

*INTERNATIONAL POLICY CYCLE WORKSHOP:  
UNDERSTANDING POLICY-MAKING PROCESS: DYNAMICS  
AND PROSPECTS OF POLICY FORMULATION AND ROLES  
OF THINK TANK INSTITUTIONS IN EROPA'S MEMBERS*

# ACHIEVING GOOD GOVERNANCE THROUGH PUBLIC POLICY

**ORLANDO S. MERCADO, Ph.D.**

Secretary-General of the Eastern Regional  
Organization for Public Administration (EROPA)





GOOD GOVERNANCE = EFFECTIVENESS OF ADMINISTRATION

Good governance is the active and productive cooperation between the State and citizens, and the key to its success lies in the powers participating in political administration.

(KEPING, 2018)

# Principles of Good Governance

- Participatory
- Transparent
- Accountable
- Follows the Rule of Law
- Consensus Oriented
- Effective and Efficient
- Equitable and Inclusive
- Responsiveness



United Nations Economic and Social Commission for Asia and the Pacific [UNESCAP] (2009). What is Good Governance. Accessed 21 November 2019 at <https://www.unescap.org/sites/default/files/good-governance.pdf>

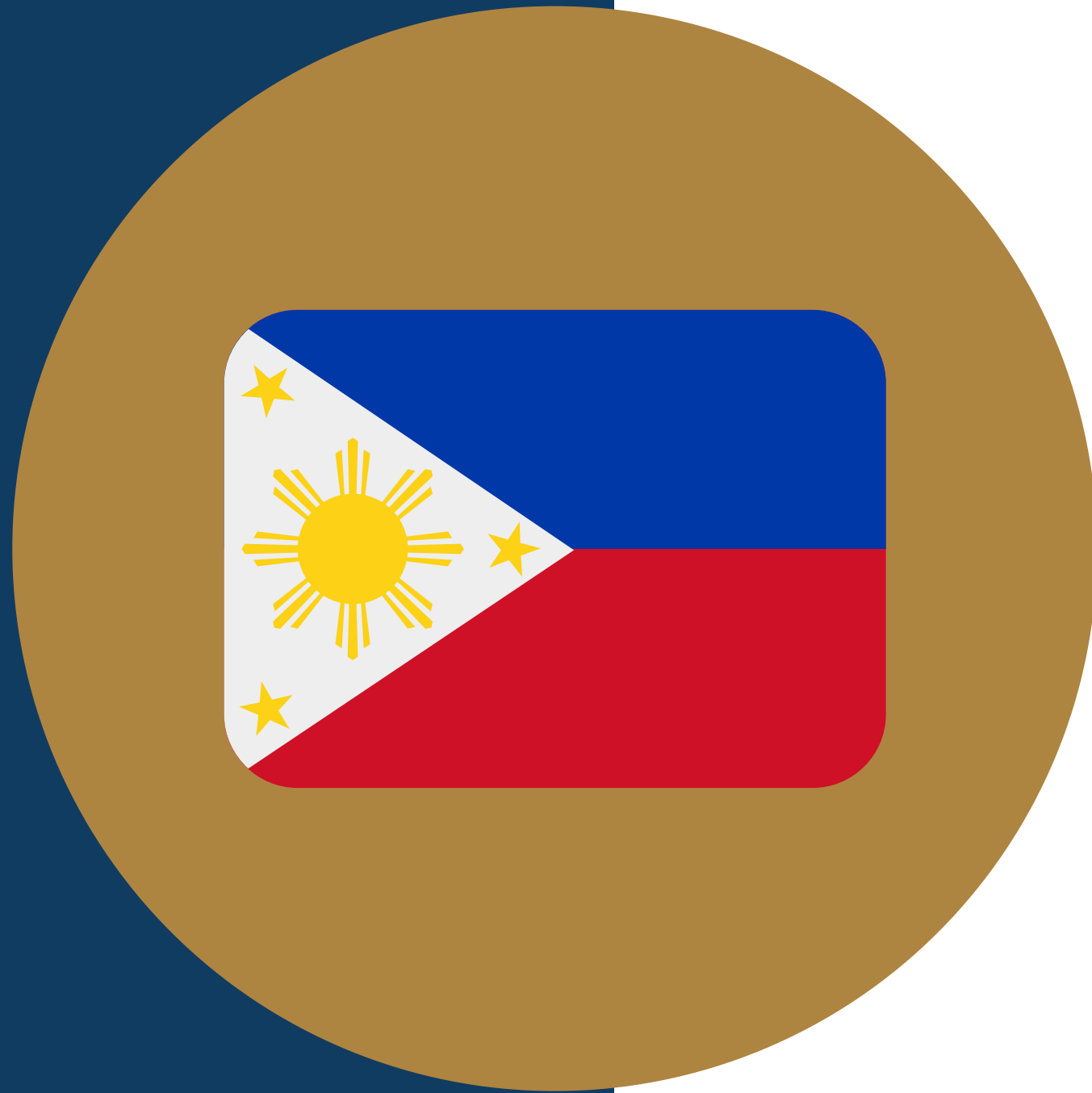


Good governance is an ideal which is difficult to achieve in its totality.

However, to ensure sustainable human development, actions must be taken to work towards this ideal with the aim of making it a reality.

(UNESCAP, 2009)

# Government System of the Philippines



- Unitary State
- Presidential, Representative, Democratic Republic
- Decentralized
- Multi-party
- Bicameral Legislative System (*Upper House: Senate; Lower House: House of Representative*)

Sawe, Benjamin Elisha. (2018, November 14). What Type Of Government Does the Philippines Have? Retrieved from <https://www.worldatlas.com/articles/what-type-of-government-does-philippines-have.html>

# PUBLIC POLICY AS A "CROSSROAD"



## INCLUSIVE SOCIETY

Public policy is not only a product of the choices made by the government, but also a crossroad where the government and other sectors meet.



CASE STUDY:

# **Generic Drugs Law of 1988**

R.A. 6675: AN ACT TO PROMOTE, REQUIRE AND  
ENSURE THE PRODUCTION OF AN ADEQUATE  
SUPPLY, DISTRIBUTION, USE AND ACCEPTANCE  
OF DRUGS AND MEDICINES IDENTIFIED BY THEIR  
GENERIC NAMES





**R.A. 6675** seeks to *"to promote, require, and ensure the production of an adequate supply, distribution, use, and acceptance of drugs and medicines identified by the generics names"* (Wong, et al, 2013).



- Aims "to ensure sufficient supply of medicines in the country at the lowest possible cost";
- Endeavors "to make them available for free to indigent patients".
- Philippine National Drug Formulary (PNDF)
- Essential Drugs List (EDL) of available drug products



# Philippine Public Policy Process in 5 Stages

FROM CONCEPTUALIZATION TO MONITORING

PRE-LEGISLATION

LEGISLATION

POST-LEGISLATION



In reality, many factors complicate this and a linear process is not followed.



# FACTORS AFFECTING THE POLICY FORMULATION OF R.A. 6675

## ACTORS AND STAKEHOLDERS (POLITICAL)

- **Lead:** Department of Health
- Congress
- American Chamber of Commerce
- Drug Association of the Philippines
- Philippine Medical Association
- Academic Sector
- Philippine Drug Action Network and Citizen's Alliance for Consumer Protection
- Media

## PRE-LEGISLATION

## LEGISLATION (DELIBERATION AND PASSAGE OF LAW)

## POST-LEGISLATION (IMPLEMENTING RULES AND REGULATIONS)

## INSTITUTION-RELATED FACTORS

- Mandate and Authority
- Staff and Information
- Network and Organization
- Skills and Expertise
- Other Resources (technical, financial, information)

Optimum consensus

Policy convergence

Polarized positions

Policy divergence





# Context Behind the Policy Formulation of Generic Drugs Law

## *Drug Situation and Political Mood of the Philippines in 1985 to 1986*



- Foreign domination of local market (95%-5% market shares)
- Drugs found to be ineffective, expensive, and probably harmful (banned in other countries) were still available in the Philippine market



- Non-adherence to existing laws on proper and rational drug use and prescription (*profit-oriented pharma. companies vs. income of consumers + unavailability of objective information*)



- *People Power of 1986*: The bill's formulation was set in the backdrop a political environment characterized by participation and democracy; an opportune time to initiate reform and engage the public.

# Characteristics of the Strategies Employed by Stakeholders of R.A. 6675

<b>VISION</b>  Desire for policy reform in the Philippine pharmaceutical sector	<b>COMPETENCE &amp; EXPERTISE</b>  Resources from academics, scientific & medical community, NGOs were maximized	<b>NETWORK &amp; REACH</b>  Gaining momentum and support on the advocacy and pressures policy maker	<b>ECONOMIC POWER &amp; IMPACT ON PUBLIC INFORMATION</b>  Various relevant organizations used ads to reflect their advocacy	<b>PRESSURE ON LEADERSHIP &amp; LEGISLATORS</b>  Opposition put pressure on local governments to block off adoption of the Generics Act
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There was a need to harmonize the different interests of relevant stakeholders in order to enact the (then) Generic Drugs Bill in the country.



# POINTS OF CONVERGENCE

Nationalist  
perspective on  
Philippine Drug  
Industry

Advocacy towards  
affordable drugs for  
all

Regulated  
circulation of drugs  
in the market

Preference for  
informed choice of  
drugs

Promotion of  
Essential Drugs List

**\*Stakeholders' concerns were addressed through a series of consultation and constant communication**



# Contributors



- Passion and commitment to policy reform
- Competence to deal with strengths and weaknesses as policy initiator
- Supplementation of in-house capacity of the Philippines' Department of Health by expertise outside the agency
- Popular support for the advocacy



# POINTS OF DIVERGENCE

Impingement on the  
rights of medical  
professionals to  
prescribe

Restriction of  
opportunities for  
businesses and  
investments

Possible  
unrestricted  
circulation of fake  
and poor quality  
drugs in the market

**\*Despite a large number of commonalities, policymakers should always be aware that there are some interests that are non-negotiable.**



# Deterrents



- Pressure from big businesses
- Continued domination of transnational drug companies
- General prescription habits of medical doctors (in favor of branded medicines)





# 31 YEARS AFTER ITS ENACTMENT\*

5-6 OUT OF 10 FILIPINOS TAKE GENERIC MEDICINES.

65% OF ALL PHARMACEUTICAL SALES IN THE PH ARE GENERIC MEDICINES.

AWARENESS LEVEL OF REGIONS IN THE PH:

- LUZON: 48%
- VISAYAS: 48%
- MINDANAO: 53%

Note: The last comprehensive study on the evaluation on this law was in 2009.

# Lessons Learned

**AMIDST DIFFERING INTERESTS AND MOTIVES OF STAKEHOLDERS, A CONSENSUS CAN BE REACHED IN PUBLIC POLICY.**



Policymakers must manage both political and institutional variables.



Political timing is important.



Policymakers must have a vision, competence, and ability to negotiate.



It is hard to separate values/biases from facts/science when it comes to policy-making.



# Sources

Co, E. (1998). Management of Policy Formulation: The Generics Act of 1988, Philippine Journal of Public Administration, Vol. 42(3-4).

Echaluze, C. (2017). 65% of pharmaceutical sales are generic medicines: DOH. Manila Bulletin. Accessed 21 November 2019, Retrieved from <https://news.mb.com.ph/2017/03/17/65-of-pharmaceutical-sales-are-generic-medicines-doh/>

Generic Drugs Law, R.A. 1988. Retrieved from <https://www.officialgazette.gov.ph/1988/09/13/republic-act-no-6675/#:~:targetText=Title.,%E2%80%9CGenerics%20Act%20of%201988%E2%80%9D.&targetText=To%20promote%20drug%20safety%20by,with%20potentially%20adverse%20drug%20interactions.>

Keping, Y. (2018). Governance and Good Governance: A New Framework for Political Analysis, Fudan Journal of the Humanities and Social Sciences, 11(1). 1-8.

Kintanar, Q.L. (1989). Evolving, Crafting, and Implementing the Philippine National Drug Policy and the Generics Act of 1998: A Model in Science and Technology Policy-Making, National Academy of Science and Technology, 11. 167-176.



# Sources

Reyes, C., Lavado, R., Tabuga, A., Asis, R., & Datu, M.B. (2011). A Profile of the Philippine Pharmaceutical Sector, Philippine Institute of Development Studies Discussion Paper Series 2011-11.

Sawe, B.E. (2018). What Type Of Government Does the Philippines Have? Retrieved from <https://www.worldatlas.com/articles/what-type-of-government-does-philippines-have.html>

United Nations Economic and Social Commission for Asia and the Pacific [UNESCAP] (2009). What is Good Governance. Accessed 21 November 2019 at <https://www.unescap.org/sites/default/files/good-governance.pdf>

Varela, A.P. & Pedroso, L.R. (1997). Policy Review and Program Evaluation of the Generics Law and National Drug Policy: Final Report and Conference Proceedings. Manila: UP College of Public Administration, DOH.

Wong, J., Baclay, R., Duque, R., Roque, P.M., Serrano, G..K., Tumlos, J.O., Ronsing, A-A., & Cochon, K., (2013). Prevalence of Philippine Prescribing, Dispensing, and Use Behavior in Relation to Generic Drugs and their Risk Factors, Philippine Journal of Development, 40(1-2).