

# Presidential influence in the legislative process: The passage of the RH Bill in the Philippine House of Representatives

Jean Paul L. Zialcita

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## Abstract:

After more than a decade since a bill proposing the enactment of a law on reproductive health was laid before the Philippine House of Representatives, the *Responsible Parenthood and Reproductive Health Act of 2012*, more popularly known as the RH Law, was signed by President Benigno Aquino III on the 21<sup>st</sup> of December 2012. Although similar in form and content to the bill that was passed, previous versions of the RH bill did not receive the necessary votes in the House, despite the vigorous campaign waged by their proponents. This article argues that presidential influence in the legislative process in favor of reproductive health—something that was lacking in past Congresses—was a critical factor that contributed to the successful passage of the RH bill. It enumerates the various stages at which the chief executive in a presidential system of government can influence the legislative process to get his or her preferred legislative measures passed, and presents the various means employed by President Aquino to get the House to pass the RH bill.

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**Keywords:** presidential influence, legislative process, reproductive health

## Introduction

Republic Act No. 10354, known as *The Responsible Parenthood and Reproductive Health Act of 2012*, or the RH Law for short, was signed by President Benigno Aquino III on the 21st of December 2012. His signature was the final step of a journey that began more than a decade previously, when a bill proposing the enactment of such a law was first filed in the House of Representatives (HOR) of the Philippine Congress as House Bill No. 4110 or the *Reproductive Health Care Act of 2001*. That it took so long for the HOR to finally pass the bill, most people would probably agree, was due to the bill's controversial nature, dealing as it did with what are considered life and morality issues (e.g., contraception and sex education)—issues about which the nation is greatly divided. Most people would probably agree as well that the bill passed in no small part as a result of the President's support for it. None of the previous versions of the bill (i.e., those filed in the 12th, 13th and 14th Congresses) received presidential endorsement. In fact, Gloria Macapagal Arroyo, who was president from 2001 to 2010, was very much against the passage of a reproductive health bill and made her sentiments about it clear to everyone (Esguerra & Cabacungan, 2008). Hence, none of those previous versions managed to reach beyond the period of debate after first reading, despite the demand for reproductive health legislation articulated by civil society groups and influential international organizations. In contrast, the version filed in the 15th Congress received a considerable amount of support from President Aquino and was eventually approved on second reading on the 13th of December 2012 and on third reading a mere four days later. Clearly, presidential endorsement was a critical factor that contributed to the successful passage of the bill in Congress.

Among the lessons that can be learned from this episode in Philippine legislative experience, one that this article wishes to highlight, is the important role the Philippine president may sometimes choose to play in the legislative process. Concretely, the passage of the RH bill into law will be used to illustrate the various means Philippine presidents have at their disposal to influence the legislature to pass bills they support.

The next section of the article enumerates the various stages at which the chief executive in a presidential system of government can influence the legislative process to get his or her preferred legislative measures passed. The third section presents a brief historical background of the RH Law, from the time it was introduced as a bill in the 12th Congress (2001-2004) to its passage in the 15th Congress (2010-2013). The fourth section presents the various means employed by President Aquino to ensure the passage of the RH bill in Congress. Some concluding remarks end the article.

## Presidential influence in the legislative process

Presidents can influence the legislative process at several of its stages. This is due in large part to the various roles they play in the policy-making process (Gleiber & Shull, 1992). The case of the Philippines is explored below.

### *Agenda-setting stage*

Perhaps the most important stage at which presidents are able to exert influence on the process is at its *agenda-setting* stage (Gleiber & Shull, 1992). Presidents are possessed of the power to initiate legislation they deem necessary in order to carry out their program of government. This they do when they submit their proposed budget of expenditures and revenue sources to Congress, which usually comes with a corresponding legislative agenda – a list of legislative measures they may need passed by Congress, not only to ensure that their proposed program is adequately funded, but often to make sure that whatever action the Executive Branch they head takes in the execution of the program is covered by appropriate legislation. As part of the system of checks and balances in a presidential system, the Executive Branch can only spend what the legislature allows it to spend and is, for the most part, constrained in the fulfillment of its mandate by existing legislation. Hence, the need for presidents to present their budgets and legislative proposals to Congress for approval.

Clearly, the power to initiate legislation is a source of presidential influence in the legislative process. It is at this stage that presidents can take the lead in guiding the work of Congress towards the achievement of their goals. How these goals are determined involves several factors such as the strength of public opinion regarding public issues the government is expected to address, the goals of the president's party, the demands of active and relevant interest group organizations and social movements, as well as the president's own attitudes, beliefs and preferences (Gleiber & Shull, 1992). Whatever may be the sources of the presidential legislative agenda, Philippine presidents are expected to declare their priority legislative preferences during their annual State of the Nation Address (SONA).

In the Philippines, one of the institutionalized mechanisms presidents can use to push their legislative agenda in Congress after it has been declared in the SONA is the Presidential Legislative Liaison Office or PLLO. Created by President Corazon Aquino as a way of bridging the gap between the executive and legislative branches of the state, its main task was "to follow up on the progress of the Executive's legislative initiative in Congress" (Caoili, 2006, p. 323).

The PLLO coordinated the system of the Legislative Liaison Offices (LLO) in each executive department which tracked

down the progress of legislation recommended by the President (Cory Aquino)...President Ramos also retained the PLLO to monitor the enactment of bills in Congress that had been recommended by the President. This greatly helped in facilitating necessary legislation during the Ramos administration. (Caoili, 2016, pp. 323-324)

Perhaps an even more powerful mechanism available to Philippine presidents to gain support for their priority legislation from Congress is the Legislative-Executive Development Advisory Council or LEDAC. Created early into Fidel Ramos's presidency through Republic Act 7640,

LEDAC institutionalized collaboration of Congress and the President in the enactment of policies and programs of the government. Members of the LEDAC include the leaders of the Senate and House of Representatives, together with their minority floor leaders, cabinet members, leaders of the local government leagues, and sectoral leaders. They collectively served as the advisory and consultative body to the President and the Congress. (Caoili, 2006, p. 323)

As a testimony to its importance, during President Ramos's term in office, the LEDAC "enabled the passage of important legislation, particularly supportive of the president's policy directions for government reform and economic development" (Rebullida, 2006, p. 198).

Finally, a president who wants his proposed legislation to be given priority by the HOR could certify it as "urgent". On paper, presidential certification is reserved for bills that need to be enacted expeditiously to meet a pressing public calamity or emergency, and it merely means the waiver of the rule which requires that a final printed copy of the concerned bill be distributed to all members of the HOR three days before a final vote on its approval is taken<sup>1</sup>. In practice, however, certification seems to mean much more than this, judging from the fact that bills which have nothing to do with addressing public calamities or emergencies have been certified urgent in the past<sup>2</sup> and that individual legislators and civil society groups who lobby for the passage of bills they support often appeal to the president to certify them as urgent<sup>3</sup>. This is because, although certification does not guarantee that a bill will be approved, it does represent a strong message from the president to the members of the HOR that the proposed legislation is important to him and that he wants them to expedite its progress through the legislative process.

### *Formulation-modification and adoption stages*

Any proposed legislation coming from the president is only acted upon by Congress if one of its members sponsors it. In the Philippines, a bill introduced in the HOR undergoes review, debate, modification and finalization over a process that involves three Readings of the bill. Gleiber and Shull (1992) call this the *formulation-modification* and *adoption* stages of the legislative process – the latter stage referring to the approval of the final version of the bill by Congress and its passage into law when the president affixes his signature to it.

At First Reading, the bill is assigned to the appropriate standing committee which studies it and decides, after deliberation, to either shelve it if its members are unable to iron out their differences regarding the appropriate form the bill should take, or prepares a committee report endorsing it to the rest of the House membership for plenary deliberation on the House floor.

If it is reported out, the bill is calendared for Second Reading, after which it undergoes debate on the floor. It is at this point that members of the House discuss the merits and flaws of the proposed bill – when any member of the House may be allowed to deliver a speech in favor of or in opposition to it. In the HOR, this period is terminated only when a majority of House members vote to end the debates. The next step is the period of amendments, in which House members are allowed to propose amendments to the bill for consideration and adoption or rejection by its sponsor(s). Once the periods of debate and amendments have ended, the standing committee to which the original version of the proposed bill was assigned prepares a final version of the bill – incorporating all relevant amendments proposed – which is then presented to the entire House at third reading for approval.

If approved at Third Reading, the bill is sent to the Senate where it undergoes a review, debate, modification and adoption process similar to that used in the HOR. Assuming that the Senate approves its own version of the bill, the House and Senate versions need to be reconciled by a Conference Committee composed of House and Senate members appointed to the task by the Speaker of the House and the Senate president respectively. Given that its deliberations are held behind closed doors and no minutes of such deliberations are taken, the Conference Committee is viewed by some as the most powerful committee in Congress (Caoili, 2006). The reconciled version of the bill is then sent to the two chambers for final approval.

Once approved by both chambers, the bill is sent to the president for signature. At this point in the approval stage, the president can either sign the bill into law or veto it. If he vetoes it, Congress has the

power to overturn the presidential veto through a two-thirds vote of all members of each of its chambers. If the two-thirds vote is achieved, then the bill passes into law.

In light of this very brief discussion of the multiple steps involved in the formulation-modification and adoption stages of the Philippine legislative process, one can easily identify the crucial points in the process at which a president may need to exert his influence so as to get Congressional approval for his or her preferred bills. In simple terms, if a president wants to ensure smooth passage for his priority legislation, he could exert influence at steps in the processes in which the bill may either be rejected or stalled on the one hand or passed onto the next step on the other.

At the HOR, perhaps the most crucial points at which a president's favored bills could flounder are when the bills are in the hands of the standing committee to which they were first referred after first reading, the Committee on Rules which is in charge of scheduling bills for debate on the floor, and the bicameral Conference Committee that reconciles both House and Senate versions of approved bills. This is because each of these committees has the power to effectively "kill" a bill by deciding not to act on it.

To ensure that a bill receives committee attention, the president could enlist the support of partymates or supporters in Congress who are assigned to the relevant committees to move the legislation along. In trying to influence committees, crucial among the House members whose support and cooperation the president would be wise to procure is the Speaker, since not only is he or she mandated to "prepare the legislative agenda for every regular session, establish systems and procedures to ensure full deliberation and swift approval of measures included therein" (House Rule IV, Section 15, a), he or she has the duty to "exercise general supervision over all committees and, in furtherance thereof, conduct regular monthly meetings with the chairpersons and vice-chairpersons of all standing and special committees to set legislative targets, review performance in the attainment of targets, ensure that the priority legislative measures of committees are attuned to the legislative agenda of the House, and resolve such other issues and concerns that affect the operations and performance of the committees" (House Rule IV, Section 15, c). It is well known that Presidents Ramos and Macapagal-Arroyo were fairly successful in getting the HOR to support their respective legislative agendas because of the support lent them by Jose de Venecia, who effectively used his powers as Speaker of the House to direct the work of the committees.

Another point at which a bill may falter along the legislative process is when it is at the phase of deliberation and debate on the floor

and during the period of amendments. If forces for and against a bill are equally balanced, each can prevent the other from making any progress, blocking each other's proposals and not leaving room for negotiation and compromise. Debates can go on and on until no time is left to draw up a version that can be voted on. Or if debates are eventually terminated, delays could still occur at the period of amendments, depending on the number of amendments proposed. House members opposed to a bill could prolong this period by proposing as many amendments as they can think of and asking that a vote be taken for every amendment rejected by the bill's sponsor(s) (Gonzales predicts House approval of RH Bill, 2012). In this situation, rather than inactivity or non-action by a committee killing a bill, what does the job is "talking the bill to death" or the inability of opposing camps within the House to give in to one another and agree on a compromise position. To get out of this state of deadlock or stalemate, the president could again solicit the assistance of his partymates or allies in the HOR to close the periods of debate and amendments through a majority vote on motions to end them.

Finally, a bill may be defeated if the majority of HOR members votes against it at Second or Third Reading. At these votes, presidential influence may again be exerted through allies and supporters within the HOR, or by making his preference for the passage of the bill clear to the HOR through public declarations of support for it (e.g., in speeches and interviews) and/or certifying it as urgent.

### **A brief history of the RH Law**

The first bill filed in the Philippine House of Representatives which carried the term "reproductive health" in its title was House Bill No. 4110 or the *Reproductive Health Care Act of 2001*, filed in 2001 during the 12th Congress by the Honorable Bellaflor J. Angara-Castillo, representative of the lone district of Aurora province (Fonbuena, 2012c). This first RH bill was discarded by the HOR after the first reading when the Chairman of the Health Care Committee, the Hon. Antonio P. Yapha Jr. of the 3rd district of Cebu, withheld his endorsement of the bill due to medical findings which showed that a number of contraceptives it proposed to have distributed through government funding were known to cause cancer and abortions ("HB 4110 junked", 2004).

In the 13th Congress, the RH Bill was re-filed as House Bill No. 16 (later substituted by House Bill No. 3773) or the *Reproductive Health Act of 2004* by the Hon. Edcel C. Lagman of the 1st district of Albay. Once again, this bill did not get past first reading, with the Committee on Rules failing to schedule the committee report prepared by the Committee on Women for second reading (Democratic Socialist Women of the Philippines, 2012).

In the 14th Congress, the RH Bill was again filed as House Bill No. 5043 or the *Reproductive Health and Population Development Act of 2008* by Hon. Edcel Lagman, and this time it managed to reach plenary deliberations after second reading. It did not progress beyond this stage in the legislative process, however, due to the long discussions several of its controversial provisions provoked on the floor. It was also believed that the bill, even if the HOR had passed it, would have been vetoed by then president, Gloria Macapagal Arroyo (Esguerra & Cabacungan, 2008).

It was in the 15th Congress that the RH Bill, approved by the Committee on Population and Family Relations as House Bill No. 4244 or the *Responsible Parenthood, Reproductive Health and Population and Development Act of 2011*, finally made it past third reading on 17 December 2012. A parallel bill filed at the Senate—Senate Bill No. 2865 or the *Reproductive Health Act of 2011*—was also passed on final reading on the same day. Within two days, the bicameral committee tasked with reconciling the House and Senate versions of the bill had a consolidated version ready for the president's signature. On the 21st of December, after years in the making, the RH Bill was signed into law as Republic Act 10354 or the *Responsible Parenthood and Reproductive Health Act of 2012*.

Throughout the history of the RH Bill in Congress, forces in support of it were balanced against by those that were opposed to it. On one side, taking the lead in support of its passage was the Philippine Legislators' Committee on Population and Development Foundation, Inc. (PLCPD), a non-governmental organization (NGO) of legislators which "primarily works within the halls of Congress" to develop "policy champions" and generate "viable, responsive and people-centered policies on population and human development" (PLCPD, n.d.). The PLCPD is partnered with various international and local groups and agencies such as the United Nations Population Fund and the Reproductive Health Advocacy Network (RHAN), "a coalition of non-government and people's organizations championing reproductive health, reproductive rights, and development concerns for the health, well-being and empowerment of the Filipino people" (RHAN, n.d.). On the other side, at the forefront of efforts to prevent the RH Bill's passage was the Catholic Church in the Philippines speaking through its episcopal conference—the Catholic Bishops Conference of the Philippines (CBCP)—and various pro-life groups such as Pro-Life Philippines and Couples for Christ. For over a decade, these two forces seemed evenly matched, with neither succeeding in completely overcoming the other.

But in 2012, legislators and groups favoring the passage of the RH Bill finally prevailed over their opponents, and the bill became law. Why this happened can be traced to a number of factors, but a very conspicuous change that took place in the battle between the two camps was the support lent to the passage of the bill by the president himself—support that all previous incarnations of the bill never had. It seems reasonable to assume, therefore, that presidential influence in the legislative process played a key role in the RH bill's passage in the HOR. How indeed President Aquino sought to influence the legislative process to pass the RH Bill is detailed in the next section.

### **Presidential support for the RH Bill**

President Benigno Aquino III was in favor of the passage of the RH Bill and sought to influence the legislative process to this end at several of its stages, namely, the agenda-setting, the formulation-modification, and the adoption stages. How he did so is discussed below.

#### *Influencing the agenda-setting stage*

As regards presidential influence at the agenda-setting stage, the first thing to note is that President Aquino was not reticent in declaring his support for legislation that would empower the government to provide reproductive health services to the people, especially to those who could not afford them. To be sure, rather than referring to “reproductive health,” he preferred to use the term “responsible parenthood”, perhaps in a bid to distance himself from the former term's use in connection with abortion, which in countries such as the United States is a component of reproductive health but which is a crime in the Philippines. What he meant by “responsible parenthood” he declared in these five points (Republic of the Philippines, 2011b):

1. I am against abortion.
2. I am in favor of giving couples the right to choose how best to manage their families so that in the end, their welfare and that of their children are best served.
3. The State must respect each individual's right to follow his or her conscience and religious convictions on matters and issues pertaining to the unity of the family and the sacredness of human life from conception to natural death.
4. In a situation where couples, especially the poor and disadvantaged ones, are in no position to make an informed judgment, the State has the responsibility to so provide.
5. In the range of options and information provided to couples, natural family planning and modern methods shall be presented as equally available.

Despite strong opposition from the Catholic Church, the President consistently stood by his position on the matter, indicating his preference publicly on a number of occasions. One such occasion was during his speech at the UP Diliman commencement exercises on 17 April 2011, where he declared,

I am resolved to enact into law the principles of Responsible Parenthood. I am aware there are those who oppose this. But it is my duty as our country's leader to reach out to all sectors, to talk to them and calmly discuss the issue at hand – even if there are those who have said that I should be excommunicated. We must listen even to those who, as some point out, come close-minded to the discussion. Ultimately, I need to make a stand. I need to follow my conscience, and I need to do what is right. (Republic of the Philippines, 2011a)

He also declared responsible parenthood the solution to the problems hounding the Department of Education in providing primary and secondary public education to hundreds of thousands of students – a clear signal to Congress that he wanted legislation on it (Republic of the Philippines, 2012).

To make it even clearer that he favored the enactment of a bill on responsible parenthood and reproductive health, he made it a priority bill in his administration's legislative agenda at the LEDAC meeting convened in August of 2011 (Avendaño, 2011). What he endorsed at the LEDAC meeting was an amended version of the RH Bill already filed in the HOR. He had the term "Responsible Parenthood" added to the RH Bill's title and proposed ten amendments, while keeping most of its provisions intact. In fact, for all intents and purposes, the bill he endorsed was the same as the version filed in the HOR, though he preferred to refer to it as the RP (Responsible Parenthood) Bill. By making it part of his legislative agenda in agreement with the leaders of Congress in the LEDAC, the president gave the RH Bill a significant "push" along the legislative process.

### *Influencing the formulation-modification stage*

Given its long history in Congress, the growing number and strength of House members and civil society groups pushing for its passage, and its being made a priority piece of legislation by no less than the President himself, the RH Bill easily made it past the Committee stage and onto First Reading in the 15th Congress. However, House members, backed by the CBCP and pro-life groups, who opposed its passage, hindered its progress at the stage of deliberation and debate on the floor. The debates on the bill stretched on for months, as anti-RH Bill

House members challenged it from multiple angles—economic, social, political and ethical. The debates could have gone on indefinitely, as neither side was willing to compromise.

It was at this stage that the President once again decided to intervene and use his influence to move things forward. In a lunch meeting with 182 House members at the presidential palace held on 6 August 2012, President Aquino appealed to those present to end the period of interpellations and debate on the RH Bill and move on to the period of amendments. According to a news report (Salaverria & Ubac, 2012), the President argued that the debates had gone on long enough (i.e., for around a year and a half), all issues about the measure had already been discussed fully, and that it was time to move on to the next stage. He apparently made it clear that he was not asking them to vote for the bill; only that he wanted the debates to end and the period of amendments to begin. As testimony to the considerable influence the President had over the lawmakers present at the lunch meeting, that very afternoon, a vote was taken in the HOR to terminate the period of debate.

Despite the fresh impetus to the passage of the RH Bill, it apparently was not until 26 November 2012 that the period of amendments began in earnest (Fonbuena, 2012c). This was apparently because anti-RH Bill legislators sought to delay discussions on amendments to the bill by making privileged speeches one after another (Fonbuena, 2012a).

With time running out for the 15th Congress to pass the bill (the Christmas break was fast approaching, the Senate was still to vote on the version before it, and the versions from each chamber needed consolidation by a bicameral Conference Committee), President Aquino once again elected to intervene in the legislative process by summoning some 170 of his allies in the HOR to Malacañang for a luncheon meeting where he appealed to them to end the period of amendments and call for a vote on the bill (“Aquino asks House allies to vote on RH Bill”, 2012). According to one legislator who was present at the meeting, the President did not tell them which way to vote, but made it clear that he himself, had he been a House member, would vote in favor of it “because that would be the only way he could face his constituents with the feeling that he was doing something good” (Walden Bello, quoted in “Aquino asks House allies to vote on RH Bill”, 2012).

A mere nine days after the President’s appeal, the period of amendments was terminated and a vote on Second Reading was taken. The vote was a close one, with 113 House members voting in favor of the bill and 104 against it (House of Representatives, 2012a, p. 52). On that occasion, the President sought to exert his influence on the legislators

by sending high-ranking Cabinet officials to the House to monitor the vote. As *Rappler* put it in one of its online articles,

What stronger message can be sent than sending Malacañang's armada to the House? LP president and DOTC Secretary Manuel Roxas II, budget secretary Butch Abad, Communications Secretary Ricky Carandang, and Presidential spokesperson Edwin Lacierda trooped to the House. They stayed in the South Lounge, the hang out place of solons that is off limits to the media. (Fonbuena, 2012c)

### *Influencing the adoption stage*

As soon as the RH Bill passed the Second Reading vote, President Aquino sought to ensure that no reversal of the vote took place at Third Reading and that no further delays to its passage would occur. This he did by finally certifying the RH Bill as urgent (House of Representatives, 2012b, p. 2). As mentioned previously, formally, presidential certification means that a vote on Third Reading could be taken immediately after the vote on Second Reading, that is, without having to wait for the distribution of a printed copy of the amended version of the bill and a further three days before a Third Reading vote can be taken. Informally, however, presidential certification is a clear call to partymates and allies in the HOR to approve a bill the president wants passed. As one legislator put it,

More than the procedural aspect that the certification brings, it gives the RH bill an added boost coming no less than PNoy himself. It totally changes the complexion of the bill. And for the doubting Thomases of the Liberal Party in the House, it sends a very clear and unmistakable message to its members as to the stand of its party leaders that we should support its passage. (Majority Floor Leader Neptali Gonzales II, quoted in Cheng, 2012)

Thus did the RH Bill receive final approval at the House of Representatives.

### **Concluding remarks**

For over a decade, legislators and civil society groups demanding that the Philippine state pass a Reproductive Health Law were time and again frustrated in their efforts by counterpart legislators and civil society groups opposed to the passage of such a law. As a result, from the 12th to the 14th Congress, none of the RH Bill versions filed in the House of Representatives made significant progress along the legislative path.

But in the 15th Congress, what is now known as the RH Law was finally approved by the HOR. This article proposes that the passage of the bill into law was due in large part to the influence President Benigno Aquino III managed to exert in the legislative process.

It is well known that, in a presidential system, the president can intervene in the legislative process to seek approval of his priority bills because of the various roles he or she plays in public policy making in general. Through the identification of the stages of this policy-making process, points at which the president could intervene in legislation were examined. In the case of the passage of the RH Bill in the HOR, it appears that presidential intervention at these points effectively determined the fate of the bill. In other words, the president's active push of the legislative measure was a key factor in its approval.

## Endnotes

- <sup>1</sup> The second paragraph of House Rule X, section 58 reads, "No bill or joint resolution shall become law unless it passes three (3) readings on separate days and printed copies thereof in its final form are distributed to the Members three (3) days before its passage except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency."
- <sup>2</sup> As when President Macapagal-Arroyo certified Senate Bill No. 1238 "reorganizing the Department of Tourism (DOT) and its attached agencies to boost tourism and attract more investments in the industry" (Senate of the Philippines, 2006).
- <sup>3</sup> Such as the Freedom of the Information Bill (Fonbuena, 2012b).

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**JEAN PAUL L. ZIALCITA, PhD** is an Associate Professor at the Department of Political Science, University of the Philippines, Diliman, where he teaches undergraduate and graduate courses on theories and methods in Political Science. His main research interest revolves around the phenomenon of migrant political transnationalism and its effects on migrant-sending countries like the Philippines.

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