

# Resettlement Planning Document

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## Proposed Multitranche Financing Facility to the Metropolitan Waterworks and Sewerage System Philippines: Angat Water Utilization and Aqueduct Improvement Project

Prepared by Metropolitan Waterworks and Sewerage System (MWSS)

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# **COMPENSATION POLICY FRAMEWORK AND PROCEDURAL GUIDELINES (CPFPG)**

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**ADB Angat Water Supply Utilization and Aqueduct  
Improvement Project Multitranche Financing Facility**

January 2006

Metropolitan Waterworks and Sewerage System (MWSS)  
Manila, Philippines

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### **Appendix 6.1**

PMO Organizational Structure

## ACRONYMS

<b>AAC</b>	Awards and Arbitration Committee
<b>ADB</b>	Asian Development Bank
<b>CHR</b>	Commission on Human Rights
<b>CPFPG</b>	Compensation policy Framework and Procedural Guidelines
<b>DSWD</b>	Department of Social Welfare and Development
<b>EIA</b>	Environmental Impact Assessment
<b>HOA</b>	Homeowner's Association
<b>HUDCC</b>	Housing and Urban Development Coordinating Council
<b>LAR</b>	Land Acquisition and Resettlement
<b>LARP</b>	Land Acquisition and Resettlement Plan
<b>LGU</b>	Local Government Unit
<b>MWSS</b>	Metropolitan Waterworks and Sewerage System (MWSS)
<b>NGO</b>	Non-Governmental Organization
<b>PAFs</b>	Project Affected Families
<b>PCUP</b>	Presidential Commission for the Urban Poor
<b>ROW</b>	Right-of-Way
<b>UDHA</b>	Urban Development Housing Act
<b>UPAO</b>	Urban Poor Affairs Office
<b>SES</b>	Socio-Economic Study

## GLOSSARY

- a) *Compensation* refers to cash or payment in kind to which affected persons are entitled to in order to replace the lost assets, resources or income.
- b) *Cut-off date* is the date of commencement of the census of affected persons within the project area or right of way (ROW). Persons not covered in the census are not eligible for compensation.
- c) *Resettlement* means all measures taken to mitigate any and all adverse social impacts of the project on the APs, including compensation and relocation needed.
- d) *Relocation* means physical transfer of APs from their pre-project place of residence and rebuilding housing, assets including public utilities and infrastructure in another site/land.
- e) *Rehabilitation* means re-establishing incomes, livelihoods, living and social system and processes (organizations, social network, etc.)
- f) *Affected Family (AFs)*; indicates the household composed by one or more affected persons and the group of affected persons that will be relocated together.
- g) *Affected Person* includes any person, firms, or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. Affected person also refers to individuals/households squatting or, with the consent of land owner, occupying proposed relocation sites.
- h) *Replacement cost* refers to cost of replacing land, lost assets and incomes including cost of transactions. Value of physical assets will be determined by an independent land appraiser applying internationally recognized valuation methods hired by the project or by court of law as compensation for;
  - i. agricultural land – it is the pre-project or pre-displacement, whichever is higher market value of the affected land or, in absence of active land markets, the reproduction cost of the affected land. In both cases replacement cost includes also the cost of any registration and transfer taxes.
  - ii. land in urban areas – it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
  - iii. houses and commercial establishments and other structures based on replacement rates or current market prices of materials and labor free of transaction costs and deductions for depreciation or salvaged materials.
  - iv. crops based on current market prices.

- v. trees and other perennials based on market prices of harvests.
- i) *Informal settler* refers to individual or groups who occupy lands without the expressed consent of the landowner.
- j) *Formal settler* refers to individuals or groups who have legal titles to lands they occupy and will be affected as a result of the project construction (i.e. within ROW, etc.)
- k) *Professional squatter/squatting syndicates*. As defined by REPUBLIC ACT NO. 7279 ALSO known as the "URBAN DEVELOPMENT AND HOUSING ACT OF 1992":
  - (I) *Professional squatter* refers to individuals or groups who occupy a plot without the landowner consent and who have sufficient income for legitimate housing. The term also applies to persons who have been previously awarded homelots or housing units by the government but who sold, leased or transferred the same to settle illegally in the same place or in another area and non-bona fide occupants and intruders of lands reserved for socialized housing.
  - (ii) *Squatting Syndicate* refers to groups of persons engaged in the business of squatter housing for profit or gain
  - (iii) These terms shall not apply to individuals or groups who simply rent land or housing from professional squatters or squatting syndicates., with full knowledge that they have no legal right or claim to such land and or the use thereof.
- l) *Commercial establishment/private establishment* refers to structure built for business (trading, wholesaling, service providers, food and restaurant, transport, karaoke bars and others) built illegally or with lease arrangement with MWSS.
- m) *Residential/Commercial* refers to those structures that have mix uses such as business and residential purposes.
- n) *Commercial establishment owner* refers to affected person that own the structures for the purpose of undertaking business or renting it out with fee.
- o) *Commercial/residential renter* refers to a person who rents a designated area, for purposes of operating a business and establishing residence from a structure owner.
- p) *Commercial establishment employee* – refers to a person who is employed by either commercial establishment owners or stallholder renters doing specific jobs or tasks/or who works as helpers, sales clerks, drivers, etc.
- q) *Absentee structure owner* – refers to any individual who owns a structure or dwelling unit within the 25-meter pipe alignment who has ceased to occupy said structure for a continuous period of at least 6 months prior to the conduct of census and tagging activities.
- r) *Renter* – refers to any household/individual who pays the structure owner for occupancy or using the structure or a portion thereof.
- s) *Rent-free occupant*– refers to any household other than the owner occupying or using the structure or dwelling unit for free.

- t) *Caretaker* – any household who has been designated by an absentee structure owner to take care or maintain the facilities or his structure.

## CHAPTER I INTRODUCTION

### 1.1 Background

1. This Compensation Policy Framework and Procedural Guidelines (CPFPG) for the Angat Water Utilization and Aqueduct Improvement Project Multitranchise Financing Facility (the Project) has been prepared by the Metropolitan Waterworks and Sewerage System (MWSS). This document establishes a resettlement framework setting general provisions for implementing Land Acquisition and Resettlement (LAR) tasks under the Project and fitting the Policy on Involuntary Resettlement of the Asian Development Bank (ADB) the Project financier (see: "ADB Handbook on Resettlement: A Guide to Good Practice.")

### 1.2 Project Description

2. The Project will involve the construction, rehabilitation, and upgrading of critical components of the Angat Reservoir water supply system and will be subdivided in several core and non-core subprojects. The core-subprojects are:

(i) **Umiray-Angat Transbasin Tunnel Rehabilitation.** This subproject aims at the rehabilitation of damages caused by the November 2004 Typhoon. Civil works will entail: (a) repair of the Umiray River inlet structure which was buried by flood sediment; (b) clearing of the tunnel of logs and other debris; and (c) repair of the erosion-damaged outlet structure in Bulacan and associated mini-hydro power station.

(ii) **Aqueduct AQ-6 Construction and Aqueduct AQ-5 and Angat Reservoir Low-level Outlet Rehabilitation:** This subproject aims at the rehabilitation of aqueduct AQ5, which together with other 4 aqueducts carries about 50% of the total MWSS water supply to Metro-Manila, and at the construction of an additional aqueduct (AQ-6). The Angat reservoir low-level outlet needs to be cleared of debris related to the 2004 Typhoon. Both aqueducts will be repaired/constructed within the Right-of-way (ROW) corridor already owned by MWSS.

3. The non-core subprojects are:

(i) **Water Treatment Plants Construction.** This subproject will entail the construction of two Water Treatment Plants each requiring 2.5 hectares respectively, in La Mesa, Novaliches, and in North Caloocan City.

(ii) **Additional subprojects .** Additional subprojects either devoted to water sources development or improvement and to water distribution development or extension will be identified in the future.

### 1.3 LAR –related Conditionalities for the Project

4. In order to ensure that this CPFPG fits the characteristics of new subprojects eventually added to the Project, CPFPG provisions will have to be reviewed each time the EA proposes the financing of new facilities under the loan and at each semi-annual review mission. The approach followed for this multi-tranche loan facility is patterned on the ADB



policy approach for sector loans which requires the following LAR-related processing/implementation conditions:

**(i) Project appraisal:** (a) preparation of a general Compensation Policy Framework and Procedural Guidelines (CPFPG) to be reviewed by ADB; (b) for each core sub-project with LAR preparation of a full or short Land Acquisition and Resettlement Plan (LARP) depending on impacts severity (see below 1.4) to be reviewed by ADB; (c) disclosure of the LARP to the affected communities and on the ADB website; (d) distribution of a pamphlet summarizing the LARP for each affected family.

**(ii) non-core subproject appraisal:** (a) preparation of a full or short LARP (depending on impacts severity) for all non-core subprojects with LAR to be reviewed by ADB; (b) disclosure of the LARP to the affected communities and on the ADB website; and (d) distribution of a pamphlet summarizing the LARP to each affected family.

**(iii) Initiation of subproject civil works (for all subprojects):** satisfactory implementation of the LARP for all subprojects with LAR.

#### **1.4 ADB Policy impacts significance benchmarks**

5. Based on ADB policy a full LARP is to be prepared when the impacts are significant, while a short LARP is to be prepared when the impacts are *non-significant*. The impact significance benchmarks are as follows:

- a. *significant impacts* – if more than 200 affected persons (40-50 affected families) displaced or affected by more than 10% losses in income.
- b. *non-significant impacts* – if less than 200 affected persons (40-50 families) are displaced or affected.

#### **1.5 Land Acquisition and Resettlement Issues**

6. Of the core-subprojects so far identified, only the construction/repair of aqueducts AQ-6 and 5 will entail LAR. This core subproject's impacts have been fully assessed and will affect 377 families. Based on ADB requirements a full LARP will be prepared by MWSS for this subproject.

7. For what concerns the known non-core subprojects, the construction of the water treatment plant in Caloocan may entail minimal land acquisition but no resettlement. Based on ADB procedures a short LARP for this facility will have to be prepared before appraisal. Once the additional non-core subprojects will be identified for the planned water sources and distribution development, an impacts assessment will be carried out and if necessary the needed LARPs will be prepared as a condition for subproject appraisal.

## **CHAPTER II**

### **INSTITUTIONAL AND LEGAL FRAMEWORK**

#### **2.1 Institutional Framework**

8. The overall responsibility for enforcing this Resettlement Policy, including LARP preparation and implementation rests with MWSS. To ensure that the LARPs are implemented as planned an External Monitoring and Evaluation Team will be hired. MWSS will ensure that sustained efforts will be made to enhance community relationships and to promptly address issues or conflicts on compensation problems and complaints.

9. The MWSS will also ensure that AFs are afforded with opportunities for active and effective participation in the preparation and implementation of the Resettlement Plan.

10. Funds for planning and implementing resettlement activities will be provided by MWSS based on the budgetary requirements established in the LARPs. When relevant ,funding for the LARPs will be sourced from the concessionaire's fee.

#### **2.2 Legal Framework**

11. The Compensation and Rehabilitation Policy provided by this CPFPG is based on relevant Philippine laws/regulation and the ADB policy on involuntary resettlement. The main relevant Philippine laws are the 1987 Philippine Constitution which mandates for the compensation of people affected by public projects at fair compensation; the Republic Act 7279 of 1996 (UDHA) which details the land acquisition and impact compensation provisions relative to the acquisition of land for socialized housing purposes; and Republic Act 8974 relative to the acquisition of right of ways for national projects.

12. With few exceptions, the provisions of these laws fit with the general requirements of the ADB resettlement policy except for three major points. Whereas the Philippine regulation excludes informal settlers from any entitlement, the ADB policy still requires that these AFs are rehabilitated for losses related to land impacts; (ii) whereas Philippine law (RA 8974) does not automatically provide for land compensation at replacement rates the ADB policy requires upfront compensation of titled land at these rates.

13. These differences between Philippine law and ADB policy will be reconciled in favor of this latter. Therefore, the compensation policy for this project will provide rehabilitation for land losses also to informal settlers as long as these are not professional squatters and will provide land compensation for titled land directly at replacement (market) rates.

## **CHAPTER III**

### **THE COMPENSATION AND REHABILITATION POLICY FOR THE PROJECT**

#### **3.1 Principles**

14. The foregoing principles of the resettlement policy present the values that the government of the Philippines stand for regarding resettlement as well as the ADB guiding framework on involuntary resettlement. These are as follows;

- i. Negative impacts will be avoided or minimized as much as possible, unless absolutely necessary.
- ii. When impacts can not be avoided, compensation should be sufficient to improve or at least restore the pre-project income and living standards of affected persons.
- iii. Lack of formal land title should not be a bar to compensation or rehabilitation.
- iv. Compensation activities will be carried out with equal consideration of women and men. This will also include the opportunities at the relocation sites such as representation in associations, involvement in projects and economic activities and participation in decision making.
- v. The affected persons will be fully informed and consulted on compensation options and resettlement planning.
- vi. Asset compensation will be provided at replacement cost plus transaction costs.
- vii. Lost assets compensation, replacement of land and rehabilitation provisions and allowances will be provided in full prior to ground leveling and demolition.
- viii. Resettlement and compensation costs will be included in sub-project budgets.

#### **3.2 Eligibility**

15. Only those AFs found to be residing in, doing business, or cultivating land, or having rights over resources within the project affected areas as of the cut-off date (e.g., date of census surveys) are eligible to compensation for lost assets (i.e., land, structures and other fixed assets) and for other assistance.

16. The eligible AFs are any person, household, firm, or private or public institution who, on account of Project impacts, would have their right, title or interest in all or any part of a house, land (e.g., residential, agricultural, and industrial, including pastureland, fishpond, communal forest, etc.), fish pens, communal fishing grounds, annual or perennial crops and trees, or any other fixed or moveable asset acquired or possessed, in full or in part, permanently or temporarily, and who might suffer livelihood, income or business loss as a consequence thereof. In summary, eligible PAFs may fall under any of the following three groups: (a) those who have formal legal rights to land including customary and traditional rights; (b) those who do not have formal legal rights to land at the time of the cut-off date but have claim rights to such land or assets; and (c) informal settlers who are not professional squatters and who satisfy the requirement of the “cut-off date” (the date when impacts assessment tasks started).

17. Non-eligible AFs are: (a) those who settled or built assets after the cut-off date (the date when the impacts assessment started) or (b) professional squatters.

### 3.3 Entitlements

18. The eligible AFs will be entitled to the following compensation/rehabilitation provisions:

- a. **Residential/Commercial Land Loss:** Losses of titled land will be compensated at market rates free of transfer costs and taxes. Losses of untitled land will be rehabilitated based on two options:
  1. **OPTION 1:** a P 15,000 rehabilitation allowance in case of self-relocation.
  2. **OPTION 2:** One (1) 40 sq/m plot for each AF losing one or more houses, for each AF losing one or more commercial structure, and for each renter. The AFs will have to spend about P 2,500 to apply for land registration and titling. The AF will pay a minimal rent of P 100 a month if they fail to register after 6 months. The AF with titled plots will not be allowed to sell their lot within 5 years after relocation.
- b. **Loss of Residential/Commercial Structures and Other Structures:** This loss will be compensated at replacement costs free of depreciation. Movable structures (chicken coop, etc.) will not be compensated but transportation allowance will be provided to the AFs to cover transfer costs.
- c. **Loss of crops and Trees.** Annual crops will be compensated at market rates for the number of harvests lost. Perennial crops and trees will be compensated at market value based at the rate of three (3) annual harvests .
- d. **Loss of Business/Wage Income:** Loss of business income will be compensated through a business losses allowance corresponding to (a) three (3) months of income based on tax declaration, or (b) if the income tax declaration is unavailable, three (3) months of income based on the minimum salary in project areas. Loss of wages will be compensated through a wage loss allowance corresponding to two (2) months of salary.

19. The eligible AFs are also entitled to receive additional allowances and assistance provisions as follows:

- a. **Transportation allowance.** Each AF will receive a P2,500 allowance to cover the cost of relocating personal belongings and people. An additional relocation allowance will be provided to AFs who will have to relocate movable buildings or productive assets.
- b. **Food allowance:** Each relocated AF will receive a food allowance of P2,500
- c. **Lack of economic/Employment Opportunities for women:** Livelihood assistance for women will be provided to a woman for each relocated household in the form of: (a) vocational skills training to be provided by LGU/agencies at a cost of P2,500 for each household and, b) capital/loan assistance to be provided by DSWD/SEA-K and other micro-finance institutions to interested AFs.

20. The matrix below (Table 2) summarizes the above compensation eligibility and entitlements provisions for the project.

**Table 2 Entitlements matrix**

Loss type	Application	Entitled Person	Entitlements
1. Land	<ul style="list-style-type: none"> <li>- Titled land</li> <li>- Squatted land</li> </ul>	owner of titled land resident informal settlers occupying land used for: <ul style="list-style-type: none"> <li>o residence</li> <li>o commerce</li> <li>o community services</li> </ul>	Compensation at replacement cost Relocation assistance for loss of buildings plot, 2 OPTIONS: <ul style="list-style-type: none"> <li>i. P15,000 rehabilitation in self-relocation cases;</li> <li>ii. 1 40 sq/m. plot considered on a lease agreement if AP is not willing to pay for land titling. In such a case the AP will have to pay a monthly P100 rent.</li> </ul>
2. Rents or free use of buildings		Renters/Rent-free users	As above.
3.Structures	Residential/commercial structures	Owners	<ul style="list-style-type: none"> <li>- Replacement cost of affected structure</li> <li>- Movable structures will not be compensated but owners will get additional transportation allowance.</li> </ul>
4. Crops	<ul style="list-style-type: none"> <li>- Annuals</li> <li>- Perennials</li> </ul>	Owners	<ul style="list-style-type: none"> <li>o Compensation for 1 harvest</li> <li>o Compensation for 3 year harvest</li> </ul>
5. Business income	- Affected businesses	Owner of business <ul style="list-style-type: none"> <li>o With ITR</li> <li>o Without ITR</li> </ul>	Allowance equivalent to: <ul style="list-style-type: none"> <li>- 3 months income based on income tax declaration</li> <li>- 3 months based on minimum wage</li> </ul>
6. Wages	- Affected wage earner	- Wage earners	Rehabilitation assistance equivalent to 2 months actual wage
7. Lack of economic opportunities	Unemployed Women/wives	- 1 women x AF	Rehabilitation assistance package: <ul style="list-style-type: none"> <li>1) vocational training (P2,500 x AF)</li> <li>2) capital/loan assistance.</li> </ul>
8. Other entitlements (subsidy and allowance)		All AF affected by relocation	<ul style="list-style-type: none"> <li>- Food assistance (P2,500) x AF</li> <li>- Transportation allowance (P2,500) x AF</li> <li>- Transportation allowance for movable houses (P.2,500) x AF</li> </ul>

## CHAPTER IV

# PARTICIPATION, DISCLOSURE AND GRIEVANCES

### 4.1 Project Preparation and Implementation Phase

21. The project preparation and implementation consist of the following stages;
  - a. Pre-Feasibility
  - b. Feasibility
  - c. Detailed Engineering Design
  - d. Project Implementation
  - e. Post Project Implementation
22. Each of these phases presents logical steps and procedures where stakeholders participation is required.

#### a) Pre-Feasibility Study

23. *Step 1.* The MWSS, through its Engineering and Project Management Department and the Property Management Department will hold preliminary meeting with concerned officials of the local government units affected by the project Right of Way (ROW) and concerned government agencies if relocation program is to be implemented.
24. The objectives of this meeting are to;
  - i. Discuss the concept of the project
  - ii. Discuss the requirements of the project and its likely impact
  - iii. Present schedule of activities
  - iv. Create awareness and appreciation of the communities about the project
25. *Step 2.* General orientation of the program for the UPAO Offices, Engineering, Planning and CSWD Offices for the requirement of the initial poverty and social assessment (IPSA). Concerned agencies at the LGU level will inform affected barangays, the specifically the location of the Right of Way (ROW).
26. *Step 3.* Topo Surveys will be undertaken by surveyors to map the exact location of the ROW. The Topo map is the basis for the preparation of the structural map to be used for the listing and tagging of affected structures. IPSA will be conducted hand in hand with the Topo Survey.
27. *Step 4.* General orientation of the community through the MWSS and barangay officers affected by the ROW. The orientation will be facilitated by the barangay officers who have been oriented on the process. Project objectives and mechanisms and likely impact will be discussed in this orientation. The Census and SES are undertaken right away after orientation activities at the barangay level.
28. *Step 5.* Conduct of other studies such as the technical surveys, water resource assessment, environmental assessment and others.

29. *Step 6. EIA and Social Assessment*

The project team will assess the positive and adverse impacts of the project, number of households likely to be affected, types of impacts, tenure status and determine the need to displace or relocate people as a result of the aqueduct construction.

**b) Feasibility**

30. *Step 7. Resettlement Plan Preparation*

Based on the results of IPISA, census and SES survey of AFs, including among others, an inventory of affected assets, the LARPs will be prepared. The LARP will include the amount and process to be undertaken in the payment or compensation package for the AFs.

31. *Step 8. Presentation of RP Draft to Stakeholders*

Upon completion of the draft of the LARP, the Project Team (MWSS, Interagency Committee composed of Project Stakeholders and Technical Working Committee) will present the LARP to the affected persons (AFs) at the barangay level with the objective of reaching an agreement on the following;

1. Resettlement Program
2. Relocation sites, if needed
3. Role of communities in RP implementation

32. For this purpose, a pamphlet containing a brief description of the project, including compensation policy for affected families (AFs) will be developed. The pamphlet will be written in Tagalog. Other information will be provided to AFs including the following; mechanisms and procedures for participation, grievance procedure, among others. While the affected families (AFs) will be presented the benefits of different compensation options, the project team should emphasize the benefit of the relocation package in terms of tenure and sustainability and emphasizing their responsibility and contribution in sustaining better environmental and living conditions.

33. *Step 9. Follow-up Consultation with affected Persons*

If an agreement is not reached during the first consultation, a follow-up meeting will be undertaken to fill in the gaps or issues on the Resettlement Plan.

34. *Step 10. Finalization of the LARP by the Project team (MWSS and Project Stakeholders) based on inputs and suggestions*

**c) Finalization of the Technical Design**

35. *Step 11. Final version of the LARP will be presented to affected persons for final agreement and its implementation. The results of the environmental impact study and the prepared environmental management plan and the project's detailed engineering (technical designs) will be presented.*

**d. Project Implementation Stage**

36. *Step 12.* Various committees that were organized at the beginning will be working on various activities related to relocation. Beneficiary selection and awarding of benefits, social preparation of AFs before relocation, organizing AFs for orderly clearing, demolition and transfer to relocation sites and others.

37. *Step 13.* Sustaining Participation in Project Implementation after Relocation. After relocation and during the early phase of the relocation AFs should be able to organize themselves to be able to respond to their basic needs such as water supply, peace and order, environmental sanitation, cleanliness and beautification, etc. Self-reliant mechanisms should be installed employing the services of partner agencies in organizing AFs for the provision of livelihood assistance and other social services.

**e. Post Project Implementation**

38. *Step 14.* Monitoring RAP Implementation. The MWSS shall encourage the participation of the AFs in the monitoring of LARP implementation. An Internal Monitoring Committee composed of the MWSS, government agencies and AP representatives will be organized to (1) assess the progress of LARP implementation including the provision of entitlement package, (2) see to it that LARP are implemented as designed and (3) verify the funds are disbursed on time and in accordance with the provisions of the LARP.

39. An external Monitoring and evaluation team will be hired by MWSS to undertake the external monitoring and evaluation of LARPs implementation. External monitoring and evaluation will focus on the assessment of the effectiveness of the assistance provided to the AFs to improve their socio-economic situation.

**4.2 Disclosure Mechanisms**

40. A section on actual consultation and participation activities conducted will be included in the LARP. Specific activities like project orientation of project stakeholders, informal discussions with affected persons during Mapping, Census and SES Surveys, public consultation to present RP before finalization of the Resettlement Plan.

41. Process documentation report will be undertaken to describe the process on how discussion on the issues and concerns were resolved. The report will include the list of meetings held, where, when, number of participants and issues discussed. This will be expanded in the LARP document.

42. Based on ADB policy guideline, all Land Acquisition and Resettlement Plan (LARP) shall be disclosed in the affected Puroks or sites while a summary primer will be distributed to all affected persons (AFs). The LARP and the primer will also be disclosed in English on the ADB website.

**4.3 Redress of Grievances**

43. The MWSS will create an Awards and Arbitration Committee (AAC) in each LGU to determine qualified beneficiaries for resettlement, arbitrate in matters of claims and disputes, and safeguard the rights of the AFs. The AAC is composed of the MWSS as chair, concerned LGUs, NGOs and the barangay official as members and the PCUP as ex-officio member.



44. The procedures for grievances redress shall be governed by the established policies for relocation (from the determination of qualified beneficiaries living in the ROW to the implementation of the RP to ensure that post-relocation problems are properly addressed and satisfactory resolved). If no satisfactory resolution is achieved, the AFs and MWSS may bring the matter to court in case of benefit entitlements.

#### ***4.3.1 Awards and Arbitration Mechanics***

45. The AAC shall fix a period for the filing of petitions for census appeals. The period for filing shall be given the widest publicity in the area. Bulletins shall be posted in strategic and conspicuous places in the affected community or barangays. After the expiration of the period, no petition/appeal shall be entertained by the AAC, except when failure to file is based on justifiable grounds and shall be supported by affidavits of merit.

46. The petitioner/appellant shall file his/her appeal in writing. The letter of petition should be supported by valid/original documents. This shall be filed with the AAC Secretariat.

47. The AAC Secretariat shall initiate the review of documents and conduct of investigation, if warranted. It shall enlist the participation of the Barangay or People's Organization in gathering facts for the AAC deliberation.

48. The AAC, upon receipt of the results of the investigation shall deliberate on the case/petition. It may summon the petitioner for interview/classification or for submission of additional document/evidences in support of the petition.

49. The AAC Chairman shall preside over case deliberations. A simple majority of the committee members shall constitute a quorum. The chairman shall conduct a consensus of opinions and a decision of the majority of the members shall be sufficient to adopt any actions.

50. The AAC shall submit to the LGU Heads its approved resolutions for endorsement to MWSS.

51. All parties concerned in the case shall be formally notified of the final AAC decision.

52. In case, no satisfactory resolution is achieved, the AFs and MWSS may bring the matter to court.

## **CHAPTER V**

### **INSTITUTIONAL ARRANGEMENTS**

53. MWSS, the project proponent, is responsible for the overall project planning and design including preparation, implementation and financing of needed LARP and financing of internal and external monitoring of the implementation of the LARPs. Specifically, in the design planning and preparation of the LARPs, the MWSS is assisted by consultants it hired for the purpose.

54. A Project Management Office (PMO) will be responsible for project implementation and monitoring of LARP activities. The PMO will be attached to the office of the Deputy Administrator for Operations. (See attached Organizational Structure in Appendix 6.1)

55. Some government agencies such as the Housing and Urban Development Coordinating Council (HUDCC), Presidential Commission for the Urban Poor (PCUP) and Commission on Human Rights (CHR) will be responsible for ensuring that national policies regarding the relocation and eviction of informal settlers are undertaken based on the UDHA Law.

56. Specifically, the PCUP is responsible for 1) facilitating the processing and issuance of Demolition and Eviction Compliance Certificate pursuant to EO 152 and 2) monitoring the demolition of structures during relocation.

57. The CHR, on the other hand, will be responsible for ensuring that relocation is undertaken based on existing laws. It will see to it that the relocation of the affected families (AFs) is conducted in a human manner and the rights of all stakeholders are protected as provided in the UDHA Law. It will observe the actual dismantling and relocation activities to monitor the proponents' compliance to the legal requirements of demolition. It will also investigate complaints involving violations of human rights.

58. Local Government Units (LGUs) through its Urban Poor Affairs Office (UPAO) will be responsible for the LARP implementation. Specifically, the receiving LGUs will see to it that the relocatees are integrated into the socio-economic mainstream for them to have more access to social services and LGU support. LGUs will also be responsible for design and planning of needed resettlement sites.

59. The receiving LGU will orchestrate the delivery of social services through its local agencies; 1) the DSWD for livelihood and vocational skills training and other assistance for relocatees, 2) the Department of Education (DepEd) for ensuring the relocatees' children are accommodated and enrolled in receiving school and facilitate the transfer of documents from sending to receiving school and 3) the local Health Department for ensuring appropriate health and emergency response during and after relocation.

## CHAPTER VI

### COSTS AND BUDGET

60. The Resettlement Plan will include detailed cost estimates for all resettlement activities, including compensation for land acquisition, land development, relocation of AFs, transport assistance, food assistance during relocation and livelihood skills training and loan assistance to AFs. This will include the following;

Category	Cost Items
1. Resettlement Preparation	<ul style="list-style-type: none"> <li>○ Information and dissemination/meetings</li> <li>○ Social preparation activities/orientation</li> <li>○ Compensation for losses in the structures used for residential</li> <li>○ Compensation for loss of income, wages from employment or livelihood.</li> <li>○ Compensation for losses of land</li> <li>○ Compensation for disturbance caused by displacements of residential owners, renters of houses and caretakers</li> <li>○ Compensation for losses of crops and vegetation</li> <li>○ Land acquisition/Land development</li> </ul>
2. Relocation and Transfer	<ul style="list-style-type: none"> <li>○ Transport assistance for those going to the provinces</li> <li>○ Transport assistance during transfer to relocation site</li> <li>○ Food assistance for AFs for 7 days during actual relocation</li> </ul>
3. Income Restoration	<ul style="list-style-type: none"> <li>○ Livelihood/Technical Training Costs</li> <li>○ Operating Expenses</li> <li>○ Training Materials</li> <li>○ Micro-credit</li> </ul>
4. Administrative Costs (Project Management Office)	<ul style="list-style-type: none"> <li>○ Salaries and Wages</li> <li>○ Operating Expenses</li> <li>○ Monitoring</li> </ul>
5. Site Management Monitoring	<ul style="list-style-type: none"> <li>○ Salaries and Wages</li> <li>○ Operating Expenses</li> <li>○ Monitoring</li> </ul>
6. External Monitoring and Evaluation	<ul style="list-style-type: none"> <li>○ Salaries and Wages</li> <li>○ Operating Expenses</li> <li>○ Survey (Monitoring and Post-evaluation)</li> </ul>

#### 6.1 Cost Estimates

61. Each LARP will include detailed cost estimates for compensation and relocation of AFs broken down by compensation categories such as; land, rents, business, crops, allowances and eventual relocation site preparation costs.

62. Other cost items such as administrative and operational costs, other entitlement assistance package such as livelihood trainings and capital assistance will be estimated based on subproject needs. A ten percent (10%) contingency will be added to each of the cost items to accommodate increases in prices of goods and services.

## **6.2 Methodology To Be Used in Estimating Budget**

63. The chapter on costs will also provide a detailed explanation of the methodology followed for the computation of unit compensation rates. Budget items will be estimated at prevailing market/replacement rates as detailed by the compensation/rehabilitation policy for this CPFPG.

## **CHAPTER VII**

## INTERNAL/EXTERNAL MONITORING AND EVALUATION

### 7.1 Internal Monitoring and Evaluation

64. Internal Monitoring will be undertaken by the MWSS in partnership with the LGU through the UPAO offices. Internal monitoring will focus on the status of delivery of entitlement and assistance, activities undertaken vis-à-vis the targets set out in the resettlement plan. It will also determine the relocatees' socio-economic conditions at the relocation sites and what type of assistance is further needed to improve their living conditions.

65. Monitoring will be undertaken on a household or family basis to have a better understanding of the results of assistance. Community participation and grievance resolution will also be undertaken to assess the level of social interaction and degree of relationships established within the relocation sites.

66. Monthly monitoring of LGU-UPAO staff will be undertaken to assess entitlement/assistance delivery status including the conduct of other resettlement activities.

### 7.2 External Monitoring and Evaluation

67. An External Monitoring and Evaluation will be undertaken by an independent agency (NGO, academe or a consulting group) to assess the implementation of the resettlement process, the operation and management of resettlement sites and the delivery and responsiveness of the entitlement and benefit package.

68. The independent group will conduct semi-annual reviews for the entire duration of the resettlement process and an End-of-project Evaluation. External Monitoring will be conducted to verify the results of the internal monitoring and evaluate whether objectives of the resettlement program are met. Both qualitative and quantitative methods will be used in the process.

Scope	Sample of Monitoring Indicators Indicators
Project Implementation	<ul style="list-style-type: none"><li>○ Number of lots developed and used by relocatees</li><li>○ Resettlement procedure carried out as planned and scheduled</li><li>○ Social preparation carried out</li></ul>
Delivery of Compensation/ Entitlement	<ul style="list-style-type: none"><li>○ Number of AFs provided with transport services during relocation</li><li>○ Number of AFs provided with residential lots</li><li>○ Number of AFs provided with livelihood skills training</li><li>○ Number of AFs provided with food assistance</li><li>○ Number of AFs trained and have access to loans/micro-credit</li><li>○ Number of women/men engaged in productive activities</li><li>○ Number of AFs provided with job referrals</li></ul>

<b>Scope</b>	<b>Sample of Monitoring Indicators</b>
Consultation and Grievance	<ul style="list-style-type: none"> <li>○ Frequency of community meetings and consultation</li> <li>○ Number of relocatees in the resettlement site who are assisted in their grievances</li> </ul>
Benefit Impact Monitoring	<ul style="list-style-type: none"> <li>○ Changes in housing conditions of AFs</li> <li>○ Changes in income and expenditures</li> <li>○ Changes and improvement in the general community situation</li> <li>○ Changes in health condition of women and children</li> <li>○ Changes in relationship of family and community</li> <li>○ Changes in quality life among relocates</li> </ul>
Sustainability Mechanisms Established	<ul style="list-style-type: none"> <li>○ Number of organizations established at the relocation sites (HOA, livelihood associations, cooperatives, etc.)</li> <li>○ Level of savings/capital saved by livelihood associations</li> <li>○ Linkages and Network established by associations</li> </ul>

## **CHAPTER VIII**

### **IMPLEMENTATION SCHEDULE**

69. The implementation of the Resettlement Plan will be synchronized with the civil works activities. No construction and civil works activities will be undertaken unless the relocation sites shall have been prepared for the relocatees to settle. Basic facilities such as roads, electricity, water system and others will have to be initially established within the relocation sites before resettlement will take place.

70. The relocation activities which will be implemented before the civil works shall include both the pre-relocation and actual relocation activities. Post-relocation activities could be undertaken simultaneously with construction and civil works. A sample of the implementation schedule format is presented below.

<b>Target Schedule</b>						
<b>Activities</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1. Pre-relocation						
1.1 Land Acquisition						
1.2 Income Restoration Plan						
1.3 Site Land Development						
1.4 Finalization of AFs List						
1.5 Final List of Resettlement Plan						
1.6 ID card of AFs						
1.7 Land Distribution for AFs						
1.8 Compensation Payments						
2. Actual Relocation						
2.1 Demolition						
2.2 Relocation/Resettlement						
3. Post Relocation						
3.1 Formation of AF Committees/Association						
3.2 Livelihood/Skills Training						
3.3 Employment Generation/Referral						
3.4 Social Development Projects' Implementation						