

The Economic Bases for Regulating Philippine Higher Education

Michael M. Alba

Program on Higher Education Research and Policy Reform

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UP CIDS DISCUSSION PAPER SERIES

2026-46

UP CIDS Discussion Paper Series is published by the

**University of the Philippines
Center for Integrative and Development Studies**

Lower Ground Floor, Ang Bahay ng Alumni
Magsaysay Avenue, University of the Philippines
Diliman, Quezon City 1101

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**ISSN 2619-7448 (Print)
ISSN 2619-7456 (Online)**

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"Neither exclusive reliance on markets nor direct state provision: independent regulation as the institutional arrangement best suited to addressing market and government failures while aligning incentives with national aspirations and social welfare."

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The Commission on Higher Education's De Facto Price Cap Regulation of Private Higher Education Institutions

Michael M. Alba and Anthony Raymond A. Goquinco



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ISSN 2619-7448 (PRINT)
ISSN 2619-7456 (ONLINE)

DISCUSSION PAPER

The Commission on Higher Education's De Facto Price Cap Regulation of Private Higher Education Institutions

The Economic Bases for Regulating Philippine Higher Education

Michael M. Alba¹

¹ President, Far Eastern University Public Policy Center (FEU PPC). This essay is part of an ongoing research project on the economic regulation of Philippine higher education for which the author received a UP President Edgardo J. Angara fellowship grant and the FEU PPC obtained supplementary funding from FEU. I thank Emmanuel de Dios, Maria Cynthia Rose Bautista, and Vincent Fabella for their insightful comments as discussants, and seminar participants for their helpful feedback. Research assistance on this essay from Neil Joseph Iyog and Justin Muyot is gratefully acknowledged. The views expressed here, including errors and omissions, are the author's and do not represent those of his institutional affiliation.

Key Highlights

- **Research question:** The paper frames the organization of Philippine higher education as a mode-of-provision problem. It asks how the sector's institutions and incentive structures should be designed to advance national aspirations for higher education and to maximize social welfare by ensuring that higher education institutions (HEIs) fully perform their societal roles while accommodating the diversity of HEI missions, local conditions, and stakeholder aspirations.
- **Analytical framework:** Drawing on the economics of regulation and welfare economics, the paper compares alternative modes of provision for Philippine higher education according to their implications for the attainment of national aspirations and for maximizing social welfare. It evaluates the market failures associated free markets and the government failures associated with the direct state provision, before turning to independent regulation as the third institutional response to the limitations of both.
- **Main argument:** Philippine higher education cannot be left to free markets because it is beset by market failures. Nor can it be entrusted to direct state provision, given the country's susceptibility to bureaucratic inefficiencies, policy volatility, and the high cost of public funds – government failures that are likely to be more damaging than the market failures they would displace. The paper therefore argues that independent regulation offers the institutional arrangement best suited to advancing national aspirations and maximizing social welfare under Philippine institutional conditions.
- **Findings:** The analysis identifies four sources of market failure in higher education: club-good characteristics, externalities, localized natural monopolies in geographically thin markets, and information asymmetries. Moreover, it argues that information asymmetries are especially pronounced because higher education is both an experience good and a credence good. Finally, it concludes that, under Philippine institutional conditions, the welfare losses associated with government failure are likely to exceed those arising from market failure.

- **Policy recommendations:** The paper recommends establishing a carefully designed, independent regulatory agency for Philippine higher education. Its enabling statute should set out the agency's mandate and institutional design, including a regulatory framework that aligns stakeholder incentives with national aspirations and is mindful of social welfare, incorporates safeguards against political interference and regulatory failure, and requires that the agency be staffed by technical experts capable of designing and implementing targeted regulatory interventions.
- **Conclusion:** The paper concludes that, given the market failures inherent in higher education and the government failures associated with Philippine institutional conditions, neither free markets nor direct state provision constitutes an appropriate mode of provision for Philippine higher education. Rather, a carefully designed system of independent regulation provides the institutional arrangement best suited to advancing national aspirations, minimizing the welfare losses associated with market and government failures, and accommodating the diversity of HEI missions, local conditions, and stakeholder aspirations.

The Challenge

How ideally should Philippine higher education be organized so that its institutions and incentive structures support the achievement of the national goals for which higher education may be both a means and an end, while also advancing the sector's own social welfare objectives, ensuring that higher education institutions (HEIs) fully perform their institutional roles and recognizing the widely varied contexts in which the reforms will be introduced? In a textbook treatment, the economist-as-social planner would explore this question as a mode-of-provision design problem and seek the institutional arrangement that maximizes social welfare.

The Aspirations and Settings

The economist-social planner would likely begin by articulating national aspirations for higher education. He may come up with the following list (which implicitly acknowledges that higher education outcomes are a distinct dimension of human flourishing, but contribute to its full realization as well, so that higher education is an end in itself):

- The goals that modern Philippine society sets for basic and higher education are to:
 - a. develop the country's human capital in breadth and depth in order to make its workforce globally competitive and future-proofed against the technological and other disruptions of the 21st century, especially so that the Philippines would be able to maximize its demographic dividend; and
 - b. transmit Filipino culture, values, history, and identity to future generations (in a mature-adult sense) to ensure the cohesion of Philippine society and inculcate love of country.
- The welfare economics sectoral objectives of basic and higher education are to improve:
 - a. access to education, in general, and schooling, in particular;
 - b. operational efficiency in school administration (and other delivery modes of education);

- c. the distributional equity of schooling opportunities (rather than schooling outcomes); and
 - d. education quality, learning outcomes, and student success.
- The roles that modern society expects HEIs to perform (Barber et al., 2013), which enhances social welfare, are to:
 - a. confer academic degrees (as certifications that graduates have the necessary life skills for human flourishing and are adequately prepared for the world of work);
 - b. conduct research to push out the boundaries of knowledge (since HEIs are a modern society's primary repositories and vanguards of knowledge); and
 - c. enhance the economic prospects of the geographic area within its sphere of influence, which may be the city or local district, the province or domestic region, the entire country, the international region, or even the whole world (since, among modern society's various institutions, HEIs have the widest and deepest intellectual resources).

Lastly, the planner could note that, in the Philippine context, there is wide diversity in the local conditions of communities; the specific visions and missions of schools (along with the faculty and their academic fields); and the education-based aspirations of students and their families, private industry, the local and national government, and other stakeholders – all of which his proposed solutions have to consider, so that at the outset a one-size-fits-all, top-down administrative and governance structure cannot be the proposed mode of provision.

The Market Constraints

Under ideal conditions (including that stakeholder preferences are consistent with the articulated national aspirations), the market – guided only by Adam Smith's "invisible hand" – would deliver socially optimal outcomes. The planner would readily see, however, that market failures are rife in basic and higher education. These include the following:

- Education, arguably, is a club good rather than a pure public good.² Its benefits are excludable but nonrival. On excludability, the argument is that, in principle, a school can restrict admission to its campus and program offerings. On nonrivalry, it is that, barring congestion in the learning environment, students may *simultaneously* attend the same lectures, study the same learning modules, work on the same assigned homework, and use school facilities such as the library, gym, and computer and science laboratories.
- Education has external or spillover benefits (or costs). It is generally believed that educated people are more informed as well as civically responsible and engaged citizens. Moreover, public information is more easily disseminated among educated citizenry. An educated workforce is also thought to set an economy on a higher growth trajectory. On the other hand, educated persons have been known to apply their skills for ends detrimental to the common good.
- In catchment areas where demand is low relative to the minimum efficient scale (MES)³ of higher education provision (e.g., in regions with fragmented markets owing to their archipelagic geography), higher education exhibits the features of a natural monopoly. An HEI's cost structure involves substantial upfront fixed costs. To set up a campus, an institution must acquire property rights over and develop a relatively large tract of land where buildings with classrooms, laboratories, offices, and other facilities are constructed and maintained, together with supporting

2 In economics, goods (and services) may be classified by their consumption benefits, which are evaluated on two criteria: rivalry and excludability. The following table shows the resulting four categories of goods:

Types of Goods by their Consumption Benefits

	Excludable	Non-Excludable
Rival	Private Goods	Common-Resource Goods
Non-Rival	Club Goods	Public Goods

Because nonrivalry and nonexcludability each give rise to some market failure, the free market is not an ideal mode of provision for common-resource, club, and public goods as its outcomes would be predisposed to overutilization (for common-resource goods), cream-skimming or underutilization (for club goods), and free riding (for public goods).

3 The MES is the smallest level of output at which a firm's long-run average cost is minimized.

infrastructure such as roads and footpaths, parking spaces, water and waste-disposal systems, and the campus's internet backbone. At low enrollment levels, these fixed costs dominate total cost, while variable costs (such as faculty and personnel compensation) remain relatively small. Consequently, average cost declines over a wide range of output as enrollment increases until the institution reaches its MES.

An HEI operating as a natural monopoly and facing a downward-sloping demand curve would thus produce suboptimal social outcomes. If it charges the socially efficient tuition (where school fees equal marginal cost), it incurs losses because average cost exceeds marginal cost over the relevant range of output. If it charges the zero-profit tuition (where fees equal average cost), enrollment falls below the socially efficient level, generating a deadweight loss because some prospective students are priced out of higher education.

The more important concern in higher education, however, may not be monopoly pricing but market instability. Where demand is sufficient to sustain only one HEI at somewhat above MES, but insufficient to sustain two at that scale, unrestricted entry and exit may produce socially undesirable outcomes. The prospect of economic profits may induce the entry of a competing institution. But the resulting division of enrollment may leave either or both institutions operating below MES, rendering either or both economically nonviable. One or both schools may eventually be forced to close, imposing substantial adjustment and stranded costs on students and faculty alike. Affected students would have to transfer to other HEIs, may not receive full credit for previously completed coursework, and may lose the academic and social networks they have developed. Faculty and staff may be forced to seek employment elsewhere. Under these conditions, unrestricted entry and exit may undermine, rather than promote, social welfare.

- Education is beset with information asymmetry.
 - Education-financing mechanisms have to contend with adverse selection (or hidden attribute) and moral hazard (or hidden effort) problems. Loan programs may have features that make them more attractive to students with diminished capacities to repay – an adverse selection problem. Full scholarship grants may induce beneficiaries to be less diligent in their studies (because they have no “skin in the game”) – a moral hazard problem.

- Education is both an experience good and a credence good.

In standard economic models, goods are assumed to be homogeneous and therefore of uniform quality, allowing the analysis to focus on price-quantity interactions. When quality matters, goods are categorized according to how readily consumers can assess quality. Search goods are those whose quality can be evaluated before purchase; experience goods, during consumption; and credence goods, only well after consumption, if at all.

Examples of experience goods are books, movies, and travel-tour packages. At the point of sale of these goods, the buyer cannot know what the quality of her consumption experience will be. It is thus typical of experience goods that expert critiques and previous buyers' feedback are sought. Regardless, it is the individual consumer who discerns – for herself – the quality of her *unique* consumption experience, that experience being dependent on the predispositions of the consumer herself. If inattentive or unwilling to accept the good's experience premises, she will likely not enjoy the “ride.”⁴ In contrast, a consumer who completely immerses herself in the experience, fully engages it, and totally buys its premises – in a word, a super fan – is more likely to squeeze out the full impact (whether good or bad) of the consumption experience.

Arguably, education is an experience good because, when admitted to an academic program, a student is unlikely to know what the effects would be on her growth and development. It is her school that has a better understanding of the value proposition on offer – in other words, the information sets of the school and student are asymmetric. But the schooling experience is likely to be more transformative, the more fully the student is immersed in and engaged with the school's curricular and co-curricular activities as well as the world that the particular school opens.

⁴ An illustrative example: literature (cinema) presents an imagined world to its readers (viewing audience), where the rules and conditions of the real world may or may not apply. Readers (viewers) who are unwilling to suspend disbelief are unlikely to enjoy a book (movie) and may render critiques about it being “unrealistic.”

In the case of credence goods,⁵ examples include medical consultations and surgical procedures, car repair services, and herbal remedies or dietary supplements. With credence goods, quality is difficult to assess even after consumption because consumers do not know the extent of their need in the first place, and therefore how to appropriately address it. Rather, it is the expert who is able to diagnose the consumer's condition and prescribe a remedy. But this gives rise to information asymmetry – findings about the consumer's condition are discovered by the expert during the consultation or diagnostic procedure but hidden from or unobserved by the consumer (a case of adverse information about or a hidden attribute of the consumer discerned by the expert).

Due to the information asymmetry at the heart of credence goods, their markets are characterized by:

- a. being expert-driven – unable to assess their degree of need and the associated appropriate treatment, consumers generally go by the experts' diagnoses and prescriptions;
- b. consumers having to rely on the trustworthiness and honesty of the providers, because they are unable to verify the soundness of expert advice;
- c. unreliable feedback due to imprecise or even misleading consumer reviews, since consumers cannot clearly evaluate outcomes; and
- d. being prone to fraud (as the outcome of provider-initiated moral hazard)⁶ and the total breakdown of the market (as a market-for-lemons like consequence of adverse selection).

Arguably, these market characteristics resonate with higher education. The following adverse outcomes add weight to the claim that higher education is a credence good: a significant proportion of graduates are

5 Dulleck and Kerschbamer (2006) is the canonical paper on credence goods.

6 These include: over- or under-provision of services (vs. what the consumer needs), charging for services not rendered, and providing low-quality service but charging the high-quality price.

unable to pass the licensure exam of their academic program or find employment; when employed, they are unable to be promoted from entry-level jobs or they need additional training in order to meet their firms' minimum productivity standards.

- Higher education expenditures constitute a significant proportion of the household budget.

The direct and indirect costs of higher education are considerable, and higher education is likely to be a luxury (rather a necessary) good.⁷ This is not a market failure. But goods that take up a non-trivial fraction of the monthly household budget often become politically-sensitive, headline-grabbing issues and the object of public demands for government intervention, whether through direct provision, price subsidies, or regulatory oversight.

Given all the constraints just identified, the planner is left with the conclusion that a free, unfettered market will be unable to deliver the aspired for outcomes in higher education.

The Problems with Government Provision

An alternative mode of provision that the planner may explore is direct state provision. But given the Philippine experience he would be most wary of government failure⁸ – the phenomenon that government intervention results in a worse outcome than market provision. The reasons: government provision operates at a remove from the discipline of the market, while being vulnerable

7 Goods may be classified by the responsiveness of their demands to changes in consumer income. Measured by the income elasticity of demand, defined as the percentage change in quantity demanded due to a percentage change in income, a good is said to be normal if its income elasticity is positive (i.e., consumption expenditure increases as income increases) and inferior if its income elasticity is negative (i.e., consumption expenditure decreases as income increases). A normal good whose income elasticity is greater than unity (i.e., consumption expenditure increases by more than the percentage increase in income) is a luxury good, while one whose income elasticity is less than unity (i.e., consumption expenditure increases but by less than the percentage increase in income) is a necessary good.

8 Levy and Spiller (1994) classifies the country (together with Argentina) as a rent-seeking presidential system with weak political parties; a weak and corrupt judiciary; rent-seeking informal norms, though without outright expropriation of elite ownership; and a weak and corrupt administrative bureaucracy.

to political pressure and the expediencies of governance as well as being direly afflicted with bureaucratic inefficiencies, if not outright corruption. More specifically, government provision, being insulated from market forces, need not be responsive to social welfare considerations, such as operational efficiency and stakeholder preferences. As a consequence, government bureaucracies tasked with day-to-day operational missions tend to be overburdened, bloated, or both. Rather than be focused on addressing stakeholder concerns and enhancing social welfare, these bureaucracies can be distracted by political firefighting activities. And a bureaucrat's leeway to exercise discretion opens ample opportunities for exploitative, self-serving behavior.

Moreover, for administrative ease and efficiency, direct state provision may take the form of a one-size-fits-all, top-down administrative and governance structure – as exemplified by Philippine public basic education – that does not adequately account for the wide diversity of contexts in Philippine higher education. It is also susceptible to temporal changes in the policy preferences of successive government administrations,⁹ resulting in policy volatility, unstable governance, and considerable uncertainty for stakeholders.

An additional consideration in the Philippine context is the high cost of public funds. Jones et al. (1990) measures the marginal cost of public funds – how costly it is for an economy to raise tax revenues because (a) taxes are distortionary, inasmuch as they shift consumption and production away from optimal levels and cause deadweight losses, and (b) tax collection may be attended by inefficiencies and corruption. The study estimates are 0.3 for developed countries, 1.2 for Malaysia, between 1.2 and 1.5 for Thailand, and 2.5 for the Philippines.

For the Philippines, the estimate means that every peso that the government collects in taxes costs the economy ₱3.50 (1.00 + 2.50) in lost output. To put it in stark terms, the ₱128.2 billion¹⁰ appropriated for state universities and

9 An example: the turnover of senior officials in local government universities and colleges after elections that result in a change in the local government executive.

10 See <https://www.dbm.gov.ph/wp-content/uploads/GAA/GAA2024/VolumeI/GENSUM.pdf>.

colleges (SUCs) in the 2024 General Appropriations Act (Republic Act 11975) contributed to a ₱448.7 billion loss in the country's gross domestic product.¹¹

For this reason, the Philippine government must be judicious in public spending and allocate funds only to those projects with the highest social benefits, such as public-goods provision and targeted access to quality education (with the benefit leakage kept to a minimum).

Market Regulation

From the foregoing observations, the social planner may infer that market failures in higher education are likely to be less detrimental to the desired social outcomes than government failure – inasmuch as the culture and practices that result in the latter may be deeply entrenched in the country's (not just the government's) institutional infrastructure. If so, market regulation is the only viable alternative, though it obviously is not without its problems.¹²

Nonetheless, it is generally acknowledged (in healthcare financing, energy and utilities, transportation, and telecommunications, to name several) that independent or quasi-independent regulatory agencies – government entities that are legally distinct and functionally detached from government departments, specialized in their regulatory missions, and charged to pursue regulatory goals specific to their sector or industry – have at least two advantages over line-function bureaucracies: First, by design they are insulated from the day-to-day operations of governing and temporal changes in government preferences, and are thus able to project (the state's commitment to) administrative stability and trustworthy governance, at least within circumscribed regulatory jurisdictions. Second, conceived to be staffed by

11 To be fair to SUCs, the following questions should be answered: What is the return on investment (ROI) of the budgetary allocations for SUCs? Were there projects with higher ROIs that went unfunded or underfunded as a consequence? Given that SUCs charged socialized tuition fees before Republic Act 10931 (the Universal Access to Quality Tertiary Education Act), which indicated that households were willing to bear the financial burden of higher education costs, wouldn't the funds have been better allocated to support the research and public brain trust functions of HEIs? (After all, with so little work going on for these in many HEIs, the marginal benefits of research and brain trust capacitation are likely to be high.)

12 Alba (2026) discusses some of the defects of regulation both in theory and in the Philippine context.

experts in the specific fields of regulation required by the sector or industry, they are better able to carry out their regulatory missions and have better chances to achieve their regulatory goals (Decker 2023, 233–235).

Furthermore, the regulatory framework need not be limited to formulating and implementing specific interventions to address identified market failures; at the outset, that framework can be designed to align the incentive structure of stakeholders with national aspirations and to advancing social welfare. Regulatory rules can also be specified to explicitly require strict adherence to norms of behavior, such as to assiduously operate at an arm's length from all stakeholders, be transparent in dealings and decision making, be accountable to the public, and be fair to all stakeholders; in addition, they can anticipate and head off failures of regulation as well, such as regulatory capture,¹³ time-inconsistency problems in policy making,¹⁴ and the hold-up catch.¹⁵

Conclusion

Given the triple challenges that Philippine higher education faces – lofty aspirations, numerous market failures, and the high expected loss of government failure – the planner's best option may well be a carefully designed, independent regulatory agency (a) that is empowered with a clear mandate to drive progress toward the nation's aspirations for higher education and advance social welfare; (b) whose regulatory framework aligns the incentive structure of stakeholders with these aspirations and social welfare considerations; (c) whose rules explicitly (i) insulate it from government interference, (ii) require strict adherence to norms of behavior, such as maintaining arm's-length relationships

13 Regulatory capture is the phenomenon in which the regulator falls under the influence or control of some stakeholders and so acts in ways that benefit them rather than social welfare in general.

14 Time inconsistency in public policy making arises when policymakers announce and implement a policy that stakeholders rely on in making decisions, but subsequently find it expedient to renege on that policy after stakeholders have made their decisions. A classic example is a central bank that commits to a regime of low inflation but, after firms and workers have formed their expectations (and set wages accordingly), is tempted to undertake unexpected monetary expansion to stimulate output and employment.

15 A corollary of the time-inconsistency problem, the hold-up catch arises when stakeholders, relying on an announced policy, make irreversible investments, but a subsequent reversal of that policy leaves them with stranded costs.

with all stakeholders, transparency, public accountability, and fairness, and (iii) anticipate and prevent failures of regulation, such as capture and time-inconsistent policy making; and (d) is staffed by technical experts who can design and enforce targeted interventions to address identified market failures.

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