chairperson. The representative
14 of the DBM Secretary shall at least be an Assistant Secretary in charge of
15 monitoring and evaluation in the DBM;
- 16 c) Secretary of the Philippine Senate or his/her representative who shall at
17 least be a career Director in charge of policy, planning, research and/or
18 evaluation in the Senate;
- 19 d) Secretary General of the House of Representatives or his/her duly
20 authorized representative who shall at least be a career Director in charge
21 of policy, planning, research and/or evaluation in the House of
22 Representatives;
- 23 e) Court Administrator of the Supreme Court or his/her authorized
24 representative who shall at least be a career Director in charge of policy,
25 planning and/or performance monitoring and evaluation;
- 26 f) Chairperson of the Commission on Audit (COA) or his/her authorized
27 representative who shall at least be a career Director in charge of policy,
28 planning and/or performance monitoring and evaluation; and,
- 29 g) Secretary of the Department of the Interior and Local Government (DILG)
30 or his/her authorized representative. The representative of the DILG
31 Secretary shall at least be an Assistant Secretary in charge of monitoring
32 and evaluation in the DILG.

1 The NEC shall meet at least once every quarter or as often as necessary. To
2 ensure that the NEC is guided by inputs of evaluation experts, the following shall
3 attend the NEC meetings as non-voting members:

- 4 a) The head of the Philippine Institute for Development Studies (PIDS) or
5 his/her duly authorized representative who shall at least be a career
6 Director in charge of policy, planning, and/or performance monitoring and
7 evaluation;
- 8 b) The head of the Philippine Statistics Authority (PSA) or his/her duly
9 authorized representative who shall at least be a career Director in charge
10 of policy, planning, and/or performance monitoring and evaluation;
- 11 c) Head of the Presidential Management Staff or his/her authorized
12 representative who shall at least be a career Director in charge of policy,
13 planning and/or performance monitoring and evaluation; and
- 14 d) Representative from the voluntary organizations for professional
15 evaluation (VOPES).

16 *Sec. 9. Functions of the National Evaluation Council.* – The NEC shall perform
17 the following functions to operationalize the RBNEP:

- 18 a) Provide overall policy direction on the implementation of the RBNEP;
- 19 b) Approve the basic guidelines for the conduct of evaluation;
- 20 c) Review and approve the National Evaluation Strategy (NES) and ensure its
21 implementation;
- 22 d) Review, approve and ensure the implementation of the costed evaluation
23 agenda of covered entities;
- 24 e) Provide oversight on the conduct of evaluation by covered entities and
25 their management response to evaluation recommendations;
- 26 f) Issue the basic guidelines on the formation and operation of IEUs of
27 covered entities; and,
- 28 g) Approve and implement a program to strengthen the evaluation capacity
29 of IEUs and government decision-makers.

30 *Sec. 10. NEC Secretariat and its Functions.* – The NEC Secretariat shall be
31 established within the NEDA. The existing staffing complement of the NEDA shall be

1 augmented and professionalized to undertake the functions of the NEC Secretariat.

2 The NEC Secretariat shall:

- 3 a) Formulate and recommend basic guidelines for the conduct of evaluation;
- 4 b) Prepare the National Evaluation Strategy;
- 5 c) Review and make recommendations on the costed evaluation agenda of
6 covered entities;
- 7 d) Monitor the implementation of entities' evaluation agenda and their
8 management response to evaluation recommendation in support of the
9 oversight function of the NEC;
- 10 e) Formulate the basic guidelines on the formation and operation of IEUs of
11 entities covered;
- 12 f) Provide quality assurance of evaluations conducted by covered entities;
- 13 g) Facilitate the dissemination to decision-makers of key findings, lessons
14 learned, and recommendations from completed evaluations;
- 15 h) Maintain a public website containing the evaluation plans and reports of
16 covered entities;
- 17 i) Develop a program to strengthen the evaluation capacity of covered
18 entities and government decision makers;
- 19 j) Provide recommendations and guidelines to the higher educational
20 institutions (HEIs) and the academic sector on the development of
21 courses, curriculum and degrees related to evaluation and monitoring;
- 22 k) Prepare and submit to the DBM the annual funding requirement of the
23 program to strengthen the evaluation capacity of the government; and
24 l) Carry out other directives of the NEC, as necessary.

25 Sec. 11. *National Evaluation Strategy*. – The National Evaluation Strategy
26 (NES) shall identify the priority areas for evaluation in line with the Philippine
27 Development Plan. It shall guide the formulation of evaluation agenda of the
28 covered entities.

29 Sec. 12. *Organization of Independent Evaluation Units (IEUs) of Covered*
30 *Entities*. – Each covered entity shall organize an IEU that shall report directly to the
31 head of the entity. The head of the entity shall ensure that the IEU can perform its
32 evaluation functions independently and objectively.

1 Sec. 13. *Functions of the IEUs.* – The IEUs shall:

- 2 a) Coordinate the formulation and approval of the costed evaluation agenda
3 of the covered entity;
- 4 b) Manage or conduct evaluations identified in the costed evaluation agenda;
- 5 c) Submit evaluation plans and final evaluation reports to the entity’s head
6 and to the NEC Secretariat in accordance with prescribed guidelines;
- 7 d) Disseminate the key findings and recommendations of completed
8 evaluations to the head of the entity, decision-makers and other
9 stakeholders;
- 10 e) Facilitate the formulation of the management response to key findings and
11 recommendations from the completed evaluations;
- 12 f) Monitor the entity’s progress in implementing the management response;
- 13 g) Establish quality assurance and participatory mechanisms for evaluation;
14 and,
- 15 h) Provide inputs to results-based formulation, planning, budgeting, and
16 implementation within the entity.

17 Sec. 14. *Formulation of the Costed Evaluation Agenda.* – Each covered entity
18 shall formulate a six-year costed evaluation agenda aligned with the NES. The head
19 of entity shall submit the costed evaluation agenda to the NEC.

20 Sec. 15. *Utilization of Evaluation Findings and Recommendations.* – The head
21 of a covered entity shall incorporate the use of evaluations in results-based
22 formulation, planning, budgeting, implementation, and oversight of government
23 interventions. He or she shall submit to the NEC the management response to
24 evaluation recommendations, and ensure its implementation.

25 Sec. 16. *Transparency and Dissemination of Evaluation Findings.* – Evaluation
26 findings and recommendations, along with the methodologies and frameworks
27 employed in the conduct of the evaluation, shall be published in the official website
28 of the concerned government instrumentality and shall be made available to the
29 general public.

30 Sec. 17. *Funding for the Implementation of the RBNEP.* – The funding
31 requirement for the implementation of the RBNEP, including the budget for the

1 conduct of evaluation indicated in the costed evaluation agenda, NEC Secretariat,
2 and IEUs shall be included in the General Appropriations Act (GAA).

3 Sec. 18. *Implementing Rules and Regulations.* – The NEDA, in consultation
4 with the prospective members of NEC, shall promulgate the IRR to operationalize the
5 guiding principles of the RBNEP and to implement its specific provisions within sixty
6 (60) days upon the approval of this Act.

7 Sec. 19. *Amendment.* – This Act shall be evaluated three (3) years after its
8 initial implementation. The results of such evaluation shall guide the proposed
9 amendments of this Act and its IRR.

10 Sec. 20. *Separability Clause.* – If any provision of this Act is declared invalid
11 or unconstitutional, the remaining provision not affected thereby shall continue to be
12 in full force and effect.

13 Sec. 21. *Repealing Clause.* – All laws, decrees, orders or regulations or part
14 thereof inconsistent with this Act are hereby repealed or modified accordingly.

15 Sec. 22. *Effectivity.* – This Act shall take effect fifteen (15) days following the
16 completion of its publication in the *Official Gazette* or in a national newspaper of
17 general circulation.

Approved,