The Long and Winding Road to Infrastructure Development and Reform

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Countries that have shown progress prove that good infrastructure is crucial to move people, goods, and services which enhance economic activities. In terms of Philippine infrastructure and development, there are many players in the field. The constellation of players adds to the labyrinth of vulnerabilities in the road works system. The vulnerabilities in the road works are observable in the various phases of the road system, such as, in the pre-implementation phase, during the implementation phase, and in monitoring and evalution. The management of the Special Road Funds, which is characterized by a wide latitude of discretion, offers an opportunity for vulnerabilities and potential corruption. There are identified possibilities for reform to address the vulnerabilties in the system and emphasize changes from within the agency itself and changes from without. The role of the civil society and the private sector is crucial in these changes and reforms.

Good infrastructure is key to economic growth and development. Countries that have shown progress prove that good infrastructure is crucial to move people, goods, and services which enhance economic activities.

One of the main obstacles to a more rapid economic growth in the Philippines is its poor infrastructure. There are a number of possible reasons for the poor state of infrastructure. One of these reasons is certainly the low level of investment in infrastructure compared with those of other countries. Whereas the developed countries and the rapidly-growing Asian countries spend around 5 percent of their gross domestic product (GDP) on infrastructure, the Philippines spends only around 2.5 percent (World Bank [WB] Manila 2004: 1). In particular, road expenditure as percent of GDP in the Philippines is only 0.7, which is below that of Indonesia (1.7 percent) and Thailand (1.1 percent) and only equal that of Bangladesh; of the selected Asian countries studied, only Pakistan, with 0.4 percent, had lower spending on roads than the Philippines (WB Manila 2004: 1). In a ranking of eight Asian

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countries using five infrastructure indicators, the Philippines came out the lowest in overall ranking, lower than Vietnam and India (WB Manila 2004: 2). In terms of the ratio of paved roads to total roads, in particular, the Philippines had the lowest ratio (21 percent) among members of the Association of Southeast Asian Nations (exclusive of Singapore, Brunei, Cambodia, Laos, and Myanmar) in 2001 (DPWH and Japan International Cooperation Agency 2003).

Not only is total spending on road infrastructure in the Philippines low, it is also eroded by "leakages" due to corruption and similar practices. Around 40 percent of the total amount for infrastructure is lost to corruption. Regional directors reportedly get a 10 percent commission and the Department of Budget and Management (DBM), 15 percent (DPWH 2006). Add to these circumstances the percentages that allegedly go to politicians and other high government officials or the latter's relatives and you have, on the one hand, a bloated budget for infrastructure and, on the other hand, poor quality infrastructure, which is the worst of all possible worlds. The percentages probably vary depending on whether the road is national or local, with more going to local politicians and local executives in the case of locally-funded infrastructure projects and more going to national officials and their relatives and friends for foreign-funded ones.

Infrastructure is among the principal investments of public funds, including foreign loans. Specifically, road works which consist of fresh investments, construction, operation, maintenance, and rehabilitation are segmented and involve many entry points. This situation means that besides the Department of Public Works and Highways (DPWH), the agency centrally involved in infrastructure development, there are many other agencies that dip their hands in road works. The DPWH is responsible for the development of technology to ensure the safety of all infrastructure facilities and to secure for all public works and highways the highest efficiency and quality in construction as well as maintenance. Provision of infrastructure is considered one of the three basic tasks of government, the two others being defense and foreign relations; not surprisingly, the DPWH is one of the oldest departments of the Philippine government.

Many Players in the Field

The DPWH is just one of many government institutions providing infrastructure, either directly by being involved in their planning, construction, and maintenance or as a support to their primary function(s). Other government agencies involved in providing infrastructure are the following: the Department of Education, for school buildings and facilities; the Department of Agriculture and the Department of Agrarian Reform and their attached agencies, for irrigation facilities, common-service facilities (e.g., palay driers), and farm-to-market roads; the Department of Transportation and Communications (DOTC), for ports and airports; the Department of Tourism, for tourist infrastructure, such as, hotels and roads to tourist sites; the Department of Environment and Natural Resources, for farm-to-market roads and infrastructure in reforestation sites; the local government units (LGUs) for local roads, the Metropolitan Manila Development Authority (MMDA) for Metro Manila roads and facilities; the Manila Waterworks and Sewerage System (MWSS) for water distribution and sanitation systems; and the Road Board in so far as funding for road maintenance is concerned.

Government-owned or -controlled corporations (GOCCs), like the Bases Conversion and Development Authority (BCDA) and the National Development Company (NDC), have also ventured into road construction, operation, management, and maintenance. The Philippine Ports Authority (PPA), which at times has been attached to the DOTC and the DPWH (or its predecessor, the Department of Public Works, Transportation and Communications) is also involved in the construction, operation and maintenance of port facilities, even as it increasingly bids out these projects and activities to the private sector. The Philippine National Construction Company (PNCC), originally under the name of Construction Development Corporation of the Philippines (CDCP), with the primary purpose of general contracting, is responsible for the construction of toll way network in Luzon, such as the North Luzon Expressway and the South Luzon Expressway.

Aside from the abovementioned agencies under the Executive Branch, the Legislature is also heavily involved in identifying and financing local infrastructure projects through the legislators' Countrywide Development Fund (CDF), more popularly known as the "pork barrel," that each senator and representative regularly gets. Some of the recent controversies regarding the provision of local roads have to do with the use (or misuse) of Congressional "pork."

And while the many players in the road works make a complex system, coordination is weak and practically nil. Nevertheless, such "chaos" seems deliberate as everyone seems happy to have a "share in the pie." This arrangement causes demoralization among personnel of DPWH and this further means that not all vulnerabilities in the road works are monopolized by the agency.

The constellation of players adds to the labyrinth of vulnerabilities in the road works system. In this paper, "vulnerabilities" refers to the points, functions, or processes within or without the road works system that result in some organizational dysfunctions, such as, cost overruns, project delays, over- or underdesign of road works, poor quality, and what is generally called "corruption." All such dysfunctions may be manifestations of corruption at varying degrees and levels. The overall outcome of such vulnerabilities are weaknesses in providing infrastructure services which either hinder, prevent, or reduce the efficient, effective, and economical provision of services.

The vulnerabilities in the road works are observable in various phases of the road system.

1. Vulnerabilities in the pre-implementation phase

"Bid rigging" is one of the most prevalent practices in the infrastructure development process. Although signs of collusion are not too difficult to detect, proving that it exists is extremely difficult. The same group of bidders turns up in project after project; the same winners or losers emerge; and supposedly independent bids are suspiciously close to one another, suggesting collusion or some tacit understanding among the bidders. Also, in certain instances, there are very few actual submissions of bids despite the presence of many interested bidders; the fact that there are very few actual bids raises questions as to whether there is genuine competitive bidding.

There are measures to make the process of bidding and procurement transparent. One such measure is electronic bidding where bidders submit their respective bids online. Under this system, the identities of bidders are not known to one another or bidders are not given the opportunity for face-to-face contact (as in pre-bid conferences), thus reducing the chances of collusion. Two variations of this system have been tried. One is where bidders submit their bids only once, and whoever submits the lowest bid or one that most closely meets the specifications, is chosen. The other approach is where bidding goes through successive rounds, in an effort to come up with the lowest bid. Here the exact amount of the bids and the identity of the bidders are not known, only one's rank (1^{st}, 2^{nd}, 3^{rd}, and so on) are revealed.

A slightly different, but still related issue, is the stringent prequalification procedure in which every bidder is required to submit a detailed project proposal that then goes through technical evaluation. On the average, it takes nine months to complete the process, although in the end, the decision is still subjective and lacking in transparency. It also takes an average of 15 months for DPWH to engage the work of project consultants (JBIC 2000 in Manasan and Mercado 2001: 43). The Japan Bank for International Cooperation has also noted a number of related questions, such as: (1) are there sufficient contractors who participate in the road maintenance contracting? (2) are the processing of contracts and the awarding of payments prompt enough? (3) what is the quality of performance and the performance review on specialized and small contracts, such as, road signage, road marking, vegetation control, and drainage clearance?

The bidding itself may not serve as a problem; however, there are narratives and anecdotal evidences that indicate how collusion and agreements among bidders do take place prior to the bidding. According to one resource person from the DPWH, one problem is the agreement among bidders where each bidder takes turn to "win" and the rest take a share each time the bidding occurs and is sealed. Whoever "wins" the bid, everybody takes a share in the pie, so to speak.

There is a tendency to build roads of poor quality, on the one hand, and there is, on the other hand, a tendency, in fact, a more frequent one, to build especially in foreign-funded roads, overdesigned roads or those that do not address the immediate needs of the community. Scarce resources could be better spent elsewhere. The explanation for the latter tendency is the incentive system among stakeholders, including foreign funders, foreign contractors and consultants, design engineers, foreign suppliers, even Philippine officials and bureaucrats—who all have a tendency to overbuild, in which case the size of their fees, profits, or commissions is directly proportional to the size of the projects and the costs of (foreign-funded) projects.

From the above tales on bidding and the pre-implementation phase of the road projects, there are insinuations of informal negotiations, overdesign (and therefore overcosting) of projects, and delay in the process—all of which have to do with the incentive system that is beneficial to the consultants and contractors (whether foreign or local), suppliers, engineers, or local bureaucrats. However, it is indeed difficult to pin down the exact amount involved in corruption. The problem lies in the system by which pre-implementation process and procedures contribute to wastage, delay, and unreasonable use of scarce resources, oftentimes borrowed ones.

2. Vulnerabilities during the implementation phase

An apparent vulnerability during the project implementation phase is the weak prioritization and programming of allotment releases due to various factors. Other points of vulnerability are the inability of the agency to facilitate right-of-way acquisition (ROWA), the apparent collusion among contractors during the bidding and contracting stages, the poor monitoring of the performance of contractors during road construction and maintenance, and project delays and cost overruns.

Project implementation is faced with many other vulnerabilities; among them are the lack of financial capacity for counterpart funding, causing delays in the release of counterpart funds, the lack of administrative capacity and technical support on the part of the LGUs, and limited bids and contracting. When counterpart funds are not readily available, the implementation delay often results in the rise in project costs, thereby forcing the project either to cut down on the size and length of the road service or to even further delay. Elections can also disrupt the project execution specifically when campaigning and campaign period limits the signing of a Memorandum of Agreement. Under Philippine election laws, there is a ban on any agreement that would fund infrastructure projects around the campaign period. All construction activities cease when campaign period sets in. The Commission on Audit (COA) also noted the incidence of contractors being paid several times for the same project (Interview with DPWH officials, 28 July 2008).

Although there is Republic Act 8974, a law enacted by Congress in 2000 that allows government to acquire the right-of-way in road constructions, the DPWH should acquire the right-of-way before construction, and, preferably, even before bidding. However, the agency usually lacks the funds to compensate those who would be affected by the expropriation and, therefore, results in delay in the project implementation or in reduction in the scope of some projects or both. The DPWH has to deal with a number of agencies, such as the LGU where the property is located, or the MMDA in the case where location is in Metro Manila, the National Housing Authority (NHA) for possible relocation of households occupying the site to be expropriated, or the Housing and Urban Development Coordinating Council (HUDCC). The law requires identification by the court of the beneficiaries and the cost valuation. All proceedings in most cases take a long time and their resolution renders even more difficulty when due to delay, implementation faces the risk of general rise in project costs. Due to long court proceedings on ROWA, property values may have also gone up by the time a project is ready for implementation. Further delays arise when conflicts on property valuation are raised with the judiciary, especially in view of the slow pace of resolution of expropriation cases. It is clear that DPWH does not have full control over negotiations on compensation and other legal procedures necessary to perfect the property transfer. The courts, including the Supreme Court, also have important roles in the resolution of ROWA conflicts and other concerns. Because the judicial route to ROWA is fraught with problems, the DPWH prefers to go the way of negotiation, which, of course, also takes a long time and eventually results in project costs higher than projected.

LGUs have the primary responsibility for the relocation and resettlement of “informal settlers” or squatters. However, there is a problem of incentive compatibility, as many LGUs are slow in performing this function since squatters represent a big block of the voters that local officials try to court. There is also Republic Act 7279, or the so-called “Lina Law,” which impedes the timely implementation of infrastructure projects. The Lina Law declares demolition of slum structures as a criminal act, and demolition includes clearing up of structures by agencies for the purpose of infrastructure development, unless relocation is provided for. Relocation of slum dwellers usually takes a long time if it at all succeeds, and, thus, impedes the timely implementation of infrastructure projects.

On top of all these complex and intertwined vulnerabilities, there are political decisions and interventions that sometimes override economic and technical considerations. DPWH decisions are often influenced by politics and politicians, and this is not hard to understand especially at the local level. The unclear delineation, overlapping and/or duplicative jurisdictions and responsibilities among different agencies involved in providing infrastructure further add to the problem of a "highly politicized" infrastructure system. Emphasizing the extent of congress representatives' influence in infrastructure development, one agency resource person put the ratio of political to economic-technical considerations at 90:10, with 90 percent being determined by "politics" or partisan political considerations (including, as an important component, the private interests of politicians) and only 10 percent by economic-technical considerations. Assuming that the ratio is somewhat exaggerated for emphasis, it is still a case of the ideal world being turned upside down. An example of these projects is the Subic-Clark Tarlac Expressway (SCTEX) which shows the tendency of foreign-funded projects to exceed their initial costs and to spiral out of control for an upward bias of bids, and for projects to be overdesigned. There are also the Samar-Leyte and the Daang-hari projects, locally funded through the CDF or the "pork barrel" from legislators, and which illustrate the pervasive influence of politics and politicians from project identification to completion with political actors managing to do it seemingly within the bounds of law. The Samar-Leyte project illustrates the delay and the cost overruns that afflict many infrastructure projects.

3. Vulnerabilities in monitoring and evaluation

There are several entities that are mandated to monitor infrastructure projects, and this fact may have, in some ways, become a bottleneck or constraint to the implementation of the government's infrastructure program. For one, the sheer number of monitoring units poses problems of coordination between and among the players in the infrastructure sector. As the saying goes, "Too many cooks spoil the broth." Questions such as what report(s) to submit, to whom to submit, and the extent of authority of these entities over the actors in project monitoring and evaluation, all need to be resolved for better coordination. Likewise, the variety of requirements from these monitoring units, when added to those from the oversight agencies and donor institutions, also unduly burdens the DPWH in submitting monitoring reports that are not only complete but also timely and useful. Manasan and Mercado (2001) reported that there are various monitoring report formats that are required to be submitted by the DPWH to agencies such as the DBM and COA and to donor institutions.

A strong monitoring system has the potential to reduce delays in project implementation. Such a system may already be present at the national level especially for major infrastructure projects. However, there is practically no monitoring done for locally-funded projects especially those that are implemented in the sub-regional areas, i.e., in provinces, municipalities, and cities. Indeed, only a few LGUs have established monitoring systems to evaluate progress in the implementation of infrastructure projects (Manasan and Mercado 2001: 46).

These vulnerabilities are not all externally influenced, meaning, these are constraints that shape the processes and performance of the DPWH. On top of these factors, the DPWH has its own share of problems. The agency has very weak documentation and this results in very little transparency of information to the public. The procedures and processes including the report system of the DPWH are not easy to understand, much less are their reports accessible to citizens, even to the legislature. There are also narratives of collusion between the agency personnel and other actors in various phases earlier described. In the end, the taxpayers and the road users end up as losers in the "vulnerability loop."

4. Special Funds and wide discretion as a formula for corruption

Robert Klitgaard (1998) explains how corruption takes place in high offices where power and its exercise is the locus of corruption. To Klitgaard, corruption is the result of the fatal combination of a monopoly of power, a wide latitude of discretion on the one hand, and the absence of accountability on the other hand, thus putting the equation $C = M + D - A$, where C is corruption, M is monopoly, D is discretion, and A is Accountability. The United Nations Development Programme (UNDP) added I and T (which stand for integrity and transparency) to the original equation and subsequently, the formula became $C = M + D - A - I - T$ (UNDP 2004: 2). Wide discretion is usually exercised by those who hold high positions.

Time and again, DPWH personnel claim that the department leadership plays a considerable role to bring about changes within the organization and to ring fence the department from various other departments and offices that tend to circumvent rules of efficiency and professionalism around the road work projects. Unfortunately, the leadership more often than not, yields to patronage and collusion with the highest post including an exercise of wide discretion all of which are sure formula to corruption.

In the case of the Road Board, which basically uses motor vehicle users' money, greater disclosure on the usage of funds and genuine representation of motorists' groups in the Board is essential to change. Where presently, there is a wide latitude of discretion by the Executive on the use of these special funds, the practice clamors for policies on greater transparency and accountability.

The special funds are collected from what motorists pay annually to the Land Transportation Office and deposited to the Bureau of Treasury and which then are disbursed by the DBM as approved by the Road Board. Unlike other budget items from any agency of government, the special funds are independent of the budgetary allocation process and do not pass the scrutiny of Congress. They are audited by COA and monitored by the Office of the President.

The Road Board has an enormous annual collection of ₱7 billion and has become an important office (Center for National Budget Legislation n.d.). In the last few years, the Office of the President tapped the special funds for the “super regions and infrastructure building in these regions” as well as other political priorities. In other words, the special funds have become a political kitty. While there is tendency for the funds to be used to hedge political positions, the Road Board lacks effective information, education, and campaign that would build transparency into its system and program. Certainly, information about funds usage and decisions that go with fund management are hardly available to various segments of decision and policy makers, and much less so among the public at large, a point well articulated by advocacy and reform quarters that do “road watch.”

The vulnerabilities to corruption are strong and quite embedded in the system of the road works. If distortion of the processes and procedures, delay in the implementation and timetable, and incentives that benefit the consultants and contractors, engineers, suppliers, including funders and bureaucrats at the expense of the public interests and of the economic and efficiency considerations are acceptable measures of corruption, then one may conclude that indeed there is corruption within the system. However, it is difficult for some individuals to come forward to nail down allegations of corruption as a potential case of violation of sound fiscal administration, mainly for the reason that the suspected corrupt practices are prevalent and quite embedded in the system and multiple actors may be involved in the complex loop. Certainly, this study notes some irregular and unsound practices in the management of resources in the road infrastructure sector.

Possibilities for Reforms

Changes from within the agency

Change largely hinges on the actor that considers itself as agent of transformation, either internally through bureaucratic decisions and restructuring of practices and habits or through other organizations such as the nongovernment and the private group stepping up for transformation. Therefore, change stems from a broad energy field of policy reform.

Change in the DPWH itself is not only crucial, but also necessary. A change in the DPWH could be done, especially if the leader of the agency is keen on carrying out some reforms within and in protecting the agency from external pressures and political interventions of the executive and the legislative branches. The agency leader should ring fence the department from various departments and offices that tend to circumvent the rules of efficiency and professionalism in road projects. The DPWH personnel are technical people and are bureaucrats who are swayed by political interventions especially by those at the top. The agency head and the Chief Executive no less should provide the signal for reform.

Several reform measures are ongoing and have been undertaken to address the vulnerabilities in the system. These reforms include:

(1) online bidding to reduce collusion;
(2) the "strike three" rule against bidders suspected to be paid off by the winners in order to deliberately lose;
(3) elimination of the prequalification requirement to open up the bidding process to greater competition especially from new players;
(4) civil works registry including a system of tracking documents; and
(5) various "capacity-building" and integrity development programs as well as the rationalization of the DPWH to streamline the department.

These measures are internal to the organization and have met mixed results. Nevertheless, these attempts at reform should be pursued despite various players' use of many tricks up their sleeves and their efforts to come up with new and innovative ways to circumvent the rules.

Changes from the outside: the role of civil society

Change could also come from the oversight and regulating groups through monitoring and close scrutiny by civil society groups and through self-regulation of the private sector. It is difficult to expect change from an oversight by the Congress whose influential and powerful members are usually the very source of political pressures on the DPWH.

In theory, private sector representation in the Road Board should come from the stakeholders and should be a result of an independent process among them. After all, the special funds are the road users' tax and road users should play a significant role in the use and disposition of tax monies. In practice, however, the choice of private sector, such as the transport group, representative has been the prerogative of the President. There have been suspicions that the motorists' fees are used for purposes other than those for which they are intended.

The role of civil society organizations is paramount. Civil society groups that exact greater transparency and accountability of public funds invested in roads are powerful. On top of their monitoring efforts, most of the advocates from civil society strongly push for the passage of a law on the Right to Information so that the public would have access to public documents. At the forefront of this advocacy for transparency and accountability is the Concerned Citizens of Abra for Good Governance (CCAGG), a member of the network called "Bantay Lansangan" (Road Watch). The CCAGG, whose crack at community-based monitoring of road works pinned down construction workers of the department, did not only exact greater accountability but also educated the public on the progress and problems of the road projects.

The CCAGG is a nongovernment organization (NGO) which started as a group of volunteers for the National Movement for Free Elections in the 1986 snap presidential elections. After the elections, the volunteers committed themselves to monitor infrastructure projects in the province of Abra. The first involvement of the CCAGG was the implementation of the Community Employment and Development Program under the National Economic and Development Authority (NEDA) during the Aquino administration in 1987. The program consisted of small projects such as farm-to-market roads, health centers, school buildings, and spring development that provided employment and augmented the income of people in the community. NGOs were tapped to monitor the implementation.

The CCAGG entered into a Memorandum of Agreement with the NEDA and DBM defining the responsibilities of each contracting party as follows: (1) NEDA will train CCAGG on the mechanics of monitoring and provide it with the list, location, and implementing agencies of all CEDP projects in the province; (2) DBM will provide CCAGG with information on funding and releases of payments for the projects; (3) CCAGG will monitor the implementation and send feedback to NEDA and DBM on the monitoring activities. In addition to these accountabilities, CCAGG took upon itself to organize the beneficiaries and transfer to them the technology of monitoring taught by NEDA. It also involved the mass media in disseminating information to the local people about the projects. The people were pleased with their involvement in preventing corruption and ensuring government accountability.

Among the anomalies CCAGG discovered were: (a) inferior quality of materials, (b) ghost projects or projects without approved plans and specifications, (c) projects reported to have been completed even if they had hardly begun or were only halfway completed, and (d) certificates of project completion submitted to local officials without any supporting documents.

As pointed out by CCAGG official Pura Sumangil, the monitoring has also resulted in the suspension of unscrupulous government officials and the cancellation of project contracts due to substandard features. Faulty project designs have also been spotted by the CCAGG, enabling government to save on resources.

CCAGG attributes the success of this monitoring project to the support extended by the Catholic Church, the community people, the commitment of the monitoring team, the private citizens who passed on information and documents, and funding partners, including the UNDP, the Civil Service Commission (CSC), and some private donors.

The CCAGG opened what used to be a highly technical and insulated project to the public, challenged authorities on accountability, and gained recognition by no less than the COA as a citizen group to reckon with. Eventually, the COA recognized the community group as a partner in social audit even in future and other infrastructure projects.

The role of the private sector

The other sector that would consider itself as one pushing for reform through self-regulation is the Philippine Constructors Association (PCA), which started in 1945 as a group of engineers hoping to participate in the reconstruction of infrastructure devastated by the war. From a small group, the PCA now has a well-established network all over the country, comprising mostly of big and established Filipino contractors. To include anyone involved in the infrastructure from engineering design, to suppliers of materials, to distributors, and other builders of road, the association broadened its composition and changed the “contractors” to “constructors.”

After taking part in the postwar infrastructure development, members of the PCA expanded the association to involve themselves in succeeding huge projects, such as the Ambuklao and Binga dams, the South Luzon Expressway, and even the U.S. military bases and Philippine ports. Some members even ventured in the Middle East.

The PCA served as the voice and guardian of “professional integrity” of the industry, even advocating for the passage of legislation favorable to the industry such as greater uniformity of government specifications and contracts including the recent Procurement Law. The PCA also pushed for greater credit to the industry and in fact established the “contractors’ bank,” the Philippine Commercial and Industrial Bank, to cater to the credit needs of the construction industry (Interview with a PCA official, 20 August 2008).

To regulate itself, the PCA adopted a code of ethics which it urged its members to observe, and pushed for the passage of Republic Act 4566, or Contractors Licensing Law, which requires the licensing of contractors. In a bid to rid of its membership of “bad eggs,” the PCA required a continued membership anchored on criteria, such as firm capitalization, experience, and no involvement in irregularities. The implementation of these rules has resulted in either the suspension or dismissal of some members. It upholds the “strike three” rule in which a contractor who fails to win a project in three consecutive bids is disqualified from participating in bidding in government contracts. The rule is intended to weed out contractors who perennially bid and deliberately lose and are widely believed to be in collusion with and paid by the winning contractors. Some members have also been dismissed for attempting to influence decisions in their favor after they lost in the bidding process.

The PCA tries to upgrade the capacity of members through training on construction management and the improvement of database in the construction industry. It has also pushed for greater transparency in the Road Board. In spite of a gesture toward self-regulation in the industry, some quarters perceive the PCA as behaving like a cartel, limiting membership, and monopolizing the lucrative business of construction.

The change for reform in the road sector is intricate due to the complex system of vulnerabilities to corruption. Nevertheless, the possibilities for change are still high, if the vibrancy of civil society groups and of the private sector could continue. Development agencies and donor organizations should look in the direction of a tri-sectoral approach to reverse the trends on corruptible practices in the road sector.

References

Bases Conversion and Development Authority
n.d. *The Gateway to Asia Pacific, Investment Folio on Subic and Clark: Creating New Engines of Growth*. Bases Conversion and Development Authority. Philippines.

Center for National Budget Legislation
n.d. The MVUC Fund. *Republic Act 8794 Annexes*.

Co, Edna E.A., Jose Tabbada, Minerva Baylon, and Mark Anthony Gamboa
2008 *Vulnerabilities in the Road Sector*, an unpublished report submitted to the “Bantay Lansangan” and the Transparency and Accountability Network, Philippines.

Department of Public Works and Highways (DPWH)
2006 *DPWH Reform Initiatives*. Accessed 1 July 2008. http://www.dpwh.gov.ph/about_us/reforms/index.htm.

______ and Japan International Cooperation Agency
2003 *Roads in the Philippines*. Philippines: DPWH.

Fung, Archon, David Weil, Mary Graham, and Elena Fagotto
n.d. *The Political Economy of Transparency: What Makes Disclosure Policies Effective?* A paper supported by the John F. Kennedy School of Government and the Center for Business and Public Policy, Georgetown University.

Japan Bank for International Cooperation (JBIC)
2000 *Report on Project Implementation Review Meeting for JBIC-Supported DPWH Projects*. June 21. Unpublished.

Klitgaard, Robert
1998 International Cooperation Against Corruption. *Finance and Development,* 35 (1) (March). Accessed 30 September 2008. http://www.imf.org/external/pubs/ft/fanddd/1998/03/pdf/klitgaard.pdf.

Manasan, Rosario and R. Mercado
2001 An Assessment of the Absorptive Capacity of Agencies Involved in the Public Works Sector. *PIDS Discussion Paper Series* No. 2001-17. Philippines.

Republic of the Philippines
2000 Republic Act 8974. *An Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and for other purposes*. November 7. Congress of the Philippines.

1992 Republic Act 7279. *An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism for its Implementation, and for other purposes*. March 24. Congress of the Philippines.

1965 Republic Act 4566. *An Act Creating the Philippine Licensing Board for Contractors, Prescribing its Powers, Duties and Functions, Providing Funds Therefor, and for other purposes*. June 19. Congress of the Philippines.

United Nations Development Programme
2004 Anti-corruption. *UNDP Practice Note*. http://www.uneca.org/itca/governance/Documents/Anti%20Corruption%20Note%20FINAL%20VERSION%20031704.pdf.

World Bank Manila
2004 *Meeting Infrastructure Needs: Philippine Transport Sector Review*. Working paper. Manila: Almec Corporation.

Interviews

Ms. Pura Sumangil, Executive Director of the Concerned Citizens of Abra for Good Governance. 12 August 2008. Manila, Philippines.

Director of the Philippine Contractors Association. 20 August 2008. Ortigas Center, Pasig City, Philippines.

Retired officials of the Department of Public Works and Highways and two incumbent directors of the DPWH, National Capital Region.