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CURRENCY EQUIVALENTS
(as of 31 March 2018)

Currency unit    – peso/s (₱)
₱1.00           = $0.01916
$1.00           = ₱52.17

ABBREVIATIONS

AD    – Ancestral Domain
ADB   – Asian Development Bank
ADSDPP – Ancestral Domain Sustainable Development and Protection Plan
AH    – Affected Household
AKPF  – Abot-Kaya Pabahay Fund
AO    – Administrative Order
AP    – Affected Person
BCDA  – Bases Conversion and Development Authority
BEP   – Blumentritt Extension Project
BIR   – Bureau of Internal Revenue
BSP   – Bangko Sentral ng Pilipinas
CA    – Community association
C.A.  – Commonwealth Act
CADC  – Certificate of ancestral domain claim
CADT  – Certificate of ancestral domain title
CALT  – Certificate of Ancestral Land Title
CAP   – Corrective Action Plan
CCA   – Community consultative assembly
CDC   – Clark Development Commission
CGC/CNC – Clark Green City (also known as Clark New City)
CGT   – Capital Gains Tax
CIA   – Clark International Airport
CLASP – Community Land Acquisition Support Program
CLOA  – Certificate of Land Ownership Award
COI   – Corridor of Impact
CMP   – Community Mortgage Program
CMP-M – CMP Community Mobilizers
DDR   – Due Diligence Report
DENR  – Department of Environment and Natural Resources
DEO   – District Engineering Office
DMS   – Detailed Measurement Survey
DO    – Departmental Order
DOTr  – Department of Transportation
DP    – Displaced Person
DPWH  – Department of Public Works and Highways
DST   – Documentary Stamp Tax
EA    – Executing Agency
EMA   – External Monitoring Agency
EO    – Executive Order
ESR   – Environment, Social and ROW Division
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>FPIC</td>
<td>Free and Prior Informed Consent</td>
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<tr>
<td>GCR</td>
<td>Greater Capital Region</td>
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<tr>
<td>GFI</td>
<td>Government Financial Institution</td>
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<tr>
<td>GOP</td>
<td>Government of the Philippines</td>
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<tr>
<td>GRC</td>
<td>Grievance Redress Committee</td>
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<td>GRM</td>
<td>Grievance Redress Mechanism</td>
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<td>HDMF</td>
<td>Home Development Mutual Fund</td>
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<tr>
<td>HH</td>
<td>Household</td>
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<tr>
<td>HLURB</td>
<td>Housing and Land Use Regulatory Board</td>
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<tr>
<td>HUDCC</td>
<td>Housing and Urban Development Coordinating Council</td>
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<tr>
<td>IA</td>
<td>Implementing Agency</td>
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<tr>
<td>ICC</td>
<td>Indigenous Cultural Community</td>
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<tr>
<td>IOL</td>
<td>Inventory of Loss</td>
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<tr>
<td>IP</td>
<td>Indigenous People</td>
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<tr>
<td>IPA</td>
<td>Independent Property Appraiser</td>
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<td>IPP</td>
<td>Indigenous Peoples Plan</td>
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<td>IPRA</td>
<td>Indigenous Peoples Rights Act</td>
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<tr>
<td>IR</td>
<td>Involuntary resettlement</td>
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<tr>
<td>IRR</td>
<td>Implementing Rules and Regulations</td>
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<tr>
<td>ISF</td>
<td>Informal Settler Families</td>
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<tr>
<td>JICA</td>
<td>Japan International Cooperation Agency</td>
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<tr>
<td>LARRIPPP</td>
<td>Land acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (DPWH, 2007)</td>
</tr>
<tr>
<td>LBP</td>
<td>Land Bank of the Philippines</td>
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<tr>
<td>LCMP</td>
<td>Localized Community Mortgage Program</td>
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<tr>
<td>LGU</td>
<td>Local Government Unit</td>
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<tr>
<td>LHB</td>
<td>Local Housing Board</td>
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<tr>
<td>LRT</td>
<td>Light Rail Transit</td>
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<tr>
<td>LTAP</td>
<td>Land Tenure Assistance Program</td>
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<tr>
<td>MCRP</td>
<td>Malolos-Clark Railway Project</td>
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<tr>
<td>MFF</td>
<td>Multitranche financing facility</td>
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<tr>
<td>MO</td>
<td>Memorandum Orders</td>
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<tr>
<td>MOA</td>
<td>Memorandum of agreement</td>
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<tr>
<td>MOU</td>
<td>Memorandum of understanding</td>
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<td>MRT</td>
<td>Mass Rail Transit</td>
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<tr>
<td>NCIP</td>
<td>National Commission on Indigenous Peoples</td>
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<td>NEDA</td>
<td>National Economic and Development Authority</td>
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<tr>
<td>NGO</td>
<td>Non-government organization</td>
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<td>NHA</td>
<td>National Housing Authority</td>
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<td>NHMFC</td>
<td>National Home Mortgage Finance Corporation</td>
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<tr>
<td>NSCR</td>
<td>North-South Commuter Railway</td>
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<tr>
<td>OCC</td>
<td>Operations Control Center</td>
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<tr>
<td>OCL</td>
<td>Omnibus Commitment Line</td>
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<tr>
<td>PAF</td>
<td>Project affected family</td>
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<tr>
<td>Pag-IBIG</td>
<td>Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industria at Gobyerno</td>
</tr>
<tr>
<td>PAP</td>
<td>Project Affected Person</td>
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<tr>
<td>PD</td>
<td>Presidential Decree</td>
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<tr>
<td>PHP</td>
<td>Philippine Peso</td>
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<tr>
<td>PIAC</td>
<td>Project Inter-Agency Committee</td>
</tr>
<tr>
<td>PIB</td>
<td>Public Information Booklet</td>
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</table>
GLOSSARY

Some definitions are adopted from the Indigenous Peoples Rights Act of 1997 (IPRA).

Ambulant Vendor

Itinerant vendors who move from place to place to sell goods/services

Ancestral Domain

All areas generally belonging to indigenous cultural communities (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals, corporations, and which are necessary to ensure their economic, social, and cultural welfare. It includes land, forests, pasture, residential, agricultural, and other lands individually owned whether in alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or who practice shifting cultivation. (Adopted from Republic Act [R.A.] 8371)

Ancestral Lands

Land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves
or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots. (Adopted from R.A. 8371)

Certification Precondition (CP)
A document issued by the National Commission on Indigenous Peoples (NCIP) attesting that the applicant or project proponent has complied with the requirements for securing the consent of affected ICCs/IPs in accordance to the Free, Prior and Informed Consent Guidelines of 2012.

Compensation
Payment in cash or in kind for land, housing, income, and other assets acquired or adversely affected by the project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates. Replacement cost calculation comprises these elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued (if any), (iv) transitional and restoration costs (if any); and (v) other applicable payments (if any).

Customary Law
A body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by the IP communities.

Cut-off date of eligibility
The concept of the cut-off date for eligibility is typically used for the non-titleholders, which is generally the date of commencement of the project census of affected persons within the project boundaries. Persons not covered at the time of census taking will not be eligible for claims of compensation entitlements.

Entitlement
Range of measures comprising compensation, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature and severity of their losses, to restore their economic and social base.

Free and Prior Informed Consent
The consensus of all members of the affected IP group is to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable and appropriate to the community. Broad community support may exist even if some individuals or groups object to the project.

Income restoration
Re-establishing income sources and livelihoods of PAPs to approximate or exceed the level it was before the development project.

Indigenous People
A group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized
community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs will likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions or cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. (Adopted from R.A. 8371).

Land acquisition

The process whereby a person is compelled to relinquish ownership, possession, control or use of all or part of their land, structures or other assets to the project in exchange for cash or in-kind compensation. This includes land or assets for which the possessor or user enjoys customary or uncontested access but lacks legal title. For this project, compensation is based on replacement cost.

Professional squatter

Professional squatters as defined by Philippine law are:

(i) Individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing.

(ii) Persons who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area

(iii) Non-bona fide occupants and intruders of lands reserved for socialized housing

Project affected person (PAP)

Project affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Relocation

Physical displacement of a PAP from his/her pre-project place of residence and his/her transfer to another place.

Replacement cost

Amount of cash or kind needed to replace an asset (i.e., land, private structure, crops and trees, public structure and common resource). Replacement cost calculation comprises these elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued (if any), (iv) transitional and restoration costs (if any); and (v) other applicable payments (if any).
| Resettlement | All measures taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed. |
| Vulnerable groups | Distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: The project defines vulnerable persons as (i) underprivileged below national poverty line, (ii) households headed by senior citizens, (iii) single women-headed households, and (iv) households with members who are persons with disabilities. |
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EXECUTIVE SUMMARY

1. The Government of the Philippines (the Government) is requesting the Asian Development Bank (ADB) for assistance to help finance the Malolos-Clark Railway Project (MCRP). The proposed financing modality of the MCRP is a multitranche financing facility (MFF) and will be co-financed with JICA. This Resettlement and Indigenous Peoples Framework (RIPF) has been prepared to guide the preparation of tranche-wise safeguards documents. It is a combined framework as there is a remote possibility that there may be land acquisition within or close to ancestral domain land of the indigenous peoples.

2. Tranche 1 of MCRP will consist of two sections. The first section will provide a high standard suburban commuter rail service from Malolos to Clark International Airport with the line commencing at the City of Malolos, passing through the municipalities of Calumpit in the province of Bulacan, and Apalit, Minalin and Santo Tomas in the province of Pampanga, and cities of San Fernando, Mabalacat and Angeles until the alignment reaches inside the Clark International Airport Complex, all in the Province of Pampanga. The length of the first section will be comprised of 51 km long railway, plus a 1.8 km spur line to the depot. This will comprise of 49.4 km of viaduct and 0.8 km on an embankment/at grade. There may also be a possible tunnel with a length of 3.0 km, and six stations, bridge crossings, construction yards and disposal areas, and one depot with an operations control centre. The rail service will connect to another government railway project currently under implementation, the North South Commuter Railway (NSCR), which will construct a railway line from Malolos to Tutuban in Metro Manila. The second section of MCRP will link Solis Station – which is part of NSCR – to other rail systems in Metro Manila by adding an extension of railway line and a station at Blumentritt in Santa Cruz, Manila City. This extension will comprise of approximately 2.4 km elevated, double track alignment (station to station).

3. **Anticipated social safeguard impacts.** MCRP will utilize existing Philippine National Railway (PNR) right-of-way (ROW), as well as acquire additional parcels of land in areas where the width of the PNR ROW is less than 30 m, and at station locations, which will require 60 m width. Involuntary resettlement impacts will be a result of the acquisition of land for stations, depots and to widen the ROW, as well as displacement of informal settlers and other land users within the existing PNR ROW. New ROWs will need to be acquired for the spur line from Clark to CIA (approx. 11km). While MCRP will maximize use of the existing PNR alignment, some sections between Apalit and Angeles are expected to be realigned. Land acquisition for the realignment and new alignment sections is expected to be mostly farming land.

4. There has been large scale encroachment on the PNR ROW and old station sites, since the last train used the tracks in 1986. As a result, it is anticipated that approximately 5,800 persons might be affected due to ROW clearance and land acquisition for the Malolos-Clark Section, and approximately 1,781 persons for the Blumentritt Extension. There will be physical and economic displacement, permanent and temporary damages to structures, crops and trees.

5. There is not expected to be any loss of land use in areas where indigenous peoples (IPs) reside, nor is it anticipated that land will need to be acquired in ancestral domain areas, but if this is not the case, the project will follow the procedures and principles set-out in this document. The project nevertheless has sought clearance from the National Commission for Indigenous Peoples (NCIP) for the proposed depot area as it is in the vicinity of ancestral domain land as per requirement of the Philippines Indigenous Peoples Rights Act. The NCIP has issued a Certificate of Non-Overlap.

6. **Social Safeguards Policy Principles for the Project.** This RIPF provides the policy framework that covers both involuntary resettlement (IR) and indigenous peoples (IP) under the ADB Safeguards Policy Statement (SPS) of 2009 and relevant Philippine laws and procedures.
The Project shall, under the aegis of the executing agency, DOTr, uphold the IR and IP policy principles for the Project as follows:

(i) Involuntary resettlement should be avoided where feasible;
(ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options as agreed upon during community assemblies or other fora;
(iii) People unavoidably displaced should be compensated and assisted so that their economic and social future would be as favorable as it would have been in the absence of the project;
(iv) People affected by involuntary resettlement due to development initiatives should be fully informed and consulted and have agreed on resettlement and compensation options;
(v) Existing social and cultural institutions of PAPs and their hosts should be supported and used to the greatest extent possible, and PAPs should be integrated economically and socially into host communities;
(vi) Lack of legal rights to the assets lost will not hinder PAPs from entitlement to such compensation or rehabilitation measures; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and appropriate assistance should be provided to help them restore their incomes and livelihoods;
(vii) As far as possible, involuntary resettlement should be conceived and executed as a development activity as part of the project; and
(viii) The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.

7. Separate safeguard documents will be prepared for the Malolos-Clark Section and Blumentritt Extension following the principles outlined in this framework.

8. **MFF Project Screening and Minimizing Adverse Impacts.** This RIPF provides the guidelines in screening for and minimizing adverse impacts – noting that MCRP is classified as Category A for involuntary resettlement and A for indigenous peoples. Ensuing MFF subprojects and sections may therefore be Categories A, B, or C for involuntary resettlement and for Indigenous Peoples safeguards.

9. **Affected Persons and Eligibility.** The cut-off-date of eligibility under the project will be the starting date of the census and structure tagging for informal settlers and the issuance of the Notice of Taking by the DOTr for those with formal land claims. Affected persons (AP) or peoples are those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, and resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, social and cultural networks and activities.

10. **Socio-economic Assessment, Resettlement and IP Planning.** This RIPF provides the guidelines in the conduct of the social assessment for both resettlement and IP planning. The guidelines outline the manner in which the social assessment can be conducted in a gender-sensitive manner, in consultation with PAPs.

11. **Consultation, Participation, and Disclosure.** Meaningful consultation is upheld under this RIPF to ensure issues, concerns, voices and the potential of affected households are incorporated in the project preparation, implementation, monitoring and reporting. The DOTr, in collaboration with the local government units and housing agencies, will conduct meaningful consultation with affected persons, their host communities, and civil society. DOTr will pay particular attention to the needs of disadvantaged or vulnerable groups, especially those below
the poverty line, the landless, the elderly, female headed households, women and children, IPs/ICC's, and those without legal title to land.

12. **Disclosure.** The social safeguards documents will be disclosed to APs and other stakeholders at consultation meetings held by the DOTr. The social safeguard documents shall also be accessible to the public through the JICA, ADB and DOTr websites. DOTr will be guided by the ADB Public Communications Policy (2012) and Accountability Mechanism (2012) and submit the following documents to ADB for disclosure on ADB's website. This includes (i) this RIPF, (ii) draft social safeguards planning documents as endorsed by DOTr before project appraisal; (iii) the final social safeguards planning documents approved by DOTr after the validation of affected persons has been completed based on detailed engineering designs; (iv) a new or updated social safeguard planning documents and a corrective action plans prepared during land acquisition for MMF projects/sections; and (v) monitoring reports. Social safeguard documents will also be available on JICA and DOTr’s website.

13. **Compensation and Entitlements.** Compensation at replacement cost will be provided to all persons/households losing land and/or other assets due to land acquisition and ROW clearing for the project. As appropriate, compensation will be accompanied with assistances, as outlined in the entitlement matrix. DOTr will work closely with the LGUs and National Housing Agency in the implementation of the land acquisition and ROW clearing work, resettlement and the allocation of compensation and entitlements in accordance with the entitlement matrix.

14. **Relocation Assistance.** The entitlement matrix includes options for self-relocation and assisted relocation. The options for assisted relocation are dependent on the eligibility category of government housing programs, as well as financial capacity of the PAPs. Generally speaking, those with greater needs, such informal settlers who have low-incomes and are landless, will receive greater levels of assistance and subsidy. For informal settler families (ISFs), assisted relocation includes availing of government socialized housing programs or relocation packages from the National Housing Agency (NHA) and Social Housing Finance Corporation (SHFC). PAPs that do not qualify for government socialized housing programs can avail of government economic and medium cost housing programs under the Home Development Fund otherwise known as Pag-IBIG Fund. PAPs will be supported in their relocation, whether they choose to self-relocate or assisted relocation, as detailed in the entitlement matrix. Other who may be ineligible for the government housing programs may be able to avail of public rental accommodation provided by the project, in conjunction with LGUs.

15. **Livelihood Restoration Program.** The Resettlement Action Plans/Indigenous Peoples Development Plans will include the development of programs to restore or rehabilitate incomes and livelihoods, including short-term and long-term interventions that are appropriate for the cultural background and practices of PAPs in the project sites. Strategies for income and livelihood restoration shall be consistent with the requirements of ADB’s SPS and may include but not be limited to (i) training/capacity building for livelihood; (ii) prioritized hiring of PAPs to serve as contracted human resources for tranche-specific activities; and (iii) financial and in-kind assistance support to the poor will be allocated attached to capacity building initiatives. PAPs who lose 10% or more of their productive assets for the identified tranches will be entitled for livelihood/income restoration assistance.

16. **Grievance Redress Mechanism.** The Grievance Redress Mechanism (GRM) outlines the procedures in which grievances will be accepted, assessed and resolved, and includes four levels of grievance redress for complaints made concerning the project. The GRM has been developed in accordance with the ADB SPS (2009) and aims to reduce impacts and risks of the project and promote mutually constructive and trust-based relationships with affected people. It includes customary modes of resolving issues and concerns raised by IP communities.
17. **Institutional Arrangements.** The institutional arrangements for this project involve the DOTr being the executing and implementing agency. Other key institutional stakeholders include Philippines National Rail (PNR), NHA, SHFC, and LGUs. PNR will participate in project design, including mitigation measures and social actions plans. The MCRP Environment, Social and Right of Way Project Management Office (ESR-PMO) under the DOTr’s Office of the Undersecretary for Railways will be the responsible entity for the preparation and implementation of the resettlement action plan including ROW acquisition, relocation of PAPs, including ISFs and IP communities in compliance with policies outlined in this framework and national laws. It is organized with technical and administrative manpower to conduct a range of activities from impact assessment to payment of compensation, among others. NHA and SHFC will be involved in resettlement of PAPs eligible for the socialized housing program and will be closely involved in resettlement action planning and livelihood restoration programs.

18. **Budget and Financing.** DOTr shall provide adequate budget for land acquisition and ROW clearing in advance of the project implementation. The Resettlement Action Plans and/or Indigenous Peoples Development Plans will include a budget section indicating: (i) unit compensation rates for all affected items and allowances; (ii) methodology followed for the computation of unit compensation rates; and (iii) a cost table for all compensation expenses including administrative costs and contingencies.

19. **Monitoring.** There will be two types of monitoring: internal and external monitoring. DOTr will establish semi-annual monitoring of the safeguards documents and submit a semiannual monitoring report to ADB. To ensure compliance, the services of an external monitoring agent will be procured by DOTr to provide an independent periodic review and assessment. Disclosure of semiannual monitoring reports will be made upon submission to ADB. Preparation of semiannual monitoring reports commence upon loan effectiveness and are carried out on an ongoing basis until a project completion report is issued.
I. INTRODUCTION

20. This is a combined draft resettlement and indigenous peoples planning (RIPPF) framework. It is a combined document because, there is a possibility, even remote, that some areas claimed as the ancestral domain land of the indigenous peoples may be affected by the project. In that eventuality, apart from ADB’s Safeguard Policy Statement (SPS) Safeguard Requirements 2 (SR2), Safeguard Requirements 3 (SR3) for the indigenous peoples will also be applicable.

A. Project Description

21. The Government of the Philippines (the Government) has requested Asian Development Bank (ADB) for assistance for the Malolos-Clark Railway Project (MCRP). The project will be co-financed by Japan International Cooperation Agency (JICA). MCRP will include two sections of new railway services. The first segment involves the construction of a 51-kilometer (km) section of a railway line connecting Malolos to Clark and the Clark International Airport (CIA), located in the Central Luzon Region around 100 km north of Manila. As part of a different project, the Government is constructing the 37 km Tutuban–Malolos section of railway with financial support from JICA, known as the North South Commuter Railway (NSCR). The second section of MCRP will involve approximately 2.4 km of railway connecting Solis Station (which is part of NSCR) to a newly constructed Blumentritt Station (station to station). Both projects will promote and ensure sustainable development of Metro Manila, Greater Capital Region (GCR), and the Philippines.

22. Roadmap. Metro Manila, the largest urban aggregation in the Philippines with a population of 12.8 million in 2015, is facing a rapid increase in population (1.58% annual increase in 2010–2015). It also has a high population density of 20,000 per square km. Although Metro Manila accounts for 38% of gross domestic product, the potential of economic development has deteriorated due to heavy traffic congestion. To solve the issue, the Government has prepared a roadmap to develop hierarchical regional centers and clusters in the GCR, which is the surrounding areas of Metro Manila, Region III, and Region IV-A, to enhance economic development with improved connectivity, both by suburban rail and expressway.

23. In Metro Manila, currently three urban metro lines are in operation, namely, Light Rail Transit (LRT) Line 1, LRT Line 2, and Mass Rail Transit (MRT) Line 3. All of them are elevated railways, with a total length of 44 km, serving 350 million annual passengers in total (2016). In addition, the Philippine National Railways (PNR) operates a commuter railway from Tutuban to Alabang (28 km) and beyond, serving 21 million passengers a year (2016). Considering the population size and density of Metro Manila, the railway network is sparse. For the railway service to the north, the PNR ceased its operation of a long-haul line in the 1980’s. The rails have been removed but right-of-way (ROW) is available for the project, although encroached upon.

24. To meet the railway development needs in Metro Manila and GCR, several railway projects are ongoing or are in the planning stage. In 2015, the Japan International Cooperation Agency (JICA) concluded a loan agreement with the government for the development of the North-South Commuter Railway (NSCR; 37 km from Tutuban to Malolos), for which detailed engineering design is ongoing. The proposed MCRP is to extend the NSCR to the north and provide a new railway from Malolos to Clark.

25. The Blumentritt Extension will link the NSCR and MCRP to the Blumentritt Station in Santa Cruz, Manila City and will comprise of approximately 2.4 km elevated, double track alignment (station to station). Blumentritt Station is a transfer station, where passengers can change trains and continue their journey with Light Rail Transit (LRT) Line 1.

26. Another railway project is to expand the railway line from Blumentritt Station to the south, which is known as the South Commuter Railway Project (SCRP) (previously referred to as the North South Railway Project or NSRP), which is a 53.7 km railway line from Blumentritt to Calamba in the Province of Laguna. These three lines (MCRP, NSCR, SCRP) combined will create a north-south railway corridor in GCR.

27. MCRP is part of the government’s efforts to promote inclusive growth and improve the public transport services to currently underserved areas in the country. MCRP is expected to ease traffic congestion on the existing national and local roads along the railway's route and reduce Metro Manila traffic, while accelerating economic growth and expansion along the project's influence areas.

28. MCRP’s first section will provide a high standard suburban commuter rail from Malolos to Clark with the line commencing at the City of Malolos, passing through the municipalities of Calumpit in the province of Bulacan, and Apalit, Minalin and Santo Tomas in the province of Pampanga, and cities of San Fernando, Mabalacat and Angeles until the alignment reaches inside the Clark International Airport Complex, all in the Province of Pampanga. The length will be approximately 51 km from Malolos to Clark plus a 1.8 km spur line to the depot site, of which 49.4 km is envisioned to run on a viaduct and 0.8 km on an embankment/at grade and 2.8 km underground, with seven stations, and one Depot.

29. The second section of MCRP will extend the NSCR railway line from a junction point between Solis Station and Tutuban Station to a newly constructed station in Blumentritt, Santa Cruz, Manila City. It will comprise of around 2.4 km elevated double track alignment (station to station). Blumentritt Station will become an important transfer station for passengers, who will be able to change trains and continue their journey with Light Rail Transit (LRT) Line 1, which runs North-South through Manila City and connects as well to LRT Line 2 and Line 3.

30. Financing modality and safeguards application. The proposed financing modality of the MCRP is a multitranche financing facility (MFF) and will be co-financed with JICA. It is noted that ADB’s safeguards requirements, including the Safeguard Policy Statement (2009), and JICA’s Guidelines for Environmental and Social Considerations (2010) will be applicable for the project. In addition, safeguard frameworks are required by ADB for an entire MFF to provide guidance for preparing tranche-wise safeguards documents.

B. Scope of the Project

31. ADB assistance for the project comprises a loan of USD 2 billion in four tranches of the MFF over the period 2019 through 2022 to finance supervision consultants and civil works. Most of the alignment is planned as viaduct to minimize the requirements for level crossings. The MCRP will utilize the existing PNR ROW over most of its length and will include the following components:

- Main railway line in two sections
- Viaduct / bridges: 51.9 km
- Embankment / at grade: 0.8 km and underground 2.8 km
- Bridge crossings (rivers/highways)
- Tunnels
- Depot, Workshops and Operations Control Center (OCC)
• Stations (7) and related facilities
• Substations
• Maintenance base
• Maintenance Access Roads
• Construction Yards: Offices, Laboratory, Worker’s quarter, warehouse, Fabrication Yard, Batching Plant, Segment Casting Yard
• Borrow Pit/Soil Disposal Areas
• Drainage

1. **Malolos-Clark Section**

32. **Main Railway Line.** The Malolos-Clark Section of the MCRP alignment is 51 km long from Malolos to CIA station, plus a 1.8 km spur line to the depot. The track will consist of PC (Sleeper) and Ballast (Crushed stone). The required ROW width of the railway track is set at 30 m all along the alignment.

33. **The majority of the structures of the railway track and station are elevated.** The elevated section (viaduct) is planned in urban areas for over 49.4 km, whereas grade/embankment section is planned for 0.8 km. There is a possible underground of 2.8 km from Clark Station to CIA. Table 1 provides further details on the different sections of the main railway line in between stations.

**Table 1 Sections of the Main Railway Line in between Stations**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malolos to Calumpit</td>
<td>This section starts from the end of the elevated Malolos Station of NSCR. It is to be the double-track viaduct the entire length. In addition to 20m wide land for viaduct, a 10m construction space is needed at the west for the temporary road and the stock yard. There are residences between PNR ROW and MacArthur Highway running parallel on the east. On the west are also human habitations, while vacant area is dominant.</td>
</tr>
<tr>
<td>Calumpit to Apalit</td>
<td>This section features viaducts, with on-ground construction space to the west (as above). The alignment is in a rural area except for some residential complexes around Calumpit Station and Apalit River. The critical position is just after passing Apalit River, where MacArthur Highway which is on embankment structure is close to PNR ROW. To minimize the interference to the embankment, the alignment is shifted westward and passes outside PNR ROW.</td>
</tr>
<tr>
<td>Apalit to San Fernando</td>
<td>This section features viaducts, with on-ground construction space to the west (as above), while it moves to the east at the south of San Fernando Station. This section passes in a rural area and no substantial obstructive buildings except for the urban area beyond San Fernando Station. If the alignment passes inside PNR ROW, curved sections with the speed limit are required. To avoid the speed limit, larger radius is being considered in the curved alignment taking a shortcut inward across the existing PNR ROW, creating additional land acquisition requirements. In general, the construction space is to be at the west,</td>
</tr>
<tr>
<td>Area</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>San Fernando to Angeles</td>
<td>This section is located in residential areas and passes some densely populated segments. The width of PNR ROW in this section is approximately 13m only, which requires additional land acquisition. Considering surroundings such as residence, the construction space is shifted to the west in the north of this section. The section also contains parts that are at embankment level.</td>
</tr>
<tr>
<td>Angeles to Clark</td>
<td>This section is located in dense residential areas, and the width of the existing PNR ROW is not enough. Additional land acquisition is required.</td>
</tr>
<tr>
<td>Clark to Clark International Airport</td>
<td>This section passes perimeter of the CIA re-development zone within the BCDA area, and leads to the airport terminal through the north of the runway. In order to secure height limitation in consideration of the civil aviation in CIA, the vertical alignment from Clark Station needs to be lowered thru the viaduct structure to at ground or half-underground at the edge of the runway. This part will be the single-layered semi-underground structure provided by the excavation or the cut and cover method. A tunnel under the airport development area will lead to the proposed underground station with the platform at the first floor of basement.</td>
</tr>
</tbody>
</table>

31. Figure 1 to Figure 2 show the cross section of a typical viaduct, embankment, and at grade respectively.

32. **Viaduct.** PC segmental box girder have been planned with 40m span as the optimal span based on ground condition study. The policy of the optimal span will be considered according to the ground conditions and construction assumptions.

*Figure 1 PC Segmental Box Girder (Source: JICA Study Team)*
33. **Embankment.** Embankment will be adopted where it would not result in the separation of the community, in the suburbs areas and farmlands.

34. **At Grade.** At grade will be adopted where it would not have an impact in dividing the community. The at grade section will be planned in the suburban areas and farmlands where elevating the railway is not necessary for economic efficiency.

35. **Tunnel.** To avoid interface with existing structures, a shield tunnel method will be applied to the underground section between Clark to CIA. Land above the tunnel is currently owned by a government-owned and controlled corporation, Bases Conversion and Development Authority (BCDA).

36. **Bridges.** The railway line crosses rivers and roads at nine locations. The locations of the bridges are shown in Table 2, with a sample design shown in Figure 3. The bridges will be built within the 30m Project ROW.

### Table 2 Locations of the Alignment Crossing Rivers and Infrastructures

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>Obstacle</th>
<th>Chainage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angat River</td>
<td>River</td>
<td>40k 960</td>
</tr>
<tr>
<td>2</td>
<td>Pampanga River</td>
<td>River</td>
<td>43k 200</td>
</tr>
<tr>
<td>3</td>
<td>Sulipan Channel Flood way</td>
<td>River</td>
<td>45k 000</td>
</tr>
<tr>
<td>4</td>
<td>Malalam River</td>
<td>River</td>
<td>50k 720</td>
</tr>
<tr>
<td>5</td>
<td>Pambaling River</td>
<td>River</td>
<td>53k 320</td>
</tr>
<tr>
<td>6</td>
<td>Macarthur High Way (Manila North Road)</td>
<td>Road</td>
<td>60k 000</td>
</tr>
<tr>
<td>7</td>
<td>San Miguel Main Entry Road</td>
<td>Road</td>
<td>63k 000</td>
</tr>
<tr>
<td>8</td>
<td>Abacan River</td>
<td>River</td>
<td>76k 200</td>
</tr>
<tr>
<td>9</td>
<td>Subic Clark Tarlac Exp (Ramp)</td>
<td>Road</td>
<td>81k 300</td>
</tr>
<tr>
<td>10</td>
<td>Subic Clark Tarlac Exp</td>
<td>Road</td>
<td>81k 800</td>
</tr>
<tr>
<td>11</td>
<td>Clark Airport</td>
<td>Airport</td>
<td>82k 000</td>
</tr>
<tr>
<td>12</td>
<td>Qintanguil River</td>
<td>River</td>
<td>82k 900</td>
</tr>
<tr>
<td>13</td>
<td>Dolores River (Depot Line)</td>
<td>River</td>
<td>Depot Line</td>
</tr>
</tbody>
</table>

Source: JICA Study Team
37. **Stations.** There are six stations proposed between Malolos and CIA: Calumpit, Apalit, San Fernando, Angeles, Clark, and CIA. Malolos station will be constructed as part of the NSCR project. The width of the station location is 60 m, which is wider than the current PNR ROW. Land will need to be acquired for each of the stations. The length of the station will be approximately 250m each.

38. The stations will also adopt universal design which will incorporate the barrier-free guidelines of both Philippines and Japan for elderly, children, and persons with disabilities. The proposed measure is to provide elevator and escalators, in addition to stairs for vertical movement of passengers from streets to station platforms. The station locations and the distance between the stations are described in Table 3.

**Table 3 Station Locations**

<table>
<thead>
<tr>
<th>Stations</th>
<th>Location</th>
<th>Distance to next station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malolos (NSCR)</td>
<td>Malolos, Bulacan</td>
<td></td>
</tr>
<tr>
<td>1 Calumpit</td>
<td>Calumpit, Bulacan</td>
<td>6.4 km</td>
</tr>
<tr>
<td>2 Apalit</td>
<td>Apalit, Pampanga</td>
<td>5.3 km</td>
</tr>
<tr>
<td>3 San Fernando</td>
<td>San Fernando, Pampanga</td>
<td>12.1 km</td>
</tr>
<tr>
<td>4 Angeles</td>
<td>Angeles, Pampanga</td>
<td>15.2 km</td>
</tr>
<tr>
<td>5 Clark</td>
<td>Mabalacat, Pampanga</td>
<td>4.8 km</td>
</tr>
<tr>
<td>6 CIA</td>
<td>Mabalacat, Pampanga</td>
<td>7.4 km</td>
</tr>
</tbody>
</table>

39. **Calumpit Station.** Calumpit Station is located about 1,500 m south from the old PNR station and it is island platform type with two platforms and four tracks. The proposed station is situated in Barangay Iba O Este. Among the adjacent Barangays are Barangays Balungao, Corazon, Poblacion, Sucol, Caniogan and Gatabuca. Essentially at the heart of the town’s commercial epicenter, the station is proximate to key institutional, commercial, educational, religious establishments. The land needed for the station is both within the existing PNR ROW and on privately owned land.

40. While the old Calumpit Station of PNR is located in relatively large space available, it is surrounded by dense residential area and MacArthur Highway is close to the east. This environment makes the station plaza planning difficult. A vacant lot located at 450m far from the south of the old PNR station was initially considered as the new station location, but after further
discussion with the LGU, the station was moved further South, closer to the Caniogan triangle (Figure 4). The current station location has the least social impact.

![Figure 4 Locations of Previous and Proposed Calumpit Station](Source: JICA Study Team)

41. **Apalit Station.** The location of the new Apalit station is at the same place where the old PNR station is located at a certain distance from MacArthur Highway and is in an “unoccupied” area (Figure 5). Since the necessity for additional land is little or no need as PNR ROW and is large enough to host both a medium-sized commuter station and station plaza, so it can be installed in north and northeast side of the existing station building and within the PNR ROW. The proposed station is located in Barangay San Vicente, a barangay with a primarily residential and agricultural characteristic. The proposed station is located a few hundred meters from the Apalit-Macabebe-Masantol Road which is a major thoroughfare connecting the three above stated municipalities. The surrounding areas include large rice fields and private subdivisions such as St. Dominic Village, Royal Family Homes, as well as the relocation housing for former informal settlers inhabiting the PNR ROW and resettled during Northrail project activities. The area is also characterized by patches of marshlands and swamps. The station location is roughly a kilometer westward from the main town center where the Apalit Public Market, provincial bus transport terminals, banking institutions, and religious establishments are located. The neighbouring towns of Macabebe and Masantol are also a short commute from the proposed station.
42. It is a facing platform type with two platforms and two tracks, as it does not need side tracks. There is crossing with a wide road at the north of the station.

43. **San Fernando Station.** The proposed station is straddled within a highly built up area in Barangay Santo Nino essentially in the vicinity of the old PNR station that has been converted into a museum and historical center (Figure 6). The station is proximate to several notable establishments and institutions, such as a shopping centre, tourism sites and churches. It is important to note that the station location’s immediate surroundings are mainly self-built residential areas with some small commercial establishments like water refilling stations, canteens, fastfood, drugstores, mini marts and small service providers.

44. **San Fernando Station** is an island platform type with two platforms and four tracks. This station is also located almost in the middle between Malolos and CIA. It has side tracks due to the long distance from Apalit Station as well as to Angeles Station. While not assuming turnback at this station in usual operation, a crossover in emergency is installed for a train to turn back. Despite its location in an urban area, additional land acquisition is not necessary with sufficient space owned by PNR. However, the area gets narrow in width towards north, where land acquisition is expected. To access the station, the existing road at the east can be utilized. Another existing road at the south of the station does not have enough width and may need consideration for future widening for access from the west.

**Figure 5 Proposed Location of San Fernando Station** (Source: JICA Study Team)
45. **Angeles Station.** The proposed station location is straddled between Barangays Pulung Bulu and Tabun, both of which are moderate to heavily built up areas located across MacArthur Highway (Figure 7). It comprises of private residential subdivisions, small commercial establishments, medical facilities, educational institutions, and automotive care centers. It is also adjacent to the La Pieta memorial Park. Its adjacent Barangays are San Jose, Santo Rosario, Santo Domingo, Salapungan and Capaya. The proposed location is identified by the city government as one of the primary growth areas of the city. Angeles is an island platform type with two platforms and four tracks. The location of the station is about 1500 m south from the old PNR Angeles station. The width of the existing PNR ROW is not sufficient. Access to major roads is another issue in this location. From the above difficulties, the location of new Angeles Station is proposed in less populated area with good access to MacArthur Highway.

![Figure 6 Proposed Location of Angeles Station](Source: JICA Study Team)

46. **Clark Station.** Clark Station is an island platform type with two platforms and four tracks. The location of the station is along the periphery of the CIA re-development zone in BCDA area (Figure 8). The proposed location is located in BCDA owned land and will not require any land acquisition.

![Figure 7 Proposed Location of Clark Station](Source: JICA Study Team)
47. **Clark International Airport Station.** Clark International Airport Station is an island platform with two platforms and four tracks as the dead-end on the route. The location of the station generally follows the master plan of the airport, and it is in the midst between two airport terminals (Figure 9). The depot access track is provided at CIA Station and a train enters depot once turnback at this station. CIA Station is proposed as the semi-underground station with the first floor of basement.

![Figure 8 Proposed Location of CIA Station](Source: JICA Study Team)

48. **Station Type.** Two types of platform, Island Type and Outboard Type are being considered, as described in Table 4. Islands consist of platforms that service trains on both sides, while outboard types service trains on one side. The typical cross-section of the alignment at station location and the sample design of stations is shown in Figure 10. The 180 m length of the platform is determined by the number of trains (8 car-train) plus an additional 10 m of free space at both ends of the platform.
Table 4 Station Types (Source: JICA Study Team)

<table>
<thead>
<tr>
<th>Station</th>
<th>Calumpit</th>
<th>Apalit</th>
<th>San Fernando</th>
<th>Angeles</th>
<th>Clark</th>
<th>CIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Platform Type</td>
<td>Island 3 storeys</td>
<td>Outboard 2 storeys</td>
<td>Island 3 storeys</td>
<td>Island 3 storeys</td>
<td>Island 3 storeys</td>
<td>Island (Under Ground)</td>
</tr>
</tbody>
</table>

Figure 9 Sample Cross-section of the Alignment at Stations and Sample Design
(Source: JICA Study Team)

49. **Station Related Facilities.** The planned station related facilities are described in Table 5. All facilities are designed to be within the station ROW.

Table 5 List of Planned Station Related Facilities (Source: JICA Study Team)

<table>
<thead>
<tr>
<th>Station</th>
<th>Facility</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Calumpit</td>
<td>A Extended road</td>
<td>Connection to Provincial Road (W=7m, L=200m)</td>
</tr>
<tr>
<td></td>
<td>B Loading/Unloading space</td>
<td>Under the station (3000 ㎡)</td>
</tr>
<tr>
<td></td>
<td>C Greenery</td>
<td>Trees, Plants, Ground cover, etc.</td>
</tr>
<tr>
<td>2 Apalit</td>
<td>A Extended road</td>
<td>Rotary and connection to Apalit-Macabebe-Masantol road (W=10m, L=720m)</td>
</tr>
<tr>
<td></td>
<td>B Pedestrian Roof</td>
<td>Along the Loading/Unloading space (W=5m, L=150m)</td>
</tr>
<tr>
<td></td>
<td>C Loading/Unloading space</td>
<td>Along the station</td>
</tr>
<tr>
<td></td>
<td>D Greenery</td>
<td>Trees, Plants, Ground cover, etc.</td>
</tr>
<tr>
<td>3 San Fernando</td>
<td>A Extended road</td>
<td>Connection to Capitol Blvd (W=10m, L=600m)</td>
</tr>
<tr>
<td></td>
<td>C Loading/Unloading space</td>
<td>Along the viaduct</td>
</tr>
<tr>
<td></td>
<td>E Greenery</td>
<td>Trees, Plants, Ground cover, etc.</td>
</tr>
<tr>
<td>4 Angeles</td>
<td>A Extended road</td>
<td>Connection to MacArthur Highway (W=7m, 500m)</td>
</tr>
</tbody>
</table>
50. **Depot.** The location of the Depot is planned to be constructed at the Gil Puyat Depot Site. The approximately 33 hectares lot area is located in Barangay San Joaquin and is currently owned by BCDA and managed by CIAC. There are no residential structures on the proposed depot site. On 29 August 2018, a Field Based Investigation (FBI) was undertaken by the National Commission for Indigenous Peoples (NCIP) as the site is next to a Certificate of Ancestral Domain Title (CADT). A Certificate of No-Overlap (CNO) for all the Project component has been issued.

51. The depot will serve as an area for stabling, maintenance, inspection, and train repair. Aside from these, the depot will function mainly as a central command office which conducts the operation control of the main line and the integrated management of electricity, facilities for the crew, and the maintenance base for track, power supply system, signalling, communication systems, and civil and architectural facilities.

52. Figure 11 shows the planned layout of the depot site. The depot facilities will include: (i) Operation control center (OCC); (ii) Maintenance facilities and workshop buildings, (iii) Access tracks; (iv) Train storage tracks; (v) Workshop for heavy rolling stock maintenance; (vi) Light repair shop; (vii) Catenary and track maintenance shops; (viii) Unscheduled repair shop; (ix) Wheel re-profiling Shop; (x) Car washing track; (xi) Test track; (xii) Sub stations; (xiii) Training facilities including test training tracks; (xiv) Sewage treatment plant, storm water reservoir, emergency facility; and (xv) Access road inside depot, car parking, security houses, lights and fences.
53. The main road to access the depot will be planned considering convenient accessibility for employees, visitors, transportation of equipment such as new train car, ballast, sleeper, rail etc. during the operation of the depot. Additionally, it is also crucial to secure convenient and efficient roads that will allow access during construction. Since the surrounding area of the Gil Puyat Avenue Depot is prone to flooding, it is important to provide two access points to the Depot. From McArthur Highway, an existing dirt road along the west perimeter of the depot is proposed to be habilitated and turned into a permanent access road to the depot. However, the area is prone to flooding. In this regard, the road will be designed to prevent access disruptions. An additional access along Prince Balagtas Avenue is also proposed. Clark Development Corporation (CDC) has finished the detailed engineering design of a new road between Prince Balagtas Avenue and Gil Puyat Avenue Depot. This will be utilized as an access to the depot. Unlike the access road from MacArthur Highway, this area is not prone to flooding. There is no additional land acquisition required for access roads for the depot.

54. **Temporary Construction yards.** Four potential construction yards have been identified, details of which will be included in the RAP. However, the decision on the selection of construction yards will be made by the contractor, and leasing is the considered option. For any potential resettlement implications, the provisions included in the Entitlement Matrix will be applied. The construction yards will consist of the following facilities: (i) Office (Contractor & Engineer); (ii) Worker’s Quarters; (iii) Warehouse; (iv) Rebar, Formwork Fabrication Yard; (v) Batching Plant; and (vi) Segment Casting Yard.

55. **Borrow Pit/Soil Disposal Area.** A survey for possible borrow pits are now on-going. There are several river sand pits along the Sacobia River. Waste soil other than river sand contains gravel, and can be used as embankment material for temporary roads etc. Areas designated by LGUs will be used as soil disposal areas.

56. **Substations.** The locations and plans for the substations will be undertaken in consultation with local electric companies during the DED stage. The substations will be designed to be located under the viaduct and within the 30m ROW.

57. **Access Roads During Construction.** Equipment and materials will be delivered to the site using public roads. Common equipment / materials will be transported to the site during daytime, while oversized equipment / materials will be delivered outside the regulated time or
after obtaining permits from authorities concerned. Once the equipment / materials are delivered to the site, temporary access roads will be used to move them. However, where temporary access roads are not provided due to a river or road crossing, equipment and materials will be transported using only public roads. Some widening of the corners might be necessary, which will be determined during DED.

58. **Maintenance Base.** The maintenance bases will be used as a place to stop maintenance vehicles in order to reduce the travel time from the depots. These facilities will be built within the Project ROW or existing government owned land as much as possible. The locations are currently being studied and will be finalized during DED. If additional land acquisition and/or resettlement should be necessary, these additional land acquisitions and/or resettlement will follow the principles of the RAP.

2. **Blumentritt Extension**

59. **Main Railway Line.** The Blumentritt Extension within MCRP alignment is 1.12 km from a junction point between Solis Station and Tutuban Station that extends to Blumentritt Station. The track will be elevated on viaducts and will be a double track alignment. The required ROW width of the railway track is set at 30 m.

60. **Station.** The station will be elevated and consist of four storeys, two platforms with three tracks served. It will also feature a pedestrian bridge, pedestrian deck and intermodal facility. Access to the station will be by existing roads. There will also be some station related facilities including a pedestrian bridge, deck, elevators, intermodal facility and car parking (Table 6).

<table>
<thead>
<tr>
<th>Station</th>
<th>Station Related Facility</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Blumentritt</td>
<td>1) Pedestrian Bridge</td>
<td>Old Antipolo St crossing and connect to LRT1 station (464m)</td>
</tr>
<tr>
<td></td>
<td>2) Pedestrian Deck</td>
<td>Connect to east side of the station (480m²)</td>
</tr>
<tr>
<td></td>
<td>3) Intermodal Facility</td>
<td>East side of the station (3,840m²)</td>
</tr>
</tbody>
</table>

**Table 6 Station Related Facilities at Blumentritt Station**

**C. Project Locations**

61. The Malolos-Clark Section is in two provinces: Bulacan and Pampanga. The existing rail ROW (but, removed rails) is in Bulacan and Pampanga provinces. There are six stations proposed between Malolos and CIA: Calumpit, Apalit, San Fernando, Angeles, Clark, and CIA. The land acquisition and station construction for the proposed Malolos Station will be conducted by DOTr for the NSCR project, while the land acquisition for the proposed six stations for the Malolos-Clark Section will be included under MCRP. The scope of the land acquisition will be indicated in the RAP at the feasibility stage and confirmed during detailed design.

62. The Blumentritt Extension is located in District I of the National Capital Region, in the area of Santa Cruz. It includes seven barangays. There is one proposed station, which is Blumentritt Station. The scope of land acquisition for the main railway line and Blumentritt Station will be indicated in a separate RAP at the feasibility stage and updated during the detailed design phase.

**D. Anticipated Involuntary Resettlement**
63. The expected right of way/land clearance corridor requirement for the line is at least 20m and, at most locations, 30m. The clearance corridor will allow for the construction of the viaduct (approx. 12m wide) as well as service road, drainage and potentially relocation of some utilities.

64. Land for the project will be a mixture of land currently belonging to PNR and some new land acquisition. Involuntary resettlement impacts will be attributable to widening of existing PNR right-of-way (ROW), creation of new ROW for realignment sections and extension to pre-existing ROW, land for new stations and land for a depot. The final alignment and land acquisition requirements will be finalized during detailed design. Most of the land from Clark to CIA is owned by Bases Conversion and Development Authority (BCDA), which will not require land acquisition.

65. There is an existing PNR ROW from Malolos to Clark which has a width of 10-12m. The ROW needed for the project is expected to be 30m to accommodate project facilities, including viaduct of approx. 12m width and utilities, as well as provisions for construction areas and safety buffer. New ROWs will need to be acquired for the spur line from Clark to CIA (approx. 11km). Also, while MCRP will maximize use of the existing PNR alignment, some realignment sections are expected to be required between Apalit and Angeles.

66. Land acquisition will also be required for additional stations and likely as well for movement of some of the existing historical stations to accommodate the technical requirements of the new rail design. There is a proposed site for a depot in Barangay San Joaquin, Pampanga, located north of Clark international Airport (CIA) on 33 hectares of land owned by BCDA and managed by CIAC. 48 ha of land, stated to be owned by the Clark Development Commission (CDC) would also be acquired.

67. Land acquisition requirements will produce involuntary resettlement impacts. There will be displacement of informal settlers and other land users within the existing PNR-owned ROW. There has been large scale encroachment on the PNR ROW and the erstwhile PNR stations for both residential and commercial use (rows of shops, jeepney terminal, car wash service, etc.) in the past 31 years since the last train was operated in 1986. A rough estimate at this stage is that approximately 7,581 persons in total might be affected due to clearing the ROW and the requirements of expanding the ROW. Informal settlers were noted to be in large numbers between Solis and Blumentritt, Calumpit and Apalit, as well as in the Clark area across from the SM Mall along Clark East Perimeter Road and all the way up to the cross road at San Francisco, Pampanga. Another anticipated physical displacement location was noted at the alignment of the river crossing points and at a major junction crossing point across the MacArthur Highway, north of San Fernando station. Also, at some locations, the PNR ROW is being used as public parks. Land acquisition for the realignment and new alignment sections is expected to be mostly farming land.

68. Considering the lengthy process for relocation site preparations, provision of temporary shelters should be available in case the relocation sites are not yet ready by the time of ROW clearing. There are no impacts anticipated for indigenous peoples. The project nevertheless will seek clearance from the National Commission for Indigenous Peoples (NCIP) for the proposed depot area as it is in the vicinity of ancestral domain land as per requirement of the Philippines Indigenous Peoples Rights Act.

D. Composition of the Project Area Population

69. Most of the households in the project area belong to the Tagalog cultural sphere while other ethnicities are also present. The rail ROW traverses through two provinces: Bulacan and Pampanga, as well as District I of NCR. The population of Bulacan in the 2015 census was
3,292,071, making it the second most populous province in the country. It had a density of 1,200 inhabitants per square kilometer or 3,100 inhabitants per square mile, which is the country's 4th highest for a province. Tagalog is the predominant language of Bulacan. Some inhabitants also speak Kapampangan, especially in areas close to the border of Pampanga. Roman Catholic is the predominant religion.

70. The population of Pampanga in the 2015 census was 2,198,110 with a density of 1,100 inhabitants per square kilometer or 2,800 inhabitants per square mile (excluding Angeles City, which is independently run). If Angeles City is included for geographical purposes, the population is 2,609,744, with a density of 1,265/km² (3,277/sq mi). Inhabitants of Pampanga are generally referred to as Kapampangans (alternatively spelled Capampañgan), Pampangos or Pampangueños. The population of Pampanga speak Kapampangan, which is one of the Central Luzon dialects. English and Tagalog are mainly spoken and used as secondary languages. The province of Pampanga is composed of many religious groups, but it is predominantly Roman Catholic.

71. The population of the Capital District (City of Manila) in the 2015 census was 1,780,148. It is the second most density populated city in the country, with a density of 41,515 inhabitants per square kilometer or 107,497 per square mile. The population mainly speak Tagalog and English, and Catholic is the most popular religion.

E. Composition of the Project Affected Persons

1. Malolos-Clark Section

72. Based on surveys conducted during the Feasibility Study stage for the Malolos-Clark Section, there are 1089 potentially affected structures. More than half of these structures (566 or 51.97%) are located in San Fernando. There are 319 structures (29.29%) located in Calumpit, and 141 (12.95%) in Angeles City. The remainder are in Sto. Tomas, Malolos, Mabalcat and Apalit (Table 7). The majority of these structures are residential (784). There are commercial (199), industrial (97) or institutional structures (2), with the remaining being a combination of commercial, institutional and/or industrial with residential or others. As of the writing of this report, new land acquisition required for the greenfield section from Clark to the CIA has not been included in the census. Roughly two-thirds of PAPs said that they do not own the land they occupy, predominately those that occupy the existing PNR ROW.

Table 7 Summary of Potential Resettlement Impact for the Malolos-Clark Section (Source: JICA Study Team)

<table>
<thead>
<tr>
<th>City / Municipality</th>
<th>Land Acquisition (sq. m)</th>
<th>No. of Affected Structures</th>
<th>No. of HHs</th>
<th>No. of PAPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malolos</td>
<td>48,000</td>
<td>11</td>
<td>6</td>
<td>33</td>
</tr>
<tr>
<td>Calumpit</td>
<td>61,000</td>
<td>319</td>
<td>328</td>
<td>1318</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>City / Municipality</th>
<th>Land Acquisition (sq. m)</th>
<th>No. of Affected Structures</th>
<th>No. of HHs</th>
<th>No. of PAPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apalit</td>
<td>51,000</td>
<td>2</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>Minalin</td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sto. Tomas</td>
<td>38,000</td>
<td>24</td>
<td>24</td>
<td>105</td>
</tr>
<tr>
<td>San Fernando</td>
<td>167,000</td>
<td>566</td>
<td>823</td>
<td>3424</td>
</tr>
<tr>
<td>Angeles City</td>
<td>60,000</td>
<td>141</td>
<td>197</td>
<td>771</td>
</tr>
<tr>
<td>Mabalacat (Depot)</td>
<td>0 (Govt. land)</td>
<td>26</td>
<td>35</td>
<td>131</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>455,000</strong></td>
<td><strong>1089</strong></td>
<td><strong>1416</strong></td>
<td><strong>5800</strong></td>
</tr>
</tbody>
</table>

73. Living within the affected structures are a total of 1,416 affected households, and a total of 5,800 household members. The average household size is four people. Malolos and Apalit have the highest average household size with six household members while the rest of the locations have an average number of four members. Approximately 75.64% of affected households are headed by males, with 24.36% headed by females. Less than half of all affected households (48.59%) had resided in the current location for more than 20 years. There are 4.59% of households who said that they were returnees from a previous government relocation program.

74. Of the 5,800 household members, 2,446 or 42% are contributing to the households' income. Around 66.31% are engaged in wage-based employment as their primary source of income, and 26% engaged in enterprise based livelihoods. More than half of the households (52.19%) have an average monthly income of between PHP 10,000 to 29,999. In comparison, the calculated poverty threshold of Region 3 in 2015 for a family of five at PHP 9,500 per month. Roughly 23.93% of affected households have estimated incomes that fall either within or below the PHP 9,999 brackets. The number of vulnerable persons were also identified and are detailed in Table 8.

**Table 8 Vulnerable Households in Project-affected Area** (Source: JICA Study Team)

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Number of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household with a baby/toddler</td>
<td>416</td>
</tr>
<tr>
<td>Households living below the poverty line</td>
<td>339</td>
</tr>
<tr>
<td>Elderly</td>
<td>162</td>
</tr>
<tr>
<td>Pregnant</td>
<td>19</td>
</tr>
<tr>
<td>Persons with illness, physical or mental disabilities</td>
<td>67</td>
</tr>
</tbody>
</table>

2. **Blumentritt Extension**

75. For the second segment based on the Feasibility Study, there will be 220 potentially affected structures. The majority of these structures are residential (153 or 69.55%), with 53 (24.09%) being commercial, six (2.73%) being institutional and eight other structures (such as fences, storage rooms, water tanks, etc.). There are 75 households that own the land and structure, and all report to have proof of ownership. The remainder are either informal settlers or renters (both formally and informally) (Table 9).

**Table 9 Summary of Potential Resettlement Impact for the Blumentritt Extension** (Source: JICA

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The average annual per capita poverty threshold of Region 3 in 2015 was PHP 22,767 (Philippines Statistics Authority). Henceforth the calculated poverty threshold for a family of five is PHP 9,500 per month.
### Table 10 Vulnerable Households in Project-affected Area
(Source: JICA Study Team)

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household with a baby/toddler</td>
<td>60 individuals</td>
</tr>
<tr>
<td>Households living below the poverty line</td>
<td>34 households</td>
</tr>
<tr>
<td>Elderly headed household</td>
<td>78 households</td>
</tr>
<tr>
<td>Pregnant</td>
<td>8 women</td>
</tr>
<tr>
<td>Persons with illness, physical or mental disabilities</td>
<td>10 individuals</td>
</tr>
<tr>
<td>Single Parent (Separated + Widower)</td>
<td>65 households</td>
</tr>
</tbody>
</table>

### F. Indigenous Peoples in the Philippines and the Project Area

78. The IP communities in the Philippines are composed of 110 ethnolinguistic groups found in various parts of the archipelago. The Philippines Indigenous Peoples Rights Act defines indigenous peoples as a group of people or homogenous societies, identified by self-ascription and ascription by others, who have continuously lived as organized communities, or in
communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories sharing common bond of language, customs, traditions and other distinctive cultural traits, and who have through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. They are likewise, peoples who are regarded as indigenous on account of their descent from the population which inhabited the country, at the same time of colonization, and the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may be resettled outside their ancestral domains.

79. The presence of some of the following characteristics in varying degrees are used to identify indigenous communities in the Philippines:

(i) A close attachment to their ancestral territories and natural resources in these areas;
(ii) Self-identification and identification by others as members of a distinct cultural group;
(iii) An indigenous language, often different from the national language;
(iv) Presence of distinct social, cultural and political institutions; and
(v) Primarily subsistence-oriented production.

80. Central Luzon has a total number of 230,270 IPs, which contributes 2.0% in the total population of IPs in the Philippines. Among the IP groups in the Philippines, there are two ethnic tribes near the vicinity of the proposed MCRP Malolos-Clark Section, namely, Aeta and Abelling. There are no Indigenous Peoples’ communities in the vicinity of the Blumentritt Extension in the NCR District I.

81. **Aeta/Ayta**: Aeta/Ayta belongs to the group of indigenous people who inhabit mostly the highlands or mountain regions of Pampanga and Tarlac. Aeta and have preserved their ethnic identity through their language, belief system and consciousness. Aeta communities still employ subsistence patterns practiced by their forebears, such as hunting, foraging, and swidden cultivation. There are approximately 4,200 Ayta in a number of Sitios of Bamban and Capas, Tarlac, Mabalacat and Sapangbato, Pampanga, and Zambales (Stock 2005). There are currently eight (8) Aeta GK Villages in Bamban, Tarlac.

82. **Abelling**: Abelling (Abelling/Abellen/Aberling/Aborling) tribe is a little known cultural minority found in the mountainous part of Western Tarlac. Around 290 Abelling families dot the mountain ranges in Sitio San Pedro, Barangay Iba, San Jose, and Tarlac. According to oral history, they have been hunting and gathering in the province of Tarlac even before the Aetas. Today, most Abellings are farmers, carpenters and fishermen. They rely heavily on the forests around them for food, shelter and medicine.
II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objectives of the Resettlement and Indigenous Peoples Planning Framework

83. According to ADB’s SPS and Operations Manual Section F1 (2013), a safeguard framework is required for the financial modalities of (i) sector lending, (ii) multi-tranche financing facility (MFF), (iii) emergency assistance and projects in fragile and conflict-affected situations, and (iv) project loans with subprojects or components prepared after the ADB Board approval. This project is being prepared as an MFF, and the objectives of the policy framework for (1) involuntary resettlement are to (i) avoid involuntary resettlement wherever possible, (ii) minimize resettlement impacts; (iii) enhance, or at least restore, the livelihoods of all displaced persons; and (iv) improve the standards of living of the displaced poor and other vulnerable groups; and (2) indigenous peoples are to design and implement the project in a way that fosters full respect for the indigenous peoples’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

84. A policy framework for involuntary resettlement and indigenous peoples for an MFF is required to be in place from the outset of the planning process, which provides guidance on social safeguards screening and categorization, impact assessments, development of resettlement action plans if land acquisition is required, public consultation and information disclosure, monitoring and reporting, and institutional arrangements (including budget and capacity development). An MFF as a whole is not screened and categorized as to its involuntary resettlement and indigenous peoples’ impacts. Instead, each tranche of the MFF is screened and categorized. This guidance is to be followed in the formulation of project components and subprojects that are prepared after Board approval of the MFF, including the criteria for component or subproject selection. Accordingly, this resettlement and indigenous peoples planning framework (RIPPF) is prepared for the entire MFF.

85. The principal objective of this document is to ensure that during the various tranches development, all affected persons (PAP) are consulted, informed of the decisions regarding the proposed subprojects and their entitlements, and compensated for their losses and provided with assistance to improve, or at least maintain, their pre-project living standards and income earning capacity, and the project does not directly or indirectly affect the dignity, human rights, livelihood systems, or culture of indigenous peoples or affect the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as their ancestral domain.

86. The document lays down the principles and objectives, eligibility criteria for entitlements, legal and institutional framework, modes of compensation, consultations, broad community support from the affected indigenous peoples based on free, prior, and informed consent (FPIC), and grievance redress procedures that will guide the implementation of compensation for PAPs.

87. The specific objectives of this document are to ensure that:

(i) All PAPs are informed and consulted on the proposed subprojects (tranches) that will be implemented in their area;

(ii) Compensation and assistance are provided and supporting legal documents are executed prior to subproject implementation; and

(iii) Specific arrangements between the PAP and the barangay/municipality and/or the community have been documented and complied with.
88. If at all the project affects ancestral domain lands of the IPs, efforts will be made to not cause physical relocation of IPs and also not cause adverse impacts on their identity, culture, and customary livelihoods. If avoidance is impossible, in consultation with ADB, a combined Indigenous Peoples Plan and Resettlement Action Plan can be formulated.

Legal Framework

89. This Framework encompasses both national laws and regulations, ADB’s SPS, and JICA’s guideline on environmental and social considerations. This RIPPF combines involuntary resettlement and indigenous peoples safeguards with due consideration to national government policies, ADB’s SPS, and JICA’s guideline on environmental and social considerations. Future social safeguards planning documents will be prepared and implemented following the principles established in this framework.

A. National Laws and Policies of the Government of the Philippines (GOP)

3. Philippine Constitution 1987

The pertinent constitutional provisions on involuntary resettlement are as follows:

(i) Article III, Bill of Rights, Section 1: “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

(ii) Article III, Bill of Rights, Section 9: “Private property shall not be taken for public use without just compensation.”

(iii) Article XII, Section 5: “The State shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. By an act of Congress, customary laws governing property rights or relations can be applied in determining the ownership and extent of ancestral domains.”

(iv) Article XIII, Urban Land Reform and Housing, Section 10: “Urban or rural poor dwellers shall not be evicted, nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.”

4. Republic Act (RA) 10752 - An Act to Facilitate the Acquisition of Right-Of-Way (ROW), Site or Location for National Government Infrastructure Projects

90. This law, enacted on March 7, 2016, repeals Republic Act (RA) No. 8974 (An Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and other purposes). Both laws (RA 8974 and RA 10752) are based on the premise that private property shall not be taken for public use without just compensation (Article III, Section 9 of the 1987 Constitution). RA 10752 was enacted to further strengthen the said constitutional provision and ensure that property owners and project-affected properties in areas where national government infrastructure projects would be given just compensation. Implementing Rules and Regulations (IRR) of RA 10752 were promulgated in May 25, 2016 to carry out the provisions of the said Act.

91. Main provisions in RA 10752 sought to expedite the implementation of infrastructure projects while ensuring that just and equitable compensation be provided to the project-affected persons. The pertinent provisions in RA 10752 include: (a) expansion in scope of national government projects, (b) refining the modes of acquisition, (c) compensation based on
replacement cost for land, structures and improvements, (d) changes in guidelines for expropriation proceedings, (e) payment terms, and (f) appropriation.

a. Expansion in Scope of National Government Projects

92. Under Section 2 of RA 8974, National Government Projects pertain to “all national government infrastructure, engineering works and service contracts, including projects undertaken by government-owned and controlled corporations, all projects covered by Republic Act No. 6957, as amended by Republic Act No. 7718, otherwise known as the Build-Operate-and-Transfer Law, and other related and necessary activities, such as site acquisition, supply and/or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair, and rehabilitation, regardless of the source of funding.” The definition was enhanced under Section 3 of RA 10752 to include the provisions under RA 7160 (Local Government Code of 1991), allowing for local government units (LGUs) to adopt the provisions in the ROW acquisitions to their projects.

b. Refining the Modes of Acquisition

93. Under Section 4 of RA 10752, the Government may acquire real property for the ROW through the following modes: donation, negotiated sale, expropriation, or any other mode of acquisition as provided by law (i.e. exchange or barter, easement of ROW, acquisition of properties under Commonwealth Act No. 141). Below is further information about each mode of acquisition.

c. Voluntary donation of land

94. Voluntary donation of land is a preferred mode of land acquisition. According to the IRR of RA 10752, a project implementing agency is required to explore the mode of donation of the needed portion or whole of the affected property, i.e., lots with or without improvements, by the property owner concerned, which may be a private individual/corporation or a government agency/corporation. If the property owner agrees to donate the property to be acquired by the IA as ROW, a deed of donation shall immediately be prepared. The deed of donation shall be simple and unconditional and contain clauses to the effect that the donation is made not to defraud the donor's creditors, and that the donor has, if necessary, reserved for himself enough property for his family's subsistence, sustenance and support in case the donor is a private individual. The donation must be accepted by the IA, which shall be indicated in the deed. The IA shall pay the documentary stamp tax, transfer tax, and registration fee, while the donor shall pay any unpaid real property tax. Appendix 3 of this framework provides a sample deed of land donation which could be improvised for the purpose, and Appendix 4 provides the land donation process and transfer of title for monitoring purpose by DOTr as well as the ADB project team.

d. Negotiated Land Acquisition

95. Negotiated Land Acquisition or acquisition through negotiated sale is another preferred mode of ROW acquisition and should be explored before resorting to expropriation. RA 10752 aims to make negotiated sale more attractive than expropriation, as the process reduces time compared to expropriation and provides realistic prices. It replaces the previous lengthy and cumbersome two-step procedure under RA 8974, where the implementing agency made the first offer to the property owner based on BIR Zonal Value, considered unattractive because the value was often low and secondly, the offer was made based on the fair market value, but most IAs lacked the necessary competence to determine fair market value.

96. According to the IRR of RA 10752, an EA/IA shall immediately offer (first and final) to the owner, as compensation price, the sum of (i) the current fair market value of the land, (ii) the
replacement cost of structures and improvements, and (iii) the current fair market value of crops
and trees. To determine the appropriate price offer, the EA/IA will engage the professional
services of a government financial institution (GFI) or independent property appraiser (IPA). The
EA/IA may use the GFI/IPA appraisal reports, as duly validated, as one of bases of the EA/IA’s
price offer for negotiated sale. The EA/IA is encouraged to develop its in-house personnel capable
of validating appraisal reports. The payment by the EA/IA of the capital gains tax only for
negotiated sale also provides an incentive to the lot owners to accept the first and final offer of
the government.

97. According to the RA 10752, the EA/IA shall pay the property owner (i) Fifty percent (50%)
of the negotiated price of the affected land, exclusive of the payment of unpaid taxes remitted to
the LGU concerned and (ii) Seventy percent (70%) of the negotiated price of the affected
structures, improvements, crops and trees, exclusive of unpaid taxes remitted to the LGU
concerned. The EA/IA shall pay the property owner the remaining fifty percent (50%) of the
negotiated price of the affected land after the transfer of title in the name of the Republic of the
Philippines, in cases where the land is wholly affected and at the time of the annotation of a deed
of in cases where the land is partially affected. The EA/IA shall pay the remaining thirty percent
(30%) of the affected structures, improvements, crops and trees, exclusive of unpaid taxes
remitted to the LGU concerned after the land is already completely cleared of structures,
improvements, crops and trees.

98. ROW acquisition starts with the validation of the Parcellary Survey Report and approved
social safeguard document/plan where the number and names of property owners and other
relevant information will be determined. With the validated Parcellary Survey Report and social
safeguards document/plan together with the GFI/IPA appraisal reports, the EA/IA can start the
preparation of Notice of Taking pursuant to Negotiated Sale Mode of Acquisition under RA10752.
Within 30 days, negotiation either succeeds or fails. A successful negotiation would mean
execution of Deed of Absolute Sale, and the EA/IA can secure a Permit to Enter. A failed
negotiation on the other hand would mean the EA/IA can initiate expropriation proceedings.

99. Based on the price for negotiated sale set in the validated and approved social safeguards
document/plan, the EA/IA shall send the letter-offer to the owner, informing him that, if he rejects
the offer or fails to respond with complete documents within 30 days, the EA/IA shall initiate
expropriation proceedings.

e. The expropriation process

100. If negotiation fails, expropriation is initiated. The process requires (a) complete
documentation to support the expropriation complaint, (b) providing for the immediate deposit of
the BIR zonal value of the land and/or market value of the structure allowing prompt release of
payment to the owners and (c) providing immediate issuance of Writ of Possession upon deposit
of the value of the property, which will enable early project implementation. The EA/IA, through
the Office of the Solicitor General (for national agencies), the Office of the Government Corporate
Counsel (for government -owned and controlled corporations), or their deputized government or
private legal counsel, shall initiate the expropriation proceedings by filing a verified complaint
before the proper court under the following guidelines:

101. Upon the filing of the complaint or at any time thereafter, and after due notice to the
defendant, the EA/IA shall immediately deposit to the court in favor of the owner, the amount
equivalent to the sum of:

   (i) One hundred percent (100%) of the value of the land based on the current relevant
   zonal valuation of the BIR, issued not more than three (3) years prior to the filing
   of the expropriation complaint, subject 7(c) of the IRR;
(ii) The replacement cost at current market value of the improvements and/or structures as determined by:
   (a) the EA/IA;
   (b) a GFI with adequate experience in property appraisal; and
   (c) an IPA accredited by the Bangko Sentral ng Pilipinas (BSP).

(iii) The current market value of crops and trees located within the property as determined by the GFI or an IPA.

102. Upon compliance with the above guidelines, the court shall immediately issue an order to take possession of the property to the IA which shall start the implementation of the project. If within seven (7) working days after the deposit to the court of the amount equivalent to the sum under items (a)(1) to (a)(3) above (Section 7 of the IRR), and the court has not issued to the EA/IA a writ of possession for the affected property, the counsel of the EA/IA shall immediately seek from the court the issuance of the writ of possession. The court shall immediately issue the writ of possession ex parte; no hearing shall be required. The court shall release the said amount to the owner upon presentation of sufficient proofs of ownership.

103. In case the owner of the property cannot be found, is unknown, or is deceased in cases where the estate has not been settled, after exerting due diligence, or there are conflicting claims over the ownership of the property and improvements and/or structures thereon, the EA/IA shall deposit the amount equivalent to the sum under items (a)(1) to (a)(3) above (Section 7 of the IRR) to the court, for the benefit of the person to be adjudged in the same proceeding as entitled thereto. Upon compliance with the above guidelines, the court shall immediately issue to the IA an order to take possession of the property.

104. If within seven (7) working days after the deposit with the court of the amount equivalent to the sum under items (a)(1) to (a)(3) above (Section 7 of the IRR), the court has not issued to the EA/IA a writ of possession for the affected property, the counsel of the EA/IA shall immediately seek from the court the issuance of the writ of possession. The court shall release the said amount to the person adjudged in the same expropriation proceeding as entitled thereto.

105. **No existing land classification.** In provinces, cities, municipalities and other areas where there is no land classification, the city or municipality assessor is hereby mandated within the period of sixty (60) days from the date of filing of the expropriation case, to conduct a zonal valuation for said area, based on the land classification done by the city or municipal assessor.

106. **Lands granted under the Public Land Act.** Under Section 8 of the Implementing Rules and Regulations (IRR) of RA 10752, two scenarios are envisioned for cases of lands granted through CA No. 141, known as the Public Land Act, and its amendments:

   (i) If the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title (i.e. inheritance, donation or negotiation), then the Government has the right to execute a quit claim. The landowner is then entitled for the cost of the damages for the improvements within the said land, and is subject to financial assistance, under EO No. 1035, series of 1985.

   (ii) If the landowner is the original patent holder or the acquisition of the land through a gratuitous title (i.e. C.A. 141), then they will be subject to the provisions of C.A. 141 or PD No. 635. The landowner is then not qualified to compensation for land if (a) land is less than 20 m and patent has been granted prior to 1975, and (b) if land is up to 60 m in width and patent has been granted after 1975.
107. Additionally, the law greatly improves budget preparation for ROW acquisition and project implementation allowing a wide range of ROW budget allocation to cover cost items such as parcelary surveys, property appraisal, compensation/entitlements, resettlement to include planning, social preparation, land development, housing construction, provision of basic services, community facilities, resettlement action plan activities and other related expenses of the IA including capital gains tax (CGT), documentary stamp tax (DST) and transfer tax.

f. Compensation for Land, Structures and Improvements, Crops and Trees

108. **Current Market Value of Land.** Section 5(a)(1) of R.A. 10752 provides that the valuation of land under negotiated sale would be based on the current market value of the land. Section 7 of the same Act enumerates the standards for the assessment of the value of land to wit:

(i) The classification and use for which the property is suited;
(ii) The development cost for improving the land;
(iii) The value declared by owners;
(iv) The current selling price of similar lands in the vicinity;
(v) The reasonable disturbance compensation for the removal and demolition of certain improvements on the land and for the value of improvements thereon;
(vi) The size, shape or location, tax declaration and zonal valuation of the land;
(vii) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
(viii) Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

109. **Replacement Cost of Structures and Improvements.** Section 5(a)(2) states that the IA may offer to acquire, through negotiated sale the compensation price equivalent to the replacement cost of structures and improvements.

Under Section 7 of RA 8974, the IA and the LGUs are mandated to adopt the IRR for the equitable valuation of the improvements and/or structures on land to be expropriated. In Section 7 of the IRR for RA 8974, the cost of compensation for structures is included in the negotiation of the purchase price of the property. In particular, the purchase of the property “shall not be higher than the fair market value of the property” and shall include the disturbance compensation for the removal and/or demolition of improvements within the land. Section 10 of the IRR further indicates that the replacement cost for structures and improvements shall be determined by the IA – through considering the following: kinds and quantities of materials/equipment used, the location, configuration and other physical features of the properties, and prevailing construction prices. The revisions under RA 10752 intend to expedite the negotiation process by providing a more realistic, fair and just measurement of compensation.

110. Under Section 6.6 of IRR of RA 10752, the replacement cost of structures or improvements affected by the ROW shall be based on the current market prices of materials, equipment, labor, contractors profit and overhead, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset. In addition, (i) if the affected structure has been damaged, then the replacement cost should be the pre-damaged condition of that structure; (ii) the replacement cost of the structure may vary from the market value of the existing structure, since the structure that would actually replace it may have a different cost at current market prices; and (iii) the replacement structure has to perform the same functions and meet the performance specifications as the original structure.
111. **Market Value of Crops and Trees.** Section 5(a)(3) states that the Implementing Agency (IA) may offer to acquire, through negotiated sale the compensation price equivalent to the current market value of crops and trees.

112. As stated in section 6.8 of IRR of RA 10752, for owners of structures and improvements with no rights to the land, the law allows the payment of the replacement cost of structures and improvements even if their owners “do not have legally recognized rights to the land” as long as they meet the following conditions: (a) are Filipino citizens; (b) do not own any real property or other housing facility in any urban or rural area; and (c) are not professional squatters or members of a squatting syndicate as defined in the Urban Development and Housing Act of 1992 and (d) do not occupy an existing government ROW.

113. The absence of any of the four (4) mandatory qualifications means that these owners of structures and improvements who do not have legally recognizable rights to the lands they occupy will not be compensated. In addition, the IRR also indicates that PAPs shall present a proof of ownership (i.e. certification from the barangay or land owner) of the structure. Hence, if these owners had already benefited from any of the government’s housing programs (professional squatter as defined in RA 7279), they will not be compensated for their affected assets.

**g. Changes in Guidelines for Expropriation Proceedings**

114. Under Section 4 of RA 8974, the government may exercise its right of eminent domain through filing a complaint with the court for the expropriation of private property. The IA shall then immediately pay the owner the amount equivalent to 100% of the value of the property and the value of the improvements and structures as determined by the implementing agency. Section 11 of the IRR further allows the IA, if it deems necessary, to engage the services of a GFI and/or private appraiser to determine the appraisal of the property.

115. Under Section 6 of RA 10752 and Section 7 of IRR of RA 10752, for expropriation cases, the IA is mandated to deposit to the court the following upon filing of the expropriation complaint, (1) 100% of the BIR zonal value of the land, (2) replacement cost of structures and improvements as determined by the IA, a GFI with adequate experience in property appraisal or an independent property appraiser (IPA), as well as the (3) current market value of crops and trees within the property (as determined by the GFI or IPA). In addition, RA 10752 allows for the expeditious processing for areas where there is no zonal classification or where the zonal valuation has been enforced for more than 3 years. In such cases, the IA may use the BIR zonal value and adapt the classification of the land in the adjacent vicinity.

116. With regard to the taxes and fees relative to the transfer of title of the property to the Republic of the Philippines through expropriation proceedings, the implementing agency shall pay the documentary stamp tax, transfer tax and registration fees, while the owner shall pay the capital gains tax and any unpaid real property tax and all other applicable taxes under the R.A. No. 7160.

117. The law obliges the court to determine the just compensation to be paid to the owner within 60 days from the date of the filing of the expropriation case. The difference between the deposited payment and just compensation adjudged by the court has to be paid by the agency when the court’s decision becomes final.

**h. Payment Terms**

118. Under Section 4 of RA 8974, the IA shall immediately pay the property owner the amount equivalent to 100% of the value of the property based on the BIR zonal value. Under Section 5 of RA 10752, the IA may now offer, through negotiated sale, the property owner with the compensation price consisting of the sum of the following: (1) current market value of the land;
(2) replacement cost for affected structures and improvements; and (3) current market value of crops and trees therein. The amended law likewise mandates the IA to pay for 50% of the negotiated price of the affected land (exclusive of taxes), and 70% of the negotiated price of the affected structures, improvements, crops and trees (exclusive of unpaid real estate taxes) upon execution of the Deed of Sale. This supersedes the 100% (i.e. full payment) requirement indicated in RA 8974.

119. Section 6.10 of IRR of RA 10752 (Deed of Absolute Sale and Payments) further states that the balance of 50% for the land and 30% for the structures and improvements shall be paid to the property owner, provided that the land is completely cleared of structures, improvements, crops and trees. A transfer of title would be provided to those whose land is wholly affected and an annotation of deed of sale would be provided to those whose land is partially affected.

120. The capital gains tax payable from the sale of the land and its improvements (which under RA 8424 and RA 7279 is the seller’s obligation as well as documentary stamp tax, transfer tax and registration fees), shall be paid by the IA for the account of the seller, while the seller shall pay any unpaid real property tax.

i. Easements

121. Section 10 of RA 10752 states that if a portion of lot needed for the ROW is minimal – that the cost for surveying or segregating the portion from the main lot would be greater than the value of the lot needed – then the implementing agency (IA) may, if the property owner agrees, resort to the mode of Easement of ROW provided under the Civil Code. A ROW easement agreement shall be executed between the property owner and the IA – with the former granting the latter the right to use the affected portion of the lot as ROW, and the owner retaining ownership of the land. Under such cases, the IA shall pay the owner the following: (i) value for the portion of the lot based on the existing zonal value declared by BIR, and (ii) value of the structures and improvements on land based on replacement cost. The IA shall be responsible for the registration of the ROW easement agreements with the Register of Deeds within 10 days from the date of execution, with the Registry of Deeds required to annotate on the Titles the agreements within seven days from receipt of the registration.

j. Appropriations

122. Under Section 15 of IRR of RA 10752, the government shall provide adequate appropriations that shall cover the funds needed to pay for the following expenses for activities directly related to right-of-way acquisition for the national government infrastructure projects in advance of the project implementation. This includes the cost for parcellary surveys and appraisal of project-affected properties, compensation for project-affected land, structures and improvements, including relocation or replacement of compensable utilities, crops and trees.

The law also legitimizes the allocation of government budget for the cost of development and implementation of resettlement projects such as social preparation (in accordance with Housing and Urban Development Coordination Council of HUDCC design standards and costings), livelihood restoration and improvement, and other activities under the RAP in coordination with concerned government agencies.


123. This law stipulates that it is the policy of the state, in coordination with the private sector, to uplift the conditions of the underprivileged and homeless citizens in urban areas and in
resettlement areas by making available decent housing at affordable cost, with basic services, and employment opportunities.

124. Socialized housing, or housing programs and projects covering houses or home lots for the homeless and underprivileged, shall be provided by LGUs or the National Housing Authority (NHA) in cooperation with the private developers and concerned agencies with the basic services and facilities. Under Section 10, land acquisition may be acquired through the following modes: community mortgage, land swapping, land assembly or consolidation, donation, joint-venture agreements, negotiation, or expropriation- which should be resorted to only when other options have been exhausted.

125. Under Section 16, the following are eligible beneficiaries for socialized housing: (a) must be a Filipino citizen, (b) must be underprivileged and homeless (i.e. those whose income or total income is below the poverty threshold as defined by NEDA), (c) must not own any real property whether in urban or rural areas, and (d) must not be a professional squatter or member of any squatting syndicate.

126. Under urban renewal and resettlement, on-site development shall be implemented to ensure minimum displacement. However, in Section 28, eviction and demolition may be allowed (a) for government infrastructure projects with available funding, (b) for persons within danger areas such as esteros and railroad tracks, and (c) for cases with a court order for eviction and demolition.

127. In such cases, the following shall be mandatory: (i) notice upon the affected persons or entities at least 30 days prior to date of eviction and demolition; (ii) adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated; (iii) presence of local government officials or their representatives during eviction or demolitions; (iv) proper identification of all persons taking part in the demolition; (v) execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise; (vi) no use of heavy equipment for demolition except for structures that are permanent and other of concrete materials.

128. Section 31 of the Act stipulates the implementation of the Community Mortgage Program (CMP). CMP, a socialized housing program of the government, seeks to improve the living conditions of underprivileged and homeless citizens by providing affordable financing to help them secure tenure on the land they occupy. Through the National Home Mortgage Finance Corporation (NHMFC), now the Socialized Housing Finance Corporation (SHFC), legally organized organizations are provided assistance from community mobilizing, processing of required documents to providing loans for lot acquisition, site development and house construction.

129. Section 32 of RA 7279 further states that CMP beneficiaries shall not be evicted nor dispossessed of their lands or improvements unless they have incurred arrangements in payments of amortizations for three (3) months.


130. This Code establishes the system and defines powers of provincial, city, municipal and barangay governments in the Philippines. Relevant sections include Section 2(c), 17(b), 17(c), 19. 20(a), 20(c) and 27.

131. Section 2(c) stipulates the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, non-governmental and
people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

132. Section 17(b) states that LGUs shall exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities. Provincial LGUs are mandated to provide such basic services and facilities except for housing projects funded by the Social Security System (SSS), Government Service Insurance System (GSIS), and the Home Development Mutual Fund (HDMF).

133. Section 17(c) provides that public works and infrastructure projects and other facilities funded by the national government under the annual General Appropriations Act, other special laws, pertinent executive orders, and those wholly or partially funded from foreign sources, are not covered under Section (b), as described above, except in those cases where the LGU concerned is duly designated as the implementing agency for such projects, facilities, programs, and services.

134. Under Section 19, an LGU, through its chief executive and acting pursuant to an ordinance, may exercise the power of eminent domain for public use, or purpose, or welfare for the benefit of the poor and the landless only when a valid and definite offer has been made and accepted. Provided, however, that the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted. Further, the LGU may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, that the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property.

135. Under Section 20(a) of the same Act, a city or municipality may, through an ordinance passed by the Sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (i) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture, or (ii) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the Sanggunian concerned. Provided, that such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance: (i) for highly urbanized and independent component cities, fifteen percent (15%); (ii) for component cities and first to third class municipalities, ten percent (10%); and (iii) for fourth to sixth class municipalities, five percent (5%). Provided, further, that agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657), otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes and shall be governed by Section 65 of said Act.

136. Based on Section 20(c) the LGUs shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources. The requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

137. Section 27 provides that no project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2(c) above are complied with, and
prior approval of the Sanggunian concerned is obtained; Provided, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.

138. This Act concerns agrarian reforms in the Philippines and aims to establish cooperative organizations and increase agricultural productivity and farm income through a system of production, processing, marketing, distribution, credit and services (sect. 2). Under Section 7, agricultural lessees are entitled to receive disturbance compensation equivalent to five times the average gross harvests on his/her landholding during the last five preceding calendar years.

8. Republic Act No. 386 - An Act to Ordain and Institute the Civil Code of The Philippines
139. Article 1137 of the Civil Code In accordance with Article 1137 of the Civil Code, an occupant of land, who do not have legal rights to it may legally claim ownership of said land if the real owner did not or was not able to exercise the right of ownership during the prescription period. (In the Philippines this is equivalent to 30 years). If the said occupant could not fulfill the full prescription period, he can add to the years he has been in possession of the property to those of the previous owner, as long as possession was continuous and uninterrupted. The Civil Code also has details of easements, ownership and ROW in Sections 1-4.

9. Republic Act No. 6685 (December 1988)
140. Under Section 1 of RA 6685, national and local public works projects funded by either the national government or local government, including foreign-assisted projects must hire at least 50% of the unskilled and 30% of the skilled labor requirements from bona fide and actual residents in the province, city and municipality who are ready, willing and able, as determined by the governor, city mayor, or municipal mayor concerned. In areas where the number of available resources is less than the required percentages provided in the Act, said requirements shall be based on the maximum number of locally available labor resources which fact shall be certified by the municipal, city, provincial or district engineer as sufficient compliance with the labor requirements under the Act.

10. Commonwealth Act 141 Section 112 or Public Land Act
141. The Act prescribes a twenty (20) meter strip of land reserved by the government for public use, with damages being paid for improvements only. Presidential Decree 635 amended Section 112 of C.A. 141 by increasing the width of the reserved strip of twenty (20) meters to sixty (60) meters. Under Section 7 of IRR for RA 10752, it states that if the government decides to exercise its right to use the ROW strip reserved for public use within the land acquired under C.A. No. 141, the owner is required to execute a quit claim. Only improvements will be compensated.

142. The Act defines the identity and entitlements of indigenous peoples, as also their rights and remedies available under national law to protect their interests. IPRA was a landmark law, not only for recognition of the rights of IPs in the Philippines but also as a milestone in recognition of the rights of IPs globally. ⁶
143. Involuntary resettlement triggers may occur within ancestral domains. The IPRA sets conditions, requirements, and safeguards for plans, programs, and projects affecting IP communities. A significant output for purposes of this resettlement framework is the NCIP

⁶ The IPRA Law was commended by the UN during the International Decade for Indigenous Peoples as a breakthrough in recognition of the rights of Indigenous Peoples within the National Legal Framework.
Administrative Order (AO) No. 3, Series of 2012, the Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes. The important provisions of IPRA are:

(i) Right to the indigenous communities’ ancestral domains (Chapter III, Section 11);
(ii) Right to informed and intelligent participation in the formulation and implementation of any project, government or private, that will impact upon their ancestral domains (Chapter III, Section 7b);
(iii) Right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them (Chapter IV, Section 16);
(iv) Right to receive just and fair compensation for any damages inflicted by or as a result of any project, government or private (Chapter III, Section 7b);
(v) Right to stay in their territory and not be removed from that territory. If relocation is necessary as an exceptional measure, it can only take place with the free and prior informed consent of the IPs and indigenous cultural communities (ICC) concerned (Chapter III, Section 7c);
(vi) Right to be secure in the lands to which they have been resettled (Chapter III, Section 7d);
(vii) Right to determine and decide their own priorities for the lands they own, occupy, or use (Chapter IV, Section 17);
(viii) Right to maintain, protect, and have access to their religious and cultural sites (Chapter IV, Section 33).

144. The IPRA-related EO 1035 stipulates (i) the provision of financial assistance to displaced tenants, indigenous peoples, and settlers equivalent to the average annual gross harvest for the last three years and not less than PhP 15,000 per ha, (ii) disturbance compensation to agricultural lessees equivalent to five times the average gross harvest during the last five years, and (iii) compensation for improvements on land acquired under Commonwealth Act 141.

145. Another IPRA-related EO 132 stipulates procedures to be followed in the Acquisition of Private Property for Public Use and Creating Appraisal Committee. NCIP Administrative Order (AO) No. 3, Series of 2012 sets out the requirements for free, prior informed consent.

12. Republic Act No. 9994 (February 2010)

146. An act granting additional benefits and privileges to senior citizens, and to maximize the contribution of senior citizens to nation building, and for other purposes. Section 3 of RA 9994 defines Senior Citizens or the elderly as any resident citizen of the Philippines at least sixty (60) years old. Section 5 of the same act provides the establishment of special housing needs of senior citizens in its national shelter program.

13. Republic Act No. 7277 (March 1992)

147. RA 7277, also known as the Magna Carta for Disabled Persons, grants the rights and privileges for disabled persons to ensure their rehabilitation, self-development and self-reliance. Section 4 of the Act provides the following definitions: (i) disabled persons are those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner of within the range considered normal for a human being; and (ii) marginalized disabled persons refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socio-economic activities and who have no means of livelihood or whose incomes fall below poverty threshold.

148. The Home Development Mutual Fund (HDMF) is also known as Pag-IBIG (Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Gobyerno) Fund. The Pag-IBIG Fund is a mutual provident savings system which is primarily intended for shelter financing among its members. Section 10 states that the Fund shall be private in character, owned wholly by the members, administered in trust and applied exclusively for their benefit. Section 6 of the Act provides that membership in the Fund shall be mandatory upon all employees covered by the Social Security System (SSS) and the Government Service Insurance System (GSIS), and their respective employers. However, coverage of employees whose monthly compensation is less than four thousand pesos (P4,000.00) is on a voluntary basis. Section 13 (d) and (e) mandates Pag-IBIG Fund to invest not less than 70% of its investible funds to housing, and to acquire, utilize, or dispose of, in any manner recognized by law, real or personal properties to carry out the purpose of the Act, respectively.

15. Batas Pambansa (BP) 220 (June 1982)

149. An act authorizing the ministry of human settlements to establish and promulgate different levels of standards and technical requirements for economic and socialized housing projects in urban and rural areas. Section 1 of Batas Pambansa (BP) 220 declared a policy of the Government to promote and encourage the development of economic and socialized housing projects for the average and low-income earners in urban and rural areas. Section 2 of the Act defines economic and socialized housing units as those which is thirty percent (30%) of the gross family income as determined by the National Economic and Development Authority from time to time.

16. Philippine Laws and Plans promoting Gender Equality and the Empowerment of Women and Children

150. The Philippine government has been as signatory to various international instruments promoting gender equality and women’s empowerment. These instruments include among others the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the United Nations Convention on the Rights of the Child (CRC), the Beijing Platform on the Fourth World Conference on Women, and the Sustainable Development Goals (SDG) 2030. In demonstration of its compliance to its international obligations, the Philippines enacted laws promoting the rights of women and children, to wit:

a. Republic Act 7192: Women in Development and Nation Building Act

151. RA 7192 aims to promote the integration of women as full and equal partners with men in development and nation building by granting women, regardless of their marital status, full legal capacity to act and enter into contracts.

152. Section 2 provides that to ensure that the rights of women shall be equal to that of men, it should guarantee the following: (1) that as substantial portion of official development assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women; (2) that all government departments shall ensure that women benefit equally and participate directly in the development programs and projects, specifically those funded under official foreign development assistance; and (3) All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein.

153. Section 5 guarantees that women of legal age, regardless of civil status, shall have the capacity to borrow and obtain loans and execute security and credit arrangement under the same conditions as men, and shall have equal access to all government and private sector programs
granting agricultural credit, loans and non-material resources and shall enjoy equal treatment in land resettlement programs.

b. Republic Act 9710: Magna Carta of Women

154. RA 9710 is the Philippine’s landmark legislation on gender equality. It is considered as the comprehensive women’s human rights on women as it embodies all the rights guaranteed by international and local laws to promote, protect, uphold and fulfill women’s human rights. Section 4(d) defines the marginalized sectors as referring to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

155. Section 19 guarantees the same rights for both spouses or common law spouses in respect of the ownership to properties and resources, whether titled or not, acquisition, management, administration, enjoyment, and disposition of property.

156. Section 21 ensures the development of housing programs for women that are localized, simple, accessible, with potable water, and electricity, secure, with viable employment opportunities and affordable amortization, and guarantees the consultation and involvement of women in community planning and development, especially in matters pertaining to land use, zoning and relocation. To implement this provision, the HUDCC, Key Shelter Agencies and LGUs shall: (1) Ensure that female-headed households are not discriminated in the provision of relocation or resettlement sites and that access to basic services, facilities, employment, and livelihood opportunities are responsive to the needs of women. In cases of demolition and eviction, the HUDCC, Presidential Commission for the Urban Poor (PCUP), and LGUs or other bodies with similar functions in the local level, shall ensure the safe transfer of women and children to resettlement and relocation sites; (2) Provide basic social services in resettlement communities in accordance with existing laws; (3) Formulate policies and programs to ensure that housing programs and services are provided for women belonging to the marginalized sectors; (4) Ensure that forms and documents are gender-responsive especially those involved in transactions of (a) married couples, (b) person in unions without marriage, and (c) single individuals; and (5) Monitor and evaluate gender design features in housing and urban development and all other kinds of infrastructure plans and strategies to ensure that all housing projects are able to secure the privacy and safety of women and children.

157. Section 22 provides for the duty of the State to progressively realize and ensure decent work standards for women that involve the creation of jobs of acceptable quality, and guarantee opportunities for work that are productive and fairly remunerative as family living wage, security in the workplace, and social protection for families, better prospects for personal development and social integration for all men and women.

158. Section 23 guarantees the rights of women to equal access to formal sources of credit, capital and technology through: (1) simplified insurance instrument through contract standardization; (2) lowered transaction costs; (3) affordable and transparent benefits and payments, and flexible payment schedules; and (4) promotion of organized groups for easy access to credit and capital.

159. Section 37 of the Implementing Rules and Regulations (IRR) provides for the strategies in mainstreaming genders concerns in the planning, budgeting, monitoring and evaluation of programs and projects. These strategies include among others, the following: (1) Allocation and utilization at least 5% of the government agencies, including LGUs, budget to implement gender-responsive programs and projects; (2) Ensuring that 5-30% of funds received from foreign governments and multilateral agencies are in support of gender-responsive programs and
projects; (3) Creation and maintenance of Sex-Disaggregated Data (SDD) as basis for gender analysis and gender-responsive planning and budgeting; (4) Integration of gender in National and Local Plans; and (5) Mainstreaming gender in the Program/project Monitoring Framework and System.

c. Philippine Plan for Gender Responsive Development (PPGD) 1995-2025

160. The PPGD lays out development goals and strategies that will make gender equity innate in public programs and policies. This 30-year perspective plan ensures that women-friendly policies can take root and flourish despite the barriers posed by traditional attitudes and stereotyping. Goal No. 1 of the PPGD promotes the increased economic empowerment of women through implementation of the following strategies: (1) Enhancement of sustainable access to capital, market, information, technology, and technical assistance; (2) Enhancement of employment and livelihood skills of women, particularly in high-value-adding industries and agricultural activities; (3) Establishment of an enabling environment that will ensure the effective implementation of policies for the protection of women workers; (4) Increase in women’s awareness of their economic rights and opportunities; and (5) Strengthening of women’s representation in economic decision-making bodies.

d. Women’s Empowerment Development and Gender Equality (WEDGE) Plan 2013-2016

161. The WEDGE Plan is the 2nd Framework Plan for Women and the second time-slice plan of the Philippine Plan for Gender Responsive Development (PPGD) 1995-2025. It embodies the strategic goals areas for gender mainstreaming in government programs and projects. These strategic goals include among others, ensuring that gender concerns of women in the areas of economic empowerment and social development rights are addressed.

162. In the area of women’s economic empowerment, the Plan guarantees that there will be an improved participation and lower vulnerabilities of women in formal labor as a result of programs and projects of national government agencies and their partners, and that vulnerabilities of workers in the informal sector, and those engaged in SMEs are addressed by programs and projects of national government agencies, that would eventually lead to a positive economic effects on the lives of women workers, business owners and entrepreneurs.

163. On the other hand, in the area of women social development rights, the Plan ensures that policies, programs, and projects implemented by key shelter agencies, LGUs and their partners shall lead to improved access and ownership rights of women from low-income and informal settler communities to safe, decent and affordable housing.

17. Executive/Administrative/ Departmental Orders/ Procedures

(1) Executive Order (EO) No. 1035, Series of 1985

164. E.O. No. 1035 provides the procedures and guidelines for the expeditious acquisition by the government of private real properties or rights thereon for infrastructure and other government development projects.

(i) Financial assistance to displaced tenants/farmers, equivalent to the average annual gross harvest for the last three (3) years and not less than Php 15,000 per ha.
(ii) Disturbance compensation to agricultural lessees equivalent to five (5) times the average gross harvest during the last five (5) years.

(iii) Provision of financial assistance for the portion subject to the reservation under Section 112 of C.A. 141 on land acquired under C.A. 141 (for original patent holders only). This shall be over and above the compensation for affected portions of structures and improvements therein.

(2) Executive Order No. 48, Series of 2001

165. The EO declares non-core properties of PNR (i.e. those outside the boundaries of railroad tracks and not utilized for railroad purposes) as socialized housing sites and provides for the disposition of the same to bonafide occupants.

(3) Executive Order No. 272, Series of 2004

166. Under this E.O. the Social Housing Finance Corporation (SHFC) shall be the lead government agency to undertake social housing programs that will cater to the formal and informal sectors in the low-income bracket and shall take charge of developing and administering social housing program schemes, particularly the CMP and the Abot-Kaya Pabahay Fund (AKPF) Program (amortization support program and development financing program). Further, where beneficiaries fail to form an association by and among themselves, the SHFC shall initiate the organization of the same in coordination with the Presidential Commission for the Urban Poor (PCUP) and the local government units concerned. No person who is not a bona fide resident of the area shall be a member or officer of such association.

(4) DOTr Right-of-Way and Site Acquisition Manual (ROWSAM)

167. The DOTr as an Implementing Agency (IA) it is mandated by R.A. 10752, through Section 18 of its IRR to produce and agency manual of procedures for ROW acquisition (ROWA). The ROWSAM was developed to provide clear and specific operational guidelines on ROWA. It aims to guide DOTr staff on the legal processes and procedures necessary to acquire and clear private and public land required for the construction and operation of public transport infrastructure regardless of the funding source(s). As stated in Section 1.1.3 of the ROWSAM, heretofore also referred to as the “Manual” it is consistent with the requirements and provisions of R.A. 10752 and its Implementing Rules and Regulations. Further, it outlines the land acquisition requirements necessary for planning, developing, and implementing the acquisition of the land necessary for the development, construction and operation of transportation projects.

168. Under the legal framework of the Manual, references to Supreme Court decisions and R.A. 10752 were made to establish DOTr’s authority, as IA for transportation projects, to exercise the power of eminent domain or the compulsory sale of private property to the State, through expropriation proceedings.

169. Section 3.2 of the ROWSAM enumerates the IA’s (DOTr) processes that are mandated by law, from feasibility assessment to detailed engineering design as follows:

(i) Consult with all tiers of governmental responsibility in the affected area;
(ii) Conduct public information programs in each and every affected neighborhood;
(iii) Conduct extensive consultation with all affected interests and stakeholders;
(iv) Complete an Environmental Impact Assessment;
(v) Construct a ROW and Site Acquisition Action Plan consisting of:
   • Land Acquisition Plan
   • Resettlement Action Plan
   • Parcellary Survey
   • Entitlement Matrix
A brief description of the purpose and provisions of the relevant components of the ROWSA Action Plan is presented below.

170. Section 3.3.2 Land Acquisition Plan (LAP). This is a document with an associated database that provides a structure for identifying every interest in the required land which must be addressed to allow complete operational integrity of the required national transport infrastructure into the name of the Republic. The LAP is mainly confined to the owners and formally recognized occupants of the site, whereas the RAP assesses the interests of informal settlers. This section also mentions that “the ROW Act (R.A. 10752) references only the “property owner” as the entity being compensated. Occupants who reside or draw income from businesses conducted on the site may be displaced by the acquisition and not be eligible for formal compensation directly from the IA (Note: underscore not in original document). They are however able to seek redress from the Property Owner who has been put into the position where their formal arrangement has been compromised. The owner will onforward compensation from the IA to those other interests who may be eligible for compensation on the property.”

171. Further, “Occupants who reside or draw income from businesses conducted on the site may be displaced by the acquisition and not be eligible for formal compensation from the IA. They are able to seek redress from the landowner who has been put into the position where their formal arrangement has been compromised. The owner will onforward compensation from the IA to those other interests who may be eligible for compensation on the property.”

172. In preparing the LAP, a census will be carried out over the entire project affected area based on a specific “cut-off-date” (Notified during the Public Information Process). All land, structures and improvements, crops and trees are “tagged” for identification and assessment of value. The property, as it stood on the proclaimed day, is inspected and detailed measurements and records are taken along with photographic evidence and identification of all inhabitants and occupiers. Status, construction, condition, and such elements are noted and assessed against the likely magnitude of impact arising from the project.

173. Section 3.3.3 Resettlement Action Plan. In accordance with the ROWSAM, the RAP is a document with an associated database that provides a structure for identifying every informal settler interest in the required land which must be addressed to allow complete operational integrity of the required national transport infrastructure into the name of the Republic. Contrary to the LAP, the RAP mentions considerations of compensation for loss of assets of project-affected-persons (PAPs) that were determined to be residing in, carrying on business, cultivating land, or having rights over resources within the ROWSA acquisition area at the proclaimed cut-off date.

174. Section 3.3.4 Parcellary Survey. This involves the determination of the land requirements by formal survey by a qualified, professional geodetic engineer and production of a Parcellary Survey Report containing plans, maps, real property technical descriptors (including identification of ownership and affected parties) with all of the information required for registration of the ROW property into the ownership of the Republic and with any balance (unrequired) land retained in the ownership of the dispossessed owner. This section also states that not all of the processes included in this process of Parcellary Survey require the professional input from the retained geodetic engineer. Instead, other activities such as title searches, collation of survey plans aerial imagery and cadastral mapping, census and tagging requirements arising from the proclamation of the cut-off-date, and negotiation with managing holders of existing public land were cited as such.

175. Section 3.3.5 Entitlement Matrix. The Entitlement Matrix is a project-wide tabulation of every interest, compensable or relocatable that has legitimate entitlement arising from the acquisition process. It is both a budgetary and an acquisition tool. It also provides as clear as
possible indications of the cost of acquisition of the required land and settlement of all legislated responsibilities to the point where a fully-costed recommendation to proceed to acquisition can be made. It was described in the Manual as a collation of the LAP, RAP, and Parcellary Survey.

176. Section 4.2.1 Steps Necessary to Acquire Lands through Negotiated Sale. Under this section the owner is formally notified of the intent of the IA (DOTr) to acquire their property, through negotiated sale, to give effect to a national government infrastructure project by sending the “Notice of Taking and Final Offer with Return Slip”. The owner is given thirty (30) days to consider, thoroughly review and evaluate the offer, including the opportunity to obtain professional advice or assistance. This is designed to eliminate any appearance of coercion and must be respected by the IA (DOTr).

177. In the Manual it is deemed that the 30-day notice provides a chance for the owner to present material they believe is relevant to determining the property’s value, and to suggest modifications to the proposed terms and conditions of the purchase. Further it is also an opportunity to advise and seek discussion on any liabilities and responsibilities arising from the process. If there is a refusal of the offer, or failure by the owner to respond to the offer and/or to submit the required documents as proof of ownership, within the prescribed period of thirty (30) days, the IA shall immediately notify the owner that the IA shall initiate Expropriation proceedings.

(5) DOTr Department Order No. 2013-05

178. The Department Order (DO) specifies the composition of the Technical Working Committee (TWC) for the Acquisition of Sites/Rights-Of-Way for the department’s Infrastructure Projects. It states that no infrastructure project shall be bid out and/or commence unless the acquisition of site and/or ROW of lots affected by the project are determined/settled as certified by the Committee. Under the Guidelines on ROW Acquisition, properties may be acquired through the following modes: donation, quit claim, exchange or barter, negotiated sale or purchase, expropriation or other modes as authorized by law. The Guidelines specify that an ocular of the property to be acquired must be conducted. In addition, lot owners, lot numbers, areas and technical descriptions should be compared against the parcellary map. Proper coordination with LGUs and project-affected persons are likewise required. As part of the guidelines, donation would be explored as the first option. Should the owner disagree, GFIs and/or private appraisers would be requested to conduct the appraisal. More importantly, matters pertaining to relocation shall be coordinated with the pertinent government agencies.

(6) MO 65, Series of 1983

179. Easement of ROW where the owner is paid the land value for the Government to use the land but the owner still retains ownership over the land.

(7) National Housing Authority Memorandum Circular No. 2427 s. 2012

180. As enabler and facilitator in the housing delivery process under RA 7279, NHA issued the Revised Guidelines for the Implementation of the Resettlement Assistance Program for Local Government Units designed to enhance the capabilities of LGUs outside Metro Manila to provide housing for informal settlers requiring relocation and resettlement. Target beneficiaries include families displaced or to be displaced from sites earmarked for government infrastructure projects. As partners of the program, NHA will (i) provide technical assistance to LGUs in preparing project plans and formulating policies and guidelines in implementing resettlement projects and (ii) contribute funds (in the form of grants) for the development of resettlement sites. The LGUs on the other hand shall (i) contribute land for the project and (ii) be the lead project implementor with overall responsibility for the operation and management of the resettlement project to include preparation of overall project plans, site development and housing plans, beneficiary selection, relocation of families and estate management.
181. Given the existing housing conditions of the Indigenous Peoples, NHA issued the Revised Guidelines for the Implementation of the Housing Assistance Program for Indigenous Peoples to improve their living conditions and uplift their well-being through the provision of decent shelter. To be pursued under the framework of Resettlement Assistance for LGUs, the land required for the housing project in an ancestral domain, shall be made available for the IP community concerned. NHAs assistance shall be in the form of funds for land development or housing construction and technical assistance. All plans for the project shall be jointly approved by the LGU, the IP community/ies and NHA.

182. The LARRIPP of the Department of Public Works and Highways (DPWH) spells out the legal framework and donors’ policies governing instances when infrastructure projects implemented by the DPWH, and other government agencies including DOTr, that cause the involuntary taking of land, structures, crops, and other assets resulting in some cases in the displacement and resettlement of affected persons. The LARRIPP enumerates the entitlements and benefits that Affected Families (AFs) or Project Affected Persons (PAPs) should rightfully receive under the law based on the Project’s adverse impacts on their assets, livelihood, and lives. It expounds on safeguards to be followed based on Philippine law when these affected persons are Indigenous Peoples, living inside and outside an officially declared ancestral domain. Finally, the LARRIPP delineates the institutional framework for the implementation of the policy and provides mechanisms, both internal and external to the DPWH, for monitoring and evaluating the impact of safeguard measures, e.g. resettlement action plan, indigenous peoples’ action plan. Although LARRIPP has been superseded by other laws and policy documents, it provides guidance on aspects of the resettlement process that may not be covered in more recent policies of DOTr or laws.

183. Designating the presidential commission for the urban poor (PCUP) as the sole clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens and establishing for the purpose a mechanism to ensure strict compliance with the requirements of just and humane demolition and eviction under the urban development and housing act of 1992, and for other purposes. Specifically, PCUP is mandated to: (i) monitor all evictions and demolitions, whether extra-judicial or court-ordered, involving homeless and underprivileged citizens; (ii) require the concerned departments and agencies, including concerned LGUs to secure first from PCUP the checklist, guidelines and compliance certificates on demolition and eviction prior to the actual implementation of resettlement and submit to the PCUP the completed checklist, attested to under oath by the proponent. The checklist needs to indicate: (i) adequate consultations with the affected families have already been undertaken; (ii) adequate resettlement site and relocation facilities are available; and (iii) the provisions of Section 3, paragraph 1 of the Implementing Rules and Regulations of Section 28 of RA 7279 (Pre-Relocation) have been complied with. Based on the completed checklist, PCUP will issue demolition and eviction compliance certificates to proposed demolitions and evictions involving the homeless and underprivileged citizens. PCUP will investigate complaints, file the appropriate criminal, civil or administrative cases against any person or persons found to have violated the provisions of Section 28 of RA 7279.

184. The LGUs were also ordered to create the Local Housing Board (LHB) or any similar body through an appropriate ordinance before conducting the clearing house functions granted to them in the EO. PCUP shall continue with its monitoring and reporting functions of EO 152.
(12) Executive Order 69 Series of 2012

185. The EO provides for the transfer of PCUP to the Office of the President (OP) to effectively coordinate, formulate and evaluate policies and programs concerning the urban poor. The EO also provides the following functions and power to PCUP: (i) Conduct of social preparation activities related to asset reform, human development, and basic social services, employment and livelihood, and other programs of the government for the urban poor; and (ii) representation in HUDCC, Key Shelter Agencies (KSAs) and in Local Housing Boards (LHB).

(13) NHA Memorandum Circular No. 015, Series of 2015

186. This Memorandum Circular provides the guidelines for site selection, site suitability, and site planning in the implementation of various housing development programs and projects of the National Housing Authority. It also entails the selection and planning of sites for housing with the objective of rationalizing the land use of NHA housing projects considering the many environmental and social issues on housing development vis-à-vis the existing government rules and regulations.

(14) NHA Memorandum Circular No. 014, Series of 2018

187. NHA Memorandum Circular No. 014, S.2018 entitled, “Revised Guidelines for the Financing of the Acquisition of Developed Lots and Completed Housing Units in Permanent Housing Sites Through the Community Based Initiative Approach (CBIA)” seek to provide improvements on the Community Initiative Approach (CIAP) per NHA Board Resolution Nos. 6081 and 6155 dated May 13, 2016 and March 01, 2017, respectively. The latest issuance includes enhanced participation of Community Associations (CA) in identified aspects of the relocation and resettlement program and project implementation process, as well as strengthening of controls in the site evaluation, evaluation of landowners/developers/contractors, review and approval of project proposals, and project implementation.

(15) HLURB Memorandum Circular No. 13, Series of 2017

188. The Housing and Land Use Regulatory Board (HLURB) Memo sets the price ceiling for Economic Housing at above PhP450,000 to PhP1,700,000 while a Medium-Cost Housing is above PhP1,700,000 to PhP4,000,000.

B. ADB Safeguards Policy Statement of 2009

189. Involuntary Resettlement. ADB’s policy on involuntary resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) as well as economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary. The following ADB-SPS principles on involuntary resettlement are stipulated and will apply to the project:

(i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement action planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

(ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their
entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

(iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

(iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

(v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

(vi) Develop procedures in a transparent, consistent, and equitable manner, if land acquisition is through negotiated settlement in order to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

(vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.

(viii) Prepare a RP elaborating on displaced persons' entitlements, a consultation and disclosure plan, a grievance redress mechanism, an income and livelihood restoration strategy, institutional arrangements, monitoring and reporting arrangement, budget, and a time-bound implementation schedule.

(ix) Disclose a draft resettlement action plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to the affected persons and other stakeholders. Disclose the final resettlement action plan and its updates to the affected persons and other stakeholders.
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project’s costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement action plan under close supervision throughout project implementation.

Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement action plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

An important aspect of ADB’s involuntary resettlement safeguard requirement is compensation at replacement cost comprising the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, structures will be compensated at replacement costs without depreciation of structures. Qualified and experienced experts shall undertake the valuation of acquired assets.

Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to a declared cut-off date.

Indigenous Peoples. ADB’s indigenous people’s safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as their ancestral domain. If ancestral domain land will be required for the rail ROW for the project, an appropriate IP safeguard instrument will be prepared. This project is categorized as a ‘B’ to be prepared for unforeseen IP impacts. The proposed site for the depot is located on land adjacent to IP ancestral domain, although this is not anticipated to trigger the ADB IP safeguards policies, nonetheless, a clearance is being sought from the National Commission on Indigenous Peoples.

Under the ADB safeguards policy of 2009, the main objective with respect to indigenous peoples (IP) is to design and implement projects in a way that fosters full respect for IP identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs/ICCs themselves so that they (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of projects; and (iii) can participate actively in projects that affect them.

ADB’s SPS for indigenous peoples requirements include: (i) consultation and participation; (ii) social impact assessment; (iii) indigenous peoples planning; (iv) information disclosure; (v) grievance redress mechanism (GRM); (vi) monitoring and reporting; and (vii) unanticipated impacts. These requirements are anchored upon the following safeguards policy principles for indigenous peoples:

Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
(ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate, and gender and inter-generationally inclusive, and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.

(iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples’ active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples’ concerns.

(iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities (if applicable): (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

(v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources, and that their benefits are equitably shared.

(vi) Prepare an Indigenous Peoples Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

(vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

(viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing
legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

(ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP’s objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

195. **Other policies.** Other ADB policies relevant to resettlement action planning and implementation include the Policy on Gender and Development that adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

196. The ADB Public Communications Policy seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities. Information dissemination on ADB-funded projects should start early in the project preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected persons and other stakeholders.

C. **JICA Policies on Involuntary Resettlement**

197. The key principles of JICA policy on involuntary resettlement described in the Guidelines for Environmental and Social Considerations of JICA (April 2010) is summarized below:

(i) Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.

(ii) When population displacement is unavoidable, effective measures to minimize the impact and to compensate for losses should be taken.

(iii) People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels.

(iv) Compensation must be based on the full replacement cost, as defined in World Bank (WB) Operational Procedures (O.P) 4.12, as much as possible.

(v) Compensation and other kinds of assistance must be provided prior to displacement.

(vi) For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. It is desirable that the resettlement action plan include elements laid out in the World Bank Safeguard Policy, OP 4.12.

(vii) In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people.

(viii) Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans.

(ix) Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.
The above principle is complemented by the World Bank OP 4.12, since it is stated in the JICA Guidelines that JICA confirms that projects do not deviate significantly from the World Bank’s Safeguard Policies. Additional key principles based on the World Bank OP 4.12 are as follows.

(i) Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socio-economic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers and others who wish to take advantage of such benefits.

(ii) Eligibility of benefits include:
   a) PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law);
   b) PAPs who do not have formal legal rights to land at the time of census but have a claim to such land or assets; and
   c) PAPs who have no recognizable legal right to the land they are occupying.

(iii) Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.

(iv) Provide support for the transition period (between displacement and livelihood restoration).

(v) Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities, etc.

(vi) For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared.

D. The Framework Principles

1. The Project Policy Principles

The principles and objectives of the policies of ADB and JICA are very similar with respect to social safeguards. The requirements of both, ADB and JICA are applied to the project, however where there are discrepancies, ADB policies prevail. The legal and policy framework for compensation, site clearance, resettlement and rehabilitation, and indigenous people under the Project is defined by the relevant laws and regulations of the Government of Philippines, ADB’s Safeguard Policy Statement (2009), and JICA’s guideline on environmental and social considerations. In case of discrepancies between the Borrower’s laws, regulations, and procedures and ADB and JICA’s policies and requirements, the stricter policies and requirements will prevail. The following principles will govern project implementation:

(i) Involuntary resettlement should be avoided where feasible;

(ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options as agreed upon during community assemblies or other fora;

(iii) People unavoidably displaced should be compensated and assisted so that their economic and social future would be as favorable as it would have been in the absence of the project;
(iv) People affected by involuntary resettlement due to development initiatives should be fully informed and consulted and have agreed on resettlement and compensation options;

(v) Existing social and cultural institutions of PAPs and their hosts should be supported and used to the greatest extent possible, and PAPs should be integrated economically and socially into host communities;

(vi) Lack of legal rights to the assets lost will not hinder PAPs from entitlement to such compensation or rehabilitation measures; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and appropriate assistance should be provided to help them get the rehabilitation or compensation package as agreed;

(vii) As far as possible, involuntary resettlement should be conceived and executed as a development activity as part of the project; and

(viii) The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.

2. Gap Analysis Comparing the ADB Policies on Involuntary Resettlement and Indigenous Peoples and JICA’s Guidelines with Government of the Philippines policies

200. A gap analysis of the Philippine Government’s policy on involuntary resettlement vis-à-vis ADB and JICA’s safeguard policies has been undertaken (Table 11). Where there are differences between ADB and JICA’s safeguard requirements and the Philippines Government policies, then ADB/JICA policies will prevail (or, the more stringent measure). All gap-filling measures have been specified and approved by DOTr.

201. Generally, the Philippine land law and regulations for compensation match with ADB and JICA’s requirements of replacement cost. There are no major substantive gaps to reconcile between the country’s laws and regulations and ADB and JICA’s requirements. However, there are some procedural gaps. The differences between the Government’s laws, and ADB and JICA’s policies with regard to involuntary resettlement and how to address these gaps, are shown in the Table 11 below.
<table>
<thead>
<tr>
<th>Issue</th>
<th>ADB/JICA</th>
<th>Laws of the Philippines</th>
<th>Gap</th>
<th>Gap Filling Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for non-land assets for those without recognized legal rights to affected land.</td>
<td>PAPs who have neither formal legal rights nor recognizable claims to affected land they occupy are to be compensated for the loss of assets other than land, and for other improvements to the land, at full replacement cost, provided they occupied the project area prior to the project cut-off date.</td>
<td>PAPs without legal entitlement to affected land will be eligible for compensation for structures and improvements with following criteria: &lt;br&gt; a. Must be a Filipino citizen; &lt;br&gt; b. Must not own any real property or any other housing facility, whether in an urban or rural area; &lt;br&gt; c. Must not be a professional squatter or a member of a squating syndicate, as defined in R.A No. 7279, otherwise known as the &quot;Urban Development and housing Act of 1992&quot;;</td>
<td>PAPs who do not have legally recognized right to the affected land but who occupy the project affected area prior to the cut-off date are eligible for compensation for affected non-land assets and improvements, other than land, at full replacement cost.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Section 5(b) of RA 10752) 7 &quot;Squatting syndicates&quot; as defined in section 3 of RA 7279 8 will not be eligible for compensation or assistance.</td>
<td>PAPs without legal rights to affected land are potentially ineligible for compensation for non-land losses if they are classified as professional squatters or members of squatting syndicates.</td>
<td>This includes those that do not meet the criteria within the Laws of the Philippines, with the exception of “Squatting syndicates” as defined in section 3 of RA 7279 and who are certified by HUDCC and or other Government Agency (PNR, LGU among others) as such will not be eligible for compensation.</td>
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<td>Under Section 15 of IRR of RA 10752, the government shall provide adequate appropriations including the cost of development and implementation of</td>
<td></td>
<td>Presence in the project affected area at cut-off date to be validated through census and validated by the respective Local Housing Office (LHO) or the Local Inter-Agency Committee (LIAC), in the absence of the former.</td>
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<td>All aspects of the RAP will be covered by adequate government appropriations.</td>
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</table>

7 Section 6.6 of IRR of RA 10752 includes additional criterion that PAPs must not occupy an existing government ROW. However, this criterion is not supported in RA 10752 itself. 

8 “Squatting syndicates” refers to groups of persons engaged in the business of squatter housing for profit or gain
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<tbody>
<tr>
<td>resettlement projects, including planning, social preparation, provision of basic services, community facilities, livelihood restoration and improvement and other activities in the resettlement action plan.</td>
<td>Eligibility for resettlement assistance</td>
<td>All relocating PAPs will be eligible for self-relocation assistance or assisted resettlement.</td>
</tr>
<tr>
<td>Physically displaced persons will be provided with relocation assistance, transitional support and development assistance. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards and provide them with appropriate income sources and legal and affordable access to adequate housing.</td>
<td>Socialized Housing: Under Section 16 of RA 7279, informal settlers: To qualify for the socialized housing program, a beneficiary: - Must be a Filipino citizen; - Must be an underprivileged and homeless citizen - Must not own any real property whether in the urban or rural areas; and - Must not be a professional squatter or a member of squatting syndicates. Restrictions on eligibility for resettlement assistance for those who do not meet the criteria for the socialized housing.</td>
<td>Members of squatting syndicates who do not actually occupy project-affected structures and are residing elsewhere will not be physically displaced and as such will not be eligible for relocation assistance and transitional support. The Entitlement Matrix outlines the specifics of the support provided for the self-relocation assistance and resettlement assistance options.</td>
</tr>
<tr>
<td>Payment of capital gains tax on land acquired through expropriation. The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration</td>
<td>RA 10752 requires for the property owner to pay the capital gains tax in expropriation proceedings in order to incentivize and promote negotiated sale. Under negotiated sale, the IA shall pay for the account of the seller, the capital gains tax, as well as the documentary stamp tax, transfer tax, and registration</td>
<td>Payment of capital gains tax by PAP if land is expropriated is inconsistent with principle of replacement cost. Payment of CGT will be paid by the IA after the ruling by the court in expropriation cases when a PAP is unable to accept the negotiated sale as they lack the paperwork and are required to undergo Extra Judicial Settlement before being recognised as the property owner (for example, in deceased estates that have not been settled). Prompt and complete disclosure of the advantages of Negotiated Sale over Expropriation Proceedings (As</td>
</tr>
</tbody>
</table>
costs; and (v) other applicable payments, if any.

fees. The property owner will pay any unpaid real property tax.

Under expropriation proceedings, the IA shall pay the documentary stamp tax, transfer tax, and registration fees, while the owner will pay the capital gains tax and any unpaid real property tax.

provided for by R.A. 10752) shall be made during conduct of the 2nd Stakeholder Consultation Meeting (SCM) to wit:

**Negotiated Sale Advantages:**

(i) Outright offer for land price will be based on fair market value

(ii) Payment of CGT shouldered by Implementing Agency (DOTr)

(iii) Shorter process (2-6 months if all required documents are complete)

**Expropriation Proceeding Disadvantages:**

(i) Initial payment for land based on BIR zonal value and owner needs to present documentary evidence during court hearings to prove that value should be higher

(ii) Owner needs to hire lawyer

(iii) Longer process (may take a year to several years before decision of court for payment of just compensation in favor of the owner becomes final and executory) and orders DOTr to pay the owner the difference.

PAPs may still revert from expropriation to negotiation at any point in time before the last day of filing for Motion of the expropriation case.
| 4 | Scope of application of the RAP | Scope to cover direct impacts of land acquisition and restricted land use for the project, including any land acquired for development of resettlement sites specifically for the project. Involuntary land acquisition for resettlement sites to be avoided, where possible. | Unless specifically included in the RAP, Government policies and standards only would be applied. Potential gap with respect to application of policies and entitlements under RAP to those who are affected by land acquisition to develop resettlement sites for the project. | Any land acquired for resettlement site development specifically for the needs of the project will be included in the scope of RAPs, and will follow the project-specific policies as outlined in the RAP. DOTr will oblige any agency responsible for land acquisition for resettlement sites, such as NHA, to apply the same standards and entitlements as set out in the policy framework. |
Payment of compensation and assistance prior to displacement.

All compensation and assistance should be provided prior to displacement.

Under RA 10752, in the mode of negotiated sale, PAPs will be paid in two installments for their affected properties. The balance in compensation for the land will only be paid after the deed of sale has been completed. The balance of payment for improvements will be paid to the PAPs only after the acquired lands have been cleared of all improvements (i.e., structures, trees, and crops).

In the mode of expropriation, an initial compensation at an amount computed at 100% of lot price based on latest Bureau of Internal Revenue (BIR) zonal value for land, replacement cost for structures and improvements, and market value for crops and trees in the form of a check will be deposited to the court in favor of the owner upon filing of expropriation case by DOTr. The Court will immediately issue an order to take possession of the property and start implementation of the project (Section 6(a) R.A. 10752). While the court adjudicates the compensation to be paid, the PAPs may, at any time request the court to release such deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752).

Gaps on timing for payment, and for expropriation cases, the need to provide proof of ownership to the courts prior to payment.

The APs will not be displaced until after they have been paid in full the compensation and applicable allowances due to them:

For negotiated sale the following arrangements will be applied:

For structures: DOTr to pay 100% prior to being displaced. Payment of compensation for structures and improvements may be held in abeyance for participants of socialized housing program or used as an advance payment on their amortizations at the PAPs request until the relocation site and socialized housing accommodation becomes available.

For land: For Full/Severe impacts - 1st installment of 50% by DOTr remaining 50% is paid to PAPs when land is officially transferred; for partial/ marginal land taking, remaining 50% is paid to PAPs upon annotation of the Title on sale of portion of land; but no displacement nor civil works to commence until such transfer is effective and balance paid.

In negotiated sale cases where PAPs are willing to sell their property but will take more than 30 days to submit required documents, DOTr shall provide necessary assistance to the extent possible, to help PAPs to secure the paperwork.

In cases wherein PAPs need to undergo Extra Judicial Settlement
(EJS) for the paperwork, the DOTr shall assist them through the Help Desk so that they can complete title segregation prior to issuance of offer to buy (OTB)\(^9\), and thus can be eligible for negotiated sale.

In cases wherein the PAPs with EJS case is assisted but could not be finished prior to issuance of OTB, expropriation case shall be filed while the EJS is still being processed. The PAPs can, at any time, request the court to release the initial payment deposited to the Court upon submittal of proof of ownership. The PAP will have the choice of accepting the check for BIR Zonal value for the land and replacement value for structures and improvements, and market value for crops and trees and await the courts findings, or once the EJS is completed, a joint motion in the court for a compromised judgement can be filed and the acquisition goes back to negotiated sale. In such cases, the DOTr shall pay to the PAPs the difference between the initial payment released by the court and the market value indicated in the OTB.

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\(^9\) In cases when the original owner, whose name is on the title, has already died and did not leave any last testament as to who will inherit his property, the heirs have to undergo extra judicial settlement (EJS) so that the original title can be subdivided among them. Otherwise the agency tasked to acquire ROW cannot compensate them.

\(^10\) This can be achieved through early issuance of the Notice of Taking to property owners.
| 6 | Severity of Impact on productive resources after which rehabilitation assistance is required. | Loss of 10% or more of productive or income sources (e.g. farmland, business/shop) is entitled to livelihood restoration assistance. | For agricultural tenants and sharecroppers:  
Financial assistance equivalent to the average gross harvest for the last three (3) years and not less than P15,000 per hectare (EO 1035).  
For agricultural lessees:  
Entitled to disturbance compensation equivalent to five times the average gross harvests on his/her landholding during the last five preceding calendar years (R.A. 6389) | Gap with respect to threshold and requirement for livelihood restoration assistance for all cases experiencing loss of productive resources. | Participation in the Livelihood Restoration and Improvement Program for those whose productive resources are permanently affected by 10% or more. |

| 7 | Severity of loss of property after which the entire property will be acquired. | If the residual portion is 20% or less or if the residual portion is no longer viable for use according to original purpose, the entire property will be acquired. | No specific law prescribes acquisition of remaining unviable portion of the acquired property. | No current Government policy on this issue. | If the residual portion is 20% or less or if the residual portion is no longer viable for use according to original purpose, the entire property will be acquired taking also the wishes of the PAP into consideration. |

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11 Based on the World Bank Involuntary Resettlement Sourcebook which, JICA applies in its policy, provides that if more than 80% of holdings is acquired, or if residual holdings no longer economically viable, owner shall have the option to sell the residual land.

12 The DPWH Land Acquisition Resettlement Rehabilitation and Indigenous Peoples Policy (LARRIPP) 3rd Ed. Series 0f 2007 provides that if portion of the property to be affected is more than 20% of the total land area or even less than 20% if the remaining portion is no longer economically viable or it will no longer function as intended. The owner of this property (land or structures, etc.) shall be entitled to full compensation in accordance to RA 8974. The DPWH LARRIPP 2007 is dated, being based on RA 8974, which has been superseded by R.A. 10752.
| 8 | Income restoration and livelihood improvement | The borrower/client will include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plan. Income sources and livelihoods affected by project activities will be restored to pre-project levels, and the borrower/client will make every attempt to improve the incomes of displaced persons so that they can benefit from the project. For vulnerable persons and households affected, the resettlement plan will include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. | Requirements for supplementary assistance or training to certain categories of PAPs. However, the requirements do not have specific objectives to restore income earning capacity and are limited in scope and application. Nonetheless, IRR of RA10752 states that government appropriations should be available to implement the cost of development and implementation of resettlement projects, and may include livelihood restoration and improvement activities. | ADB/JICA guidelines are more specific regarding objectives of restoring income earning capacity and include those whose income generation resources are severely affected. Income restoration and livelihood improvement measures need to be designed in consultation with PAPs and be adequately resourced to restore income earning capacity of all PAPs whose livelihoods are affected and improve income earning capacity of vulnerable PAPs. The effectiveness of the income restoration and livelihood improvement activities will be monitored and reviewed. |

| 9 | Transitional assistance and compensation for lost income. | In the case of physically displaced persons, provide transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and opportunities to derive appropriate development benefits from the project. | Section 10(c) of R.A. 10752 provides that the cost of development and implementation of resettlement projects covered by the Act, including planning, social preparation, and other activities under the resettlement action plan shall be provided adequate | Although there are no specific laws and guidelines which mention the transition period, entitlements relating to this may be lumped under "livelihood restoration and improvement and other activities under the resettlement action |

Transitional support during the period while PAPs are resettling and re-establishing their livelihoods will be provided aimed at stabilizing their living standards. Cash compensation to cover income losses during transition period corresponding to stoppage of business/commercial activities, but not exceeding six-month period |
<table>
<thead>
<tr>
<th>Case</th>
<th>Compensation Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition affects commercial structures, affected business owners are entitled to:</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Costs of transferring and reinstalling plant, machinery, or other equipment.</td>
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<tr>
<td>2.</td>
<td>Costs of transferring and reinstalling plant, machinery, or other equipment.</td>
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<tr>
<td>3.</td>
<td>Costs of transferring and reinstalling plant, machinery, or other equipment.</td>
</tr>
<tr>
<td></td>
<td>Appropriation to cover the funds needed for such.</td>
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<td></td>
<td>Section 15 of the IRR of RA 10752 further states that when necessary the development cost described above may include land development and housing construction, provision of basic services and community facilities, livelihood restoration and improvement and other activities under the resettlement action plan in coordination with concerned government agencies.</td>
</tr>
<tr>
<td></td>
<td>Executive Order No. 1035 provides for (1) financial assistance to displaced tenants, cultural minorities and settlers equivalent to the average annual gross harvest for the last 3 years and not less than P15,000 per hectare, and (2) disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest during the last 5 years.</td>
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<td></td>
<td>Section 7 of RA 6389 provides for disturbance compensation for agricultural lessees equivalent to 5 times the average gross harvest in the last 5 years.</td>
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<td>For PAFs whose structures are severely affected and business/income will be affected, the DPWH LARRIP (2003) provides for rehabilitation assistance with an amount not more than P15,000 (based on plan” as provided by the latest ROW law and its IRR.</td>
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<td></td>
<td>In the Philippine laws, there is no provision for compensation for loss of income for medium to large businesses.</td>
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<td></td>
<td>For PAPs who are owners of medium to large commercial establishments built inside own affected property:</td>
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<tr>
<td>a.</td>
<td>Acquire the property but allow the owner of the structure and business use of the land for a defined period to give the owner time to transfer, subject to agreement on a case to case basis;</td>
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<tr>
<td>b.</td>
<td>Cash compensation to cover transactional (e.g., permitting) cost of reestablishing the business; and</td>
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<tr>
<td>c.</td>
<td>Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere.</td>
</tr>
<tr>
<td>d.</td>
<td>For those who will continue with their commercial activities elsewhere, rental subsidy for three (3) months based on prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased. Not applicable to lease contracts that will expire within three (3) months at the time of taking;</td>
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<tr>
<td>e.</td>
<td>Cash compensation to cover transactional (e.g., permitting) costs.</td>
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<td></td>
<td>the tax record for the business activities)</td>
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<td></td>
<td>PAPs who are owners of micro and small businesses with or without permits from the LGU concerned:</td>
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<tr>
<td>f.</td>
<td>Cash compensation to cover income losses during transition period corresponding to stoppage of business activities, but not exceeding six-month period;</td>
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<tr>
<td>g.</td>
<td>Cash compensation to cover transactional (e.g., permitting) cost of reestablishing the industry elsewhere;</td>
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<tr>
<td>h.</td>
<td>Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere.</td>
</tr>
<tr>
<td>i.</td>
<td>Participation in the Livelihood Restoration and Improvement Program</td>
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<tr>
<td>j.</td>
<td>For PAPs who are leasing space from property owners who can continue with their micro-small business activities elsewhere, rental subsidy for three (3) months based on prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased.</td>
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<td></td>
<td>PAPs who are employed in displaced commercial or industrial establishment losing job due to</td>
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<td></td>
<td>Disclosure of the RAP</td>
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<td></td>
<td>The RAP shall be prepared and accessible to the public through the JICA, ADB and DOTr websites. Salient information from the RAP will be disclosed to PAPs prior to and following finalization during stakeholder consultation meetings.</td>
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<tr>
<td></td>
<td>Grievance redress mechanism</td>
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13 In terms of guidelines, Section 3.4 Tracking and Monitoring Implementation of Grievance procedures of the DPWH LAPRAP Tracking Manual of 2003 may be used as reference.

14 Onset is marked by the sending of the Notice of Taking by DOTr.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
<th>Requirement Details</th>
<th>Benefits</th>
</tr>
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<tbody>
<tr>
<td>Census, inventory of losses and establishment of cut-off date for eligibility to entitlements.</td>
<td>Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census, asset inventory, and socioeconomic survey). The borrower/client will establish a cut-off date for eligibility. Information regarding the cutoff date will be documented and disseminated throughout the project area.</td>
<td>Requirement under RA 7279 and its IRR for LGUs to conduct inventory of their ISFs. The conduct of survey and tagging are established practice by the Urban Poor Affairs Office (UPAO). Section 4 of the IRR for Registration of Socialized Housing Beneficiaries states that the city/municipal government shall be primarily responsible for carrying out the registration of underprivileged and homeless families within their respective jurisdictions.</td>
<td>No specific requirement for cut-off date. A census and socioeconomic survey is conducted for the affected areas to prepare the RAP. For informal settlers, the cut-off date is set on the beginning date of the census and tagging. The cut-off date is publically disclosed during the 1st stakeholder consultation meeting in the project affected areas. Date of Notice of Taking will be the cut-off date for formal property owners.</td>
</tr>
<tr>
<td>External monitoring</td>
<td>For projects with significant involuntary resettlement impacts, the borrower/client will retain qualified and experienced experts to conduct external monitoring.</td>
<td>Not required</td>
<td>Requirement for external monitoring of projects with significant impacts. The IA will engage qualified experts to conduct external monitoring of implementation of the RAP.</td>
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<tr>
<td>Voluntary land donation</td>
<td>Voluntary donation will be an act of informed consent and APs/IPs will not be forced to donate land or other assets with coercion or under duress.</td>
<td>Voluntary land donations are permitted.</td>
<td>Voluntary land donations are a mode of land acquisition for the project. Voluntary donation will be an act of informed consent and APs/IPs will not be forced to donate land or other assets with coercion or under duress. Any voluntary donation will follow international best practices and be confirmed through written records and verified by an independent third party.</td>
</tr>
</tbody>
</table>
3. Efforts to Minimize Involuntary Resettlement

202. The project tranches will be designed to avoid or minimize negative social impacts. If any negative impacts are identified, appropriate mitigation measures will be developed in a tranche-specific resettlement action plan and implemented as part of the tranche design and implementation, following the provision of this framework.

203. Involuntary resettlement should be avoided where feasible and if it is not avoidable, it should be minimized by exploring all viable sub-project options. Where screening identifies a tranche with negative impacts, a resettlement action plan preparation is deemed necessary. A RAP (possibly a combined RAP and IPP, if impacts on the IP communities are identified during screening) will be prepared for the sections/sub-projects and will be part of the tranche proposal to be submitted to ADB by the program management office (PMO) of the DOTr. An outline for combined RAPs and IPPs (RIPPs) is attached as Appendix 1.

204. It is important to screen the sub-projects early on to identify past, present, and future IR and IP impacts and risks. The scope of a RAP will be determined through a census and assets inventory of the affected households and, will include a gender analysis, specifically related to resettlement impacts and risks. The screening will identify the potential for loss of land, assets/structures, livelihoods, willingness of the community to collaborate in the implementation of the sub-projects, and their impacts through primary and secondary data collection.

205. The guiding principles contained in this document will be adopted. The sub-project specific RAPs should reflect the inventory of affected persons and properties, number of persons eligible for compensation and assistance (eligibility is based on what is stated in this framework), cost estimates and arrangements for consultation and participation, monitoring and evaluation plan, and grievance redress mechanism.

206. Payment of compensation at replacement cost and provision of other entitlements (in cash or in-kind) will be satisfactorily completed for each tranche prior to the commencement of civil works. Construction will not be allowed to commence until full compensation has been paid and relocation, when necessary, is completed in accordance with this framework. The formulation of the compensation package and subsequent payments made will be properly documented.

4. Affected Persons, Cut-Off Date and Eligibility

207. Types of displaced persons within the project area are as follows:

(i) Landowners: Persons with formal legal rights to land they may lose in its entirety or in part;
(ii) Persons who may lose the land they occupy or utilize in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands such as customary claims, that are recognized or recognizable under national laws; and
(iii) Persons who may lose the land they occupy or utilize in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. Squatters, encroachers, tenants, etc., constitute this type.

208. Persons covered under (i) and (ii) are provided compensation at full replacement cost for the land they lose, payment for non-land assets they own and necessary assistance in cash or in-kind. Persons covered under (iii) are provided compensation at full replacement cost for non-land assets they own and resettlement assistance, in lieu of compensation for the land they
occupy, and other assistance, as necessary, to achieve the objectives set out in this framework provided that they occupy the project area prior to the cut-off date of the project.

209. A cut-off date is a date that signifies eligibility for receiving compensation and assistance by the affected persons due to the project. For PAPs with legally recognized rights to the affected land, the cut-off date is reckoned from the issuance of the Notice of Taking by the DOTr in accordance with law (Section 11 of R.A. 10752 and Section 16 of its Implementing Rules and Regulations or IRR). For those PAPs without legal rights to affected land, such as informal settlers (ISFs), the cut-off date will be set for each municipality or barangay based on the beginning date of the census and tagging in that area. The dates for the conduct of the census survey are to be publicly disclosed in the project affected areas and announced to PAPs through the conduct of the 1st stakeholder consultation meeting. Any new structures or improvements after the cut-off date will not be compensated, nor assistance provided to any persons moving in to project affected area after that date.

210. This framework recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, at greater risk of impoverishment when their land and other assets are affected. The extent of impact on IPs and other disadvantaged groups, such as landless or those without title to land, poor, households headed by women, elderly, and disabled, who will be entitled to receive special rehabilitation assistance will be determined during preparation of the tranche-specific RAP. The project’s strategies on vulnerable groups are:

(i) Surveys of socioeconomic conditions of PAPs will identify the conditions, needs and preferences of poor households and woman-headed households (and other female PAPs); monitoring of resettlement activities will assess separately the impacts on vulnerable PAPs.
(ii) Ensure that the process of land acquisition and resettlement does not disadvantage IP communities, households headed by women or elderly or disabled, and poor households, particularly the landless or those without title to land.
(iii) Preparation of information materials will take into consideration the language and literacy skills of participants, as well as other gender and cultural sensitivities that would affect their participation.
(iv) The project will give priority to willing vulnerable PAPs for employment in construction, operation and maintenance of physical infrastructure, reforestation and protection, and other project activities, where appropriate.

5. Entitlements

211. The entitlements developed for the project are designed to mitigate anticipated impacts for various categories of eligible affected people in accordance with the laws and regulations of the Government, ADB’s SPS requirements and JICA’s guidelines on environmental and social considerations. These entitlements may be enhanced or otherwise modified, as necessary, following the conduct of detailed measurement survey (DMS) and consultation with PAPs to ensure that the impacts are mitigated, if not improved. However, the standards may not be lower than the entitlements set out in this agreed framework. In accordance with RA 10752, to determine the appropriate price offer for the acquisition of ROW, DOTr will engage the services of a government financial institution (GFI) with adequate experience in property appraisal or an independent property appraiser (IPA) accredited by: (i) the Bangko Sentral ng Pilipinas (DSP) or (ii) a professional association of appraisers recognized by BSP.
212. Section 7 of RA 10752 enumerates the standards for the assessment of the value of land:

(i) The classification and use for which the property is suited;
(ii) The development cost for improving the land;
(iii) The value declared by owners;
(iv) The current selling price of similar lands in the vicinity;
(v) The reasonable disturbance compensation for the removal and demolition of certain improvements on the land and for the value of improvements thereon;
(vi) The size, shape or location, tax declaration and zonal valuation of the land;
(vii) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
(viii) Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

213. The replacement cost of structures or improvements affected by the ROW shall be based on the current market prices of materials, equipment, labor, contractors profit and overhead, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset. In addition, (i) if the affected structure has been damaged, then the replacement cost should be the pre-damaged condition of that structure; (ii) the replacement cost of the structure may vary from the market value of the existing structure, since the structure that would actually replace it may have a different cost at current market prices; and (iii) the replacement structure has to perform the same functions and meet the performance specifications as the original structure.

214. The unit of entitlement is the affected individual, or household or affected community, as the case may be, that is eligible to receive compensation and assistances. As a rule, the unit of loss determines the unit of entitlement. If an individual loses a small business, the individual is entitled to compensation. If more than one person owns or customarily uses expropriated resources, then they are entitled to share in compensation. For example, if a household of five loses a house and two hectares of land held in the name of one person, all the members of the household are collectively entitled to at least a house and two hectares of land of comparable value or to another form of compensation or rehabilitation acceptable to them. The concept of the unit of entitlement is related to the entitlement matrix (Table 12).

215. The entitlement matrix takes the types of displaced persons into consideration. The matrix includes (i) legally mandated compensation for land and other assets acquired; (ii) additional cash grants or top-up needed to meet replacement cost; (iii) cash assistance such as shifting allowance for relocation; (iv) resettlement assistance such as housing plots or houses or apartment units built for relocation; (v) income restoration assistance or grants for business; (vi) employment and training opportunities; and (vii) special assistance to vulnerable groups.
Table 12 Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Loss of Land</th>
<th>Entitled Person</th>
<th>(Severe/Full)</th>
<th>(Marginal/Partial)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1a</strong></td>
<td>Entitlements:</td>
<td>PAPs who have full title being Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT) or emancipation patents (EP) or Certificates of Land Ownership Award (CLOA).</td>
<td>Cash compensation for loss of land at full replacement cost computed at current market value, free of taxes, including capital gains tax (CGT), documentary stamps tax (DST), transfer tax, and registration fees, except Real Property Tax (RPT) arrears.</td>
<td>Cash compensation for portion of land at full replacement cost computed at current market value, free of taxes, including CGT, DST, transfer tax, and registration fees, except RPT arrears.</td>
</tr>
<tr>
<td><strong>1b</strong></td>
<td>OR</td>
<td>PAPs who are not original patent holders of lands granted through C.A. 141 (i.e. those who have bought the patent for the land previously granted through C.A. 141) and where any previous acquisition is not through a gratuitous title (e.g., donation or succession) (C.A. 141, Chapter 7).</td>
<td>If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to PAPs.</td>
<td></td>
</tr>
<tr>
<td><strong>1c</strong></td>
<td>Entitlements:</td>
<td>For untitled land, PAPs who can present: (a) Tax Declaration showing his and his predecessors’ open and continuous possession of the property for at least 30 years, (b) a certification from the DENR that the land is alienable and disposable, and (c) other documents that may show proof of ownership (RA 10752).</td>
<td>Same as above, with less any amount still owing to the title.</td>
<td>Same as above.</td>
</tr>
<tr>
<td><strong>1d</strong></td>
<td>Entitlements:</td>
<td>PAPs who were former ISFs but now hold title of land as a result of a government socialized housing program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1e</strong></td>
<td>Entitlements:</td>
<td>PAPs who were former ISFs and government socialized housing program beneficiaries whose titles are still under the name of the organization.</td>
<td>Same as above.</td>
<td></td>
</tr>
</tbody>
</table>
| 1f | PAPs who are original patent holders of lands granted through Commonwealth Act (C.A.) No. 141 and the land has not been subjected to previous government exercise of its lien. | **Entitlements:**
No compensation for land up to 20 meters width if patent was granted prior to 1975, and up to 60 meters width for patents granted thereafter. In excess of government lien, follow other entitlements for marginal/partial impacted 1a PAPs. |
| 1g | PAPs whose properties are mortgaged | **Entitlements:**
Same as above, but check payment will be split into as follows:
1. For mortgagee PAPs – Full replacement cost as defined above, less remaining amortization;
2. For Mortgagor – Remaining amortization amount, computed based on original amount of principal, less interests for remaining amortization period. 

**Implementation Considerations:**
DOTr to request Mortgagor to segregate the portion of the property to be acquired for ROW from the rest of the property.
1. Full replacement cost for portion of the mortgaged property to be acquired, less remaining amortization;
2. Pay Mortgagee the remaining amortization amount needed to release portion of mortgaged property.

For example, if the affected land was granted through CA 141 prior to 1975 and the land to be acquired for the right of way was a strip of land up to 20m then the PAP would not be entitled to compensation for the land. If, however, the land to be acquired from the same land was wider than 20m (say 50m) then the PAP would be entitled to compensation for any area over the 20m width (in this case 30m) provided other required conditions are met. For land granted through CA 141 from 1975, then the any land acquired up to a width of 60m would not be compensated and same principle would apply as to the 20m example.
<table>
<thead>
<tr>
<th>Type of Impact Entitled Person</th>
<th>Loss of Structure (Severe/Full)</th>
<th>Entitlements:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a PAPs who own structures and also own the land where the structure is located.</td>
<td>Entitlements: Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation or salvaged materials.</td>
<td>Entitlements: Cash compensation for the affected portion of the structure to full replacement cost without deduction for depreciation or salvaged materials.</td>
</tr>
<tr>
<td>2b PAPs who own structures but do not own the land where the structure is located on and are not a low-income household and/or they own a dwelling elsewhere.</td>
<td>In cases where the affected structure are being used as a dwelling by the structure owner and their family residing there, self-relocation or assisted resettlement as follows: 1. Self-relocation assistance: (i) Rental subsidy equivalent to 5 months of rental payment for an alternative dwelling; (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power; (iii) Transportation to new dwelling inclusive of transportation of materials; and (iv) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr). OR 2. Assisted-resettlement: (i) Option to avail of government economic and medium cost housing program under the Home Development Mutual Fund otherwise known as Pag-IBIG Fund. The Pag-IBIG housing loan may be used to finance any one or a combination of the following: - Purchase of a fully-developed residential lot or adjoining residential lots not exceeding 1,000 m²; - Purchase of a residential house and lot, townhouse or condominium unit; - Construction or completion of a residential unit on a residential lot owned by the member; - Home Improvement; and/or - Refinancing of an existing housing loan. (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power; (iii) Transportation to new dwelling inclusive of</td>
<td></td>
</tr>
</tbody>
</table>
Implementation Considerations:
The amount of the rental subsidy by locality will be determined by DOTr through the replacement cost study.
The DOTr will enter into an agreement with Pag-IBIG so that available housing programs can be made accessible to eligible PAPs through their respective LGUs. PAPs that do not meet Pag-IBIG program eligibility criteria, such as the elderly, may have the option to avail of affordable public rental accommodation in socialized housing arranged by DOTr. Rental allowance subsidy equivalent to five (5) months will be provided while awaiting availability of public rental accommodation.
PAPs may be allowed to self-demolish their structures to enable them to preserve materials that still have salvage value. In such cases PAPs will be entitled to keep salvageable materials without deduction from compensation.
Eligibility requirements for Pag-IBIG Loan: (i) active member of Pag-IBIG Fund; (ii) have made at least 24 monthly savings (the lump sum payment of the required 24 monthly savings is allowed); (iii) have the legal capacity to acquire and encumber real property; (iv) have passed satisfactorily background credit/ and employment/business checks of Pag-IBIG Fund; (v) have no outstanding Pag-IBIG short-term loan in arrears at the time of loan application; (vi) have no Pag-IBIG housing loan that was foreclosed, cancelled, bought back due to default, or subjected to dacion en pago; and (vii) if with existing Pag-IBIG housing loan, either as principal or co-buyer/borrower, it must be updated.
The maximum loanable amount is PhP6M based on the lowest of the following: (i) member's actual need; (ii) desired loan amount (iii) loan entitlement based on capacity to pay; and (iv) loan-to-appraised value ratio.
Loan term or maximum repayment period is 30 years.
Normal loan application may either be through on-line scheduling of appointment or walk-in at any Pag-IBIG branches. In the case of PAPs, DOTr will make necessary agreement with the Housing and Urban Development Coordinating Council (HUDCC) so that the PAPs can be assigned a priority lane or similar arrangement for faster processing of their loan.
With regards to marginally/partially affected structures, if the affected portion results in the structure no longer being suitable for a dwelling for the structure owner and residents, then self-relocation or assisted resettlement options apply.

| 2c | PAPs who are renting, leasing or sharing the structure, and do not have a low-income. | **Entitlements:** No compensation for land or structures. In cases where the structures are being used as residential dwellings, self-relocation or assisted resettlement as follows: 1. Self-relocation assistance: (i) Rental subsidy equivalent to 5 months of rental payment for an alternative dwelling; (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power; (iii) Transportation to new dwelling inclusive of transportation of materials; and (iv) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr). | No compensation. In the case of residential dwellings, if the affected portion results in the structure no longer being suitable for a dwelling, then self-relocation or assisted resettlement options apply. |

Refer to footnote 5.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 2d | PAPs who own structures but do not own the land where the structure is located on, and are a low-income household.  

**Entitlements:**
Cash compensation for entire structure equivalent to the full replacement cost without deduction for depreciation or salvaged materials. |

| 2e | PAPs who own structures and were former ISFs but now hold title of land through government socialized housing programs. |

In cases where the structures are being used as dwellings, self-relocation or assisted resettlement as follows:

1. Self-relocation assistance:
   (i) If PAP opts to move to an existing property (verified by the receiving LGU), transportation to be provided (e.g. bus tickets) inclusive of transportation of belongings; and  
   (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power; and  
   (iii) Food allowance of 150p per person relocated or  

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**Entitlements:**
Cash compensation for affected portion of the structure equivalent to full replacement cost without deduction for depreciation or salvaged materials.

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17 Includes PAPs who previously participated in a government socialized housing program but who no longer have it, but did not sell it or rent it out (e.g. those who abandoned the housing unit).
| 2f | PAPs who were former ISFs and CMP/NHA beneficiaries whose titles are still under the name of the organization. | **Entitlements:**
Same as above minus any amount still owed to the housing agency. |
| 2g | PAPs who own structures but do not own the land where the structure is located, and who have previously availed of government socialized housing program (returnees) and are deemed ineligible by the key shelter agency (KSA) to participate in the socialized housing program | **Entitlements:**
Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation or salvaged materials. In cases where the structures are being used as dwellings by the structure owner and their family residing there, self-relocation or assisted resettlement as follows:

1. **Self-relocation assistance:**
   (i) If PAP opts to move to an existing property (verified by the receiving LGU), transportation to be provided (e.g. bus tickets) inclusive of transportation of belongings;
   (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power (if not provided by KSA/LGU);
   (iii) Transportation to new dwelling inclusive of transportation of materials; and
   (iv) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr). If completion of the socialized housing accommodation will not be ready in time, temporary accommodation or a rental allowance will be provided. |
reconnecting utilities such as water and power; and
(iii) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr).

OR

2. Assisted resettlement:
(i) Option to avail of affordable public rental housing accommodation by DOTr in partnership with KSA or LGUs;
(ii) Cash compensation to cover the cost of reconnecting utilities such as water and power (if not provided by KSA/LGU);
(iii) Transportation to new dwelling inclusive of transportation of materials; and
(iv) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr).

If completion of the public rental housing accommodation will not be ready in time, temporary accommodation or a rental allowance will be provided.

**Implementation Considerations:**
PAPs will not be responsible for demolition of structures. PAPs are entitled to salvageable materials. Payment of compensation for structures and improvements may be held in abeyance or used as an advance payment on their amortizations at the PAPs request until the relocation site and socialized housing accommodation becomes available.

For PAPs who own untitled condominium units, DOTr shall oblige developers, particularly if these were engaged by key shelter agencies, to make the necessary arrangements to effect release of Certificate of Condominium Title to PAPs who have duly paid full amount in consideration.

Any fees required to be paid to community organizers to set up communities to borrow for socialized housing will be paid by DOTr.

<table>
<thead>
<tr>
<th>2h</th>
<th>PAPs who occupy temporary dwellings.</th>
<th><strong>Entitlements:</strong> Provision of Assisted Resettlement options as detailed for 2d provided that they present a Certification from their respective Barangay Captains and Head of LGU’s Urban Poor Affairs Office stating that they are bona fide residents and have occupied the project affected-area prior to the applicable cut-off date. PAPs that do not meet the socialized housing program eligibility criteria but are able to present Certification may have the option to avail of affordable public rental housing accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No compensation for structure.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
through partnership with KSA and LGUs.

If completion of the public rental housing accommodation will not be ready in time, temporary accommodation or a rental allowance will be provided.

<table>
<thead>
<tr>
<th>2i</th>
<th>PAPs who are renting, leasing or sharing the structure, and have a low-income. ¹⁸</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Entitlements:</strong></td>
</tr>
<tr>
<td></td>
<td>No compensation for land or structures.</td>
</tr>
<tr>
<td></td>
<td>In cases where the structures are being used as residential dwellings, self-relocation or assisted resettlement as follows:</td>
</tr>
<tr>
<td></td>
<td>1. Self-relocation assistance:</td>
</tr>
<tr>
<td></td>
<td>(i) Rental subsidy equivalent to 5 months of rental payment for an alternative dwelling;</td>
</tr>
<tr>
<td></td>
<td>(ii) Cash compensation to cover the cost of reconnecting utilities such as water and power;</td>
</tr>
<tr>
<td></td>
<td>(iii) Transportation to new dwelling inclusive of transportation of materials; and</td>
</tr>
<tr>
<td></td>
<td>(iv) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr).</td>
</tr>
<tr>
<td></td>
<td>OR 2. Assisted resettlement:</td>
</tr>
<tr>
<td></td>
<td>(i) Option to avail of government socialized housing (if qualified);</td>
</tr>
<tr>
<td></td>
<td>(ii) Cash compensation to cover the cost of reconnecting utilities such as water and power (if not provided by KSA/LGU);</td>
</tr>
<tr>
<td></td>
<td>(iii) Transportation to new dwelling inclusive of transportation of materials; and</td>
</tr>
<tr>
<td></td>
<td>(iv) Food allowance of 150p per person relocated or a food parcel of equal or greater amount (as determined by DOTr).</td>
</tr>
</tbody>
</table>

If completion of the socialized housing at the relocation site will not be ready in time, temporary

¹⁸ Refer to footnote 5.
<table>
<thead>
<tr>
<th>Entitled Person</th>
<th>Loss of income/Livelihood</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3a</strong> PAPs who own fixed micro businesses (e.g. small shops, sari-sari store, carinderia, food stand, repair shop, etc.) with or without permits from the LGU concerned.</td>
<td><strong>Entitlements:</strong> Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed six months. 19 Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere. Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere. Participation in the Livelihood Restoration and Improvement Program. For PAPs who are leasing space from property owners: (i) For those who will continue with their micro-small business activities elsewhere, rental subsidy for three (3) months based on prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased. Not applicable to lease contracts that will expire at the time of taking.</td>
</tr>
<tr>
<td><strong>3b</strong> PAPs who own small, medium and large business establishments 20 and own the affected property.</td>
<td><strong>Entitlements:</strong> Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed six months. 21 Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere. Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere. For PAPs who are owners of medium to large commercial establishments built inside own affected property: (i) Acquire the property but allow the owner of the structure and business use of the land for a defined period to give the owner time to transfer, subject to agreement on a case to case basis;</td>
</tr>
<tr>
<td><strong>3c</strong> PAPs who own medium and large business establishments and are leasing/renting space from property owners.</td>
<td></td>
</tr>
</tbody>
</table>

19 Preferred mode of business transition is to help set up affected persons with an alternative but similar business with minimal transition period. Options have to be considered by the PAPs with no delay.

20 Categories of businesses are based on capitalization and number of employees, with (1) Php 15,000,000-100,000,000 capitalization and 100-199 employees for medium businesses, and (2) More than Php 100,000,000 capitalization and over 200 employees for large businesses. In this project, affected enterprises are expected to be only micro and small as defined under Small and Medium Enterprise Development (SMED) Council Resolution No. 01 Series of 2003 dated 16 January 2003.

21 Preferred mode of business transition is to help set up affected persons with an alternative but similar business with minimal transition period. Options have to be considered by the PAPs with no delay.
For PAPs who are owners of commercial/business entities and are leasing affected space/property:

(i) For those who will continue with their commercial and business activities elsewhere, rental subsidy for three (3) months based on prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased. Not applicable to lease contracts that will expire at the time of taking.

<table>
<thead>
<tr>
<th>3d</th>
<th>Vendors with no stalls / ambulant vendors/ hawkers.</th>
<th>Assistance in identification of, and transportation to, an alternative sites to continue economic activity, e.g. assistance in (a) shifting to areas within the same LGU where there is no construction and/or (b) identify alternative sites to sell.</th>
</tr>
</thead>
</table>
| 3e | PAPs who are employed in a displaced commercial or industrial establishment and lose their job due to closure of business or laying off as a result of minimized operation. | **Entitlements:**
Cash compensation for net salary for two (2) months based on minimum wage.
Participation in the Livelihood Restoration and Improvement Program.
Provision of skills training in anticipation of available job positions during construction and operation of the project.
Priority in employment during construction and operation stage of the project. |
| 3f | PAPs who permanently relocate to a place that makes former wage based livelihood opportunities inaccessible and as a result need to find new employment or source of livelihood. | **Entitlements:**
Commuting allowance of an amount based on additional costs, but not exceeding Php 5,000 per household per month for three months (not entitled to 3e or 3f). |
| 3g | PAPs who permanently relocate to a place that makes it more expensive to commute to their place of work and they retain their employment. | **Entitlements:**
Financial assistance equivalent to the average gross harvest for the last three (3) years and not less than P 15,000 per hectare (EO 1035).
Crop compensation will be made between the owner and sharecropper as per terms of the sharecropper in case of privately-owned land / publicly-owned land.
In case of dispute over verbal agreement with sharecropper, certification from elected representatives will be considered as legal document.
Participation in the Livelihood Restoration and Improvement Program. |
| 3h | PAPs who are agricultural tenants and sharecroppers. | **Entitlements:**
A disturbance compensation equivalent to five times the average gross harvest for the last five years on the principal and secondary crops of the area acquired (as adopted from RA.6389).
Participation in the Livelihood Restoration and Improvement Program. |
| 3i | PAPs who are landowners or lessee who are directly engaged in farming. | **Implementation Considerations:**
Income losses as based on evidence such as tax receipts or otherwise as per estimated values of monthly income losses for various categories of micro-businesses to be determined by replacement cost study. |

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22 Pertains to itinerant vendors who move from place to place to sell goods/services.
<table>
<thead>
<tr>
<th>Entitled Person</th>
<th>Loss of Public Land and Structure (Severe/Full)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4a</td>
<td>Government Agency/ Local Government Unit (LGU) owners of affected public structures and areas on public land.</td>
</tr>
<tr>
<td></td>
<td><strong>Entitlements:</strong> Compensation between agencies based on mutual agreement.</td>
</tr>
<tr>
<td>4b</td>
<td>Government Agency/ Local Government Unit (LGU) owners of affected public structures and areas on private land.</td>
</tr>
<tr>
<td></td>
<td><strong>Entitlements:</strong> Cash compensation for structures at full replacement cost. Reconstructed infrastructure within easy reach of all users. Transportation to be provided inclusive of transportation of materials.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entitled Person</th>
<th>Loss of Non-Land Assets and Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>5a</td>
<td>Owners of fruit and timber trees (regardless of ownership status of affected land).</td>
</tr>
<tr>
<td></td>
<td><strong>Entitlements:</strong> Cash compensation at replacement cost for affected fruit and timber trees.</td>
</tr>
<tr>
<td>5b</td>
<td>Owners of crops (regardless of ownership status of affected land).</td>
</tr>
<tr>
<td></td>
<td><strong>Entitlements:</strong> Compensation for the affected crop at market value of the crop at full-term harvest time.</td>
</tr>
<tr>
<td>5c</td>
<td>Owners of aquaculture produce (regardless of ownership status of affected land).</td>
</tr>
<tr>
<td></td>
<td><strong>Entitlements:</strong> Allowance for costs associated with moving aquaculture stock.</td>
</tr>
<tr>
<td>5d</td>
<td>Owners of other affected non-land assets and improvements (not mentioned in 5a, 5b or 5c).</td>
</tr>
<tr>
<td></td>
<td><strong>Entitlements:</strong> Compensation at replacement cost for affected non-land assets and improvements (not mentioned in 5a, 5b, 5c).</td>
</tr>
</tbody>
</table>

**Implementation Considerations:**

- Determination of replacement cost of trees will take into account age and productivity of the tree.
- Compensation rates determined by the replacement cost study and informed by values prescribed by the Department of Agriculture (for fruit trees) or Department of Environment and Natural Resources (DENR) for timber trees.
- Coordination with land owners and/or fishpond operators to advise them regarding the schedule of clearing.

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23 PAPs will receive compensation for land and compensation for improvements. If the remaining area (remaining fish pond area) is no longer viable, PAPs will be compensated for entire area.
<table>
<thead>
<tr>
<th>Entitled Person</th>
<th>Additional Hardship Due to Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>6a PAPs who are classified as any</td>
<td><strong>Entitlements:</strong></td>
</tr>
<tr>
<td>of the following vulnerable groups: poor (based on</td>
<td>In addition to applicable compensation:</td>
</tr>
<tr>
<td>the poverty income threshold), elderly and single</td>
<td>Inconvenience allowance in the amount equivalent to Php 10,000 per household.</td>
</tr>
<tr>
<td>women-headed households, and persons with disabilities.</td>
<td>For the families with persons who need special assistance and/or medical care, respective LGUs to</td>
</tr>
<tr>
<td></td>
<td>provide nurses or social workers to help them before and during the resettlement activity.</td>
</tr>
<tr>
<td></td>
<td>Rehabilitation assistance in the form of skills training and other development activities with the value of</td>
</tr>
<tr>
<td></td>
<td>up to Php 15,000 will be provided in coordination with other government agencies.</td>
</tr>
<tr>
<td></td>
<td>Support and/or maintain access to government welfare programs.</td>
</tr>
<tr>
<td></td>
<td>Inclusion in the Livelihood Restoration and Improvement Program.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entitled Person</th>
<th>Temporary Impacts due to Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>7a PAPs who have legal rights to the land.</td>
<td><strong>Entitlements:</strong></td>
</tr>
<tr>
<td></td>
<td>Restoration of land within 3 months of completion of use.</td>
</tr>
<tr>
<td>7b PAPs without legal rights to affected land but</td>
<td>Compensation for affected non-land assets at full replacement cost.</td>
</tr>
<tr>
<td>owners of affected non-land assets.</td>
<td>Cash payment for rent of the affected land at prevailing rental rates in the location of the property</td>
</tr>
<tr>
<td></td>
<td>until the property is restored.</td>
</tr>
<tr>
<td>7c Severance impacts/ barrier effect during</td>
<td>The project will provide for crossings and continued access.</td>
</tr>
<tr>
<td>construction disrupting lateral movement (access).</td>
<td></td>
</tr>
</tbody>
</table>

**Implementation Considerations:**
Contractors will be responsible for the arrangement and payment of land rent, restoration of land and compensation for non-land assets. Contractors will also be responsible for restoration of land and compensation for non-land assets.

<table>
<thead>
<tr>
<th>Entitled Person</th>
<th>Unanticipated Involuntary Resettlement Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>8a Eligible affected persons.</td>
<td><strong>Entitlements:</strong></td>
</tr>
<tr>
<td></td>
<td>Entitlements will be prepared in accordance with the ADB Safeguard Policy Statement and applicable</td>
</tr>
<tr>
<td></td>
<td>national laws and regulations (including requirements for preparation of corrective action plan and</td>
</tr>
<tr>
<td></td>
<td>other related documents for ADB and JICA to review and approve), and Environmental Management Plan</td>
</tr>
<tr>
<td></td>
<td>(EMP) of the approved Environmental Impact Statement (EIS).</td>
</tr>
</tbody>
</table>

**Implementation Considerations:**
Entitlements to be prepared in such circumstances are subject to approval of the DOTr and concurrence by ADB and JICA.
<table>
<thead>
<tr>
<th>Expropriation Proceeding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An initial compensation at an amount computed at 100% of lot price based on latest Bureau of Internal Revenue (BIR) zonal value for land, replacement cost for structures and improvements, and market value for crops and trees in the form of a check will be deposited to the court in favor of the owner upon filing of expropriation case by DOTr. The Court will immediately issue an order to take possession of the property and start implementation of the project (Section 6(a) R.A. 10752).</td>
</tr>
<tr>
<td>2. While the court adjudicates the compensation to be paid, the PAPs may, at any time request the court to release such deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752).</td>
</tr>
<tr>
<td>3. After the case has been heard by the court, the Court will order DOTr to pay the difference, if any, between initial compensation and the just compensation as determined by the court.</td>
</tr>
<tr>
<td>4. At this time, DOTr will also pay any required taxes with the exception of CGT (as detailed in RA10752) and any unpaid RPT.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implementation Considerations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on Rule 16 Section 1(h) of the 1997 Rules of Court on Civil Procedures, the plaintiff (DOTr) can withdraw the case any time before the filing of the answer by the defendant (owners). If the answer has been filed there has to be a joint filing by DOTr and owner to withdraw the case (Section 2, Rule 17 of the 1997 Rules of Court on Civil Procedures). In both cases, the acquisition mode would revert back to negotiated sale, which will entitle the owner to payment at current market value for land (as indicated in DOTr's letter offer), free of taxes, including CGT, and registration fees, replacement cost for structures and improvements, crops and trees. If no motion to dismiss as above described is filed, expropriation proceeding will continue. Once the court decision becomes final and executory acquisition mode (expropriation) cannot revert back to any other mode.</td>
</tr>
<tr>
<td>Where the PAP agreed to the negotiated sale, but was unable to gain the necessary documents to show proof of ownership, DOTr may pursue a joint motion in the court for a compromised judgement reflecting the agreed amount – on a case-by-case basis and in good faith.</td>
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<td>DOTr will provide assistance to PAPs whose lands will be subjected to Extra Judicial Settlement (EJS). This will be done through the Help Desk that will be established at each LGU prior to the issuance of the Notice of Taking (NoT). Early issuance of the NoT is highly recommended for PAPs to have enough time to complete/progress EJS process prior to issuance of the Letter Offer to Buy, which only gives them 30 days to accept offer, after which expropriation proceedings can commence. If PAPs are unable to complete the EJS before the expropriation proceedings are heard by a court, DOTr will pay the just compensation as determined by the court, as well as any required taxes including CGT, except for any unpaid RPT.</td>
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</table>
III. SOCIOECONOMIC INFORMATION

A. Socioeconomic Survey, Census and Inventory of Assets

216. Socioeconomic Survey. The socio-economic surveys (SES) will be conducted to establish a profile of demographic and socioeconomic conditions of people affected by the project. The SES will include questions relating to assets and land, and livelihood and incomes of the project affected persons. The surveys will be carried out initially based on the feasibility study to prepare the RAPs and ensure there is appropriate budget and resource allocation, which will be further validated during the detailed design phase as a basis of compensation subject to the cut-off date. The purpose of the surveys are to determine (i) who they are, (ii) what they do for a livelihood, and (iii) what they possess and are likely to lose due to land acquisition and ROW clearance for the project.

217. The SES obtains data on the likely impact of land acquisition on the local economy, economic institutions, land-use patterns, tenancy and sharecropping, occupation and employment patterns, income and economic interdependence between households, poverty levels, local social organization and authority structure, and women's economic activities and income. Data will be disaggregated and analyzed by gender and ethnicity. Results of the SES will be entered into the project database and project management will ensure that aggregate information is accessible for monitoring. Table 13 provides the survey objectives and required variables.

Table 13 SES Objectives and Required Parameters

<table>
<thead>
<tr>
<th>SES Objectives</th>
<th>Required Parameters</th>
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<tbody>
<tr>
<td>• To prepare a profile of the PAPs</td>
<td>• Demographic: household composition by age, gender, relationship, ethnicity, education levels;</td>
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<tr>
<td>• To prepare an entitlement matrix for the social safeguards planning document</td>
<td>• Social: family, lineage, clan, community, ethnicity and religious affiliation;</td>
</tr>
<tr>
<td>• To assess incomes, identify productive activities, and plan for livelihood</td>
<td>• Income and assets as well as expenditures;</td>
</tr>
<tr>
<td>restoration (if required)</td>
<td>• Occupation;</td>
</tr>
<tr>
<td>• To develop relocation options (if required)</td>
<td>• Access to public services: health care, water supply and sanitation, education, transport, etc.;</td>
</tr>
<tr>
<td></td>
<td>• Gender roles and issues; and</td>
</tr>
<tr>
<td></td>
<td>• Attitudes and preferences regarding the project, land acquisition, resettlement, livelihood options (as required).</td>
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</table>

218. The SES conducted during the detailed design phase will also used to generate benchmarks for monitoring indicators. The sample sizes will be determined in consultation with ADB and JICA. This will include those who will be severely affected due to loss of 10% or more of their productive land and/or other productive assets. Information will be generated on the demographic characteristics of all PAP household members, ownership of land (title holders and non-title holders) and other assets, livelihood sources and levels of household income. This information will be entered into a database and project management will ensure that this is accessible for external monitoring.

219. **Census.** The census is a count of all affected persons irrespective of their titled or non-titled land ownership status. The project shall carry out a field survey to collect data and information of socio economic figures of direct impact areas. A follow-up census is required to update the list of PAPs if project implementation is delayed by two or more years by which time the impacts may have changed compared to the initial census or if the project design changes significantly.

220. **Inventory of loss (IOL) or detailed measurement survey (DMS).** The inventory of all anticipated assets that are to be affected is required. This activity shall be focused on direct impact areas brought about by ROW clearing activities, and construction works. It is conducted following the detailed design of a subproject or component thus may be updated or finalized through a detailed measurement survey.

221. A detailed measurement survey (DMS) will be conducted following the detailed engineering design of a tranche/sub-project/section and if land acquisition is needed, a demarcation on the ground for land acquisition. PAPs will be notified before the conduct of the DMS and requested to participate in the survey. The DMS will be carried out in the presence of heads or members of households and the completed DMS forms will be duly endorsed by household heads or members. The survey method will be updated and fine-tuned at implementation, and will be undertaken at the same time as the replacement cost study.

222. The information to be obtained in the DMS will include the following for each affected household:

   (i) Name of head of household and identification of the affected entitled parties, the number of family members, and their names;
   (ii) Key socio-economic information about the household;
   (iii) The location, area of all land owned and lost, tenure status, and category of land and its function/use;
   (iv) Quantity and category of any fixed assets lost (structures, trees, crops, improvements); and
   (v) Impacts on productive assets or restricted access to resources/livelihood
   (vi) Temporary losses

223. **C. Replacement Cost Study / Method for Valuing Affected Assets**

The determination of the compensation will be determined by (a) a government financial institution (GFI) with adequate experience in property appraisal to be selected by the IA through a competitive process; or an independent property appraiser (IPA) accredited by: (1) the Bangko Sentral ng Pilipinas (BSP) or (2) a professional association of appraisers recognized by BSP. (Section 6.2 IRR, RA 10752).

224. The IA will use the appraisal reports of the GFI or IPA as one of the basis of the IA's first and final price offer during the negotiated sale phase, consistent with the standards for assessment under Section 12 of IRR, RA 10752 which states that:

   (i) The classification and use for which the property is suited based on, among other things, the latest approved land use plan and/or zoning ordinance, if any, of the city or municipality concerned;
   (ii) The development cost for improving the land based on, among other things, the records and estimates of the City or Municipal Assessor concerned, GFI or IPA for similar or comparable lands;
(iii) The value declared by the owners based on the value shown in the owners’ latest Tax Declaration Certificates or Sworn Statements;
(iv) The current selling price of similar lands in the vicinity based on, among other things, the latest records on Deeds of Sale for similar lands in the office of the Register of Deeds concerned;
(iv) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon considering, among other things, the replacement cost of improvements at current market prices as provided in Section 6.6 of this IRR;
(v) The size, shape or location, tax declaration and zonal valuation of the land based on, among other things, the latest records on Deeds of Sale in the Register of Deeds, tax declaration by the City or Municipal Assessor, zonal valuation of the BIR for comparable properties;
(vi) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
(vii) Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

225. In all cases, the increase in the value of the affected property brought about by the government project itself shall not be considered in the determination of the purchase price.

226. The replacement cost of a structure or improvement affected by the ROW shall be based on the current market prices of materials, equipment’s, labor, contractors profit and overhead, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset (Section 6.6 of IRR, RA 10752). Annual crops equivalent to current market value at the time of compensation (Section 6.1 IRR, RA 10752).

E. Involuntary Resettlement Impact Assessment and Planning

227. To address involuntary resettlement impacts, DOTr will prepare either Resettlement and Indigenous Peoples Plans (RIPP) or Resettlement Action Plans (RAP). The objective of the safeguard planning documents is to ensure that standards of living and livelihoods of displaced persons are improved, or at least restored to pre-project (physical and/or economic) levels and that the standards of living of the displaced poor and other vulnerable groups are improved, not merely restored, by providing adequate housing, security of land tenure and steady income and livelihood sources. The plans will address all relevant requirements specified in Safeguard Requirements 2, and its level of detail and comprehensiveness will be commensurate with the significance of involuntary resettlement impacts. Outlines of a RIPP is provided in Appendix 1.

228. The plans will be based on the social impact assessment and meaningful consultation with the affected persons, and will include measures to ensure that affected persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation (where required); (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During impact identification, planning, and implementation, DOTr will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, as well as assistance to restore and improve their incomes and living standards.
229. DOTr will analyze and summarize national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in the social safeguards plans. DOTr will compare and contrast such laws and regulations with ADB’s involuntary resettlement policy principles and requirements and JICA’s guidelines. If a gap between the two exists, DOTr will propose a suitable gap-filling strategy in the resettlement plan in consultation with ADB.

230. All costs of compensation, relocation, and livelihood rehabilitation will be considered as part of project costs and will be the responsibility of the DOTr. DOTr will include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plans. Income sources and livelihoods affected by activities will be restored to pre-project levels, and DOTr will make every attempt to improve the incomes of displaced persons so that they can benefit from the project. For vulnerable persons and households affected, the plans will include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels. The plans will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule.

231. The information contained in the RIPP/RAPs may be tentative until a census of affected persons has been completed during the detailed designs, DOTr will finalize the plans by completing the census and inventories of loss of assets. At this stage, changes to the plan take the form of revising the number of displaced persons, the extent of land acquired or ROW cleared, the resettlement budget, and the timetable for implementing the RIPP/RAP. The entitlement matrix of the RIPP/RAP may be updated at this stage to reflect the relevant changes but the standards set in the original entitlement matrix cannot be lowered when the RIPP/RAP is revised and finalized. DOTr will ensure that the final plans (i) adequately addresses all involuntary resettlement issues pertaining to the project, (ii) describes specific mitigation measures that will be taken to address the issues, and (iii) ensures the availability of sufficient resources to address the issues satisfactorily. In addition to the updated RAPs, there may be a need to prepare corrective action plans during project implementation (if required), as well as resettlement-related due diligence reports.

232. DOTr will ensure that contingency funds are readily available for unanticipated impacts. Moreover, DOTr will consult with displaced persons identified after the formulation of the final social safeguard documents/plans and inform them of their entitlements and relocation options. DOTr will prepare an updated social safeguard documents/plans upon (i) finalization of the detailed engineering design, (ii) completion of independent appraiser, and (iii) DOTr validation, and will submit it to ADB for review, approval and uploading to the ADB website before any civil works commence.

233. The type of social safeguard documents to be prepared is based on the impact assessment. There are four possible documents that may be required: (i) a RIPP, (ii) RP, (iii) Indigenous Peoples Plan (IPP), and/or (iv) Due Diligence or Audit Report (DDR). Table 14 summarizes when each is to be applied.
<table>
<thead>
<tr>
<th>Document</th>
<th>When to Apply</th>
<th>Source</th>
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<tbody>
<tr>
<td>RIPP</td>
<td>When impacts are mainly related to physical displacement and there are no other major impacts resulting from project activities other than involuntary land acquisition or involuntary access restrictions to lands, a combined IPP with an RP may be prepared.</td>
<td>ADB SPS 2009; App 3, Safeguard Requirements 3 IP, para. 35. Elaborations in ADB IP Handbook: Para 265</td>
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<tr>
<td></td>
<td>Aside from triggers of involuntary resettlement, there will be physical displacement of IPs/ICCs: displacement may apply regardless of whether the communities are relocated away from their traditional lands or still within the same traditional land areas but in a different location.</td>
<td>Elaborations in ADB IP Handbook: Para 263</td>
</tr>
<tr>
<td>RP</td>
<td>Having involuntary resettlement impacts, to wit: physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.</td>
<td>ADB SPS 2009 App 2</td>
</tr>
<tr>
<td></td>
<td>No IPs/ICCs to be affected.</td>
<td></td>
</tr>
<tr>
<td>IPP</td>
<td>If a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset.</td>
<td>ADB SPS 2009 App 3</td>
</tr>
<tr>
<td></td>
<td>If significant as assessed in terms of the magnitude of impact as regards: (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge. Considers the level of vulnerability of the affected customary community.</td>
<td>Elaborations in ADB IP Source Book 2013 Para 43 and 69</td>
</tr>
<tr>
<td>DDR</td>
<td>ADB's safeguard due diligence and review emphasizes environmental and social impact assessments and the planning process, in addition to safeguard documentation. Due diligence and review involves field investigation.</td>
<td>ADB SPS 2009 Page 21, Para 56</td>
</tr>
</tbody>
</table>

25 Indigenous Peoples may be influenced by developments around them, their evolving cultural institutions—due perhaps to cultural adaptations, technological progress, and participation in wage-labor markets—would not necessarily disqualify them from IP status (ADB IP Source Book 2013 Para 43).
When to Apply

visits as well as desk reviews. Through such due diligence and review, ADB will confirm (i) that all key potential social and environmental impacts and risks of a project are identified; (ii) that effective measures to avoid, minimize, mitigate, or compensate for the adverse impacts are incorporated into the safeguard plans and project design; (iii) that the borrower/client understands ADB’s safeguard policy principles and requirements as laid out in Safeguard Requirements 1–4 and has the necessary commitment and capacity to manage social and environmental impacts and/or risks adequately; (iv) that the role of third parties is appropriately defined in the safeguard plans; and (v) that consultations with affected people are conducted in accordance with ADB’s requirements.

Audit with Corrective Action Plan (CAP)

For subprojects that are under construction or existing project facilities and/or business activities; land acquisition completed prior to project preparation.

Elaborations in ADB OMF1 2013 Para 53

The process seeks to resolve all outstanding applicable safeguard issues through corrective action plans.

F. Indigenous People’s Social Impact Assessment and Planning

234. If in the event that ancestral domain land of an IP community will have to be acquired for a new rail ROW, an IP-specific socio-economic assessment will be undertaken. A socio-economic survey will generate baseline information on the demographic, social, cultural and political characteristics of the affected indigenous people’s communities, and the land and territories that they have traditionally owned or customarily used and occupied, and the natural resources on which they depend, if any. The resettlement action plan of a given tranche/sub-project that affects IP communities will contain a chapter on the IP social impact assessment based on the baseline information and make an assessment of the potential adverse and positive effects of the project on the indigenous people’s communities.

235. When an infrastructure project has been found through the social impact assessment to have beneficial or adverse impacts on IPs, there is a need to formulate an IP plan (IPP) and an IP framework for the entire MFF. The IPP will set out measures through which the DOTr and other government agencies will ensure that IPs affected by the project receive culturally appropriate social and economic benefits.

236. There are two potential scenarios when land acquisition is required from IP communities: (i) land acquisition inside ancestral domains – with or without relocation, and (ii) land acquisition affecting IPs outside ancestral domains – with or without relocation, and resettled IPs occupying lands of the public domain. These are determined after the NCIP-led screening.
237. **Land Acquisition inside ancestral domains.** In the event land (including structures, improvements, crops, trees, and perennials) is to be acquired inside an ancestral domain, the DOTr shall observe the NCIP Administrative Order (AO) No. 3, Series of 2012 or the provision of any agreement that the DOTr may have reached with the NCIP. For affecting ancestral domain lands, free and prior informed consent (FPIC) of the affected indigenous communities is required. Appropriate FPIC Guidelines (2012) are found in the AO No. 3.

238. **Free and Prior Informed Consent (FPIC)** must be determined using methods appropriate to the social and cultural values of the affected Indigenous Peoples communities, recognizing the primacy of customs, traditions, practices, and socio-political structures of the IPs concerned. The process must be free from any external manipulation, interference and coercion and must give special attention to the concerns of Indigenous women, youth, and children. Free and Prior Informed Consent is obtained only after a full disclosure of the intent, scope, benefits, potential adverse effects of the project, and measures to avoid, reduce, minimize, and mitigate these effects in a language and manner that is culturally appropriate and understandable to the affected Indigenous Peoples communities.

239. As required by the FPIC Guidelines, the DOTr as the project proponent shall prepare a presentation of the project to be explained to the affected IP communities during the Consultative Community Assembly (CCA) or the First Meeting whichever is applicable. DOTr shall present the goals and the scope of the project, the operation including timeframe if available, the cost and benefits of the project to the IP communities and their ancestral domains, its relationship to the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) if available, and the perceived disadvantages or adverse effects to the IP communities, and the measures that the DOTr is proposing to mitigate and minimize these. The consent or otherwise of those present will be recorded.

240. **Land Acquisition Without Relocation.** The project may involve the acquisition of ancestral land and/or structures, improvement, crops, trees, and perennials on it. The acquisition must ensure that non-replicable cultural property will not be damaged in the process in accordance with Chapter VI, Section 33 of the IPRA. All reasonable efforts should be made to ensure that road sections and linked activities projects, will not pass through religious and cultural properties of IPs, e.g. burial and the like that these be preserved, respected, and protected.
IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

241. A tranche/sub-project requiring land acquisition will carry out meaningful consultations with the project affected persons throughout the project cycle and ensure their participation. Meaningful consultation is a process comprising the following elements:

(i) It begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;

(ii) It provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;

(iii) It is undertaken in an atmosphere free of intimidation or coercion;

(iv) It is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and

(v) It enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

242. All land acquisition and resettlement activities shall be carried out with the cooperation and assistance of PAPs and the local government units. More specifically:

(i) The relevant officials will be informed about the project and their assistance will be solicited in the supervision of the PAP census and the inventory of affected assets.

(ii) The project implementing consultants will carry out a detailed measurement survey (DMS) with the cooperation of PAPs and will inform them the results of the survey and the inventory prior to the finalization of the RAP.

(iii) The preference of PAPs related to compensation and other resettlement assistances will be given due consideration during the planning process.

(iv) Specific mechanisms for ensuring the active involvement of PAPs and other stakeholders will be detailed in a tranche’s resettlement action plan which also will include an appendix with date, list of participants, and minutes of the consultation meetings.

243. The PAPs will participate throughout various stages of the RAP preparation, documentation, implementation, and monitoring. For these purposes and prior to any resettlement activity, PAPs will be fully informed about the proposed tranche/section/sub-project and the provisions of this resettlement framework, during a barangay assembly/public hearing/community consultations. Several consultations will be conducted in the earlier stages of project preparation. After the census of households or during the social investigation stage, a public assembly at the barangay level will be called to orient PAPs on the project and explore other alternatives with them, when necessary. These consultation meetings will include:

(i) An orientation on the project;

(ii) Subproject/tranche designs;

(iii) Schedules of implementation;

(iv) Probable benefits and adverse impacts; and mitigating measures to be taken;

(v) Compensation packages and the schedule of disclosure meetings on valuation;

(vi) Compensation payment;

(vii) Resettlement options and relocation sites; and

(viii) Grievance redress process.
244. A project information brochure (PIB) comprising the project background and relevant information from the resettlement action plan, including entitlements, compensation valuation method, project implementation schedule, and the project level grievance redress procedure will be distributed and explained to the PAPs in their language. An outline of a PIB is appended as Appendix 2, with a more detailed version provided to PAPs during consultations following detailed design phase, prior to land acquisition.

245. All consultation meetings and information dissemination activities will be properly documented.

246. **Women and vulnerable persons.** The project defines vulnerable persons as underprivileged below national poverty line, households headed by senior citizens, female headed households with members who are persons with disabilities. Such persons may be at risk of being marginalized from regular consultation processes. The project will ensure that the consultation and participation processes are inclusive of all PAPs. The project will ensure engagement with local women’s groups in key project activities. In case of under-representation or where needed, separate meetings with marginalized households, including women, shall be organized to discuss subproject/tranche proposals prior to the barangay assembly/public hearing/community consultations.

B. Disclosure

247. This resettlement framework and the subsequent RAPs/IPPs will be disclosed on the ADB, JICA and DOTr websites. The resettlement action plans, in addition to disclosure on websites, will be disclosed to the affected persons in the form of a public information brochure (PIB) in local language, summarizing compensation eligibility and entitlement provisions, and will be distributed to all PAPs. The following key documents produced related to resettlement assessment, planning, and monitoring are required to be disclosed:

(i) Draft resettlement framework, resettlement action plans and Indigenous Peoples Plans endorsed by DOTr and concurred by ADB and JICA;

(ii) Updated resettlement framework, resettlement action plans and Indigenous Peoples Plans endorsed by DOTr and concurred by ADB and JICA;

(iii) Corrective action plans prepared during project implementation, if any;

(iv) Any resettlement/IP-related due diligence reports; and

(v) The resettlement/IPP monitoring reports.
V. COMPENSATION, INCOME RESTORATION, AND RELOCATION

A. Compensation

248. Compensation at replacement cost will be provided to all persons/households losing land and/or other assets due to land acquisition for the project. As appropriate, compensation will be accompanied with assistances, as outlined in the entitlement matrix (Table 12). DOTr, through the project management office, will work closely with the local administration in the implementation of the land acquisition. DOTr will coordinate with the duly authorized representative/s of the local administration in determining the appropriate compensation for PAPs in accordance with the entitlement matrix.

249. The process of compulsory acquisition as prescribed by Philippine law can involve various modes of acquisition. This includes (i) negotiated sale, (ii) expropriation, (iii) donation, (iv) acquisition of properties under Commonwealth Act (CA) No. 141, (v) exchange or barter, (vi) easement of right-of-way, (vii) acquisition of subsurface right-of-way and (viii) other modes authorized by law. There is a difference in implementation of the entitlements and payment arrangements between the two modes. There are also differences whether the acquisition is partial or in full.

250. **Negotiated Sale.** Negotiated sale is the first step within the Philippines law for the government to compulsorily acquire property. Under ‘negotiated sale’, the implementing agency (DOTr) will make a first and final offer of compensation for the loss of land, crops and trees (if any) based on current market value, and full replacement cost for structures and improvements, free from taxes, including capital gains tax, documentary stamp tax, transfer tax and registration fees, except real property tax (RPT) arrears. Property owner/s are given 30 days from receipt of the written offer to decide whether or not to accept it. Upon refusal or failure to accept the offer, and/or refusal to submit the documents necessary for payments, the implementing agency shall initiate expropriation proceedings.

251. The term ‘negotiated sale’ should not be assumed to have the same meaning as ‘negotiated settlement’ that is described in ADB’s Safeguard Policy Statement (2009), Involuntary Resettlement Policy Principle 6 (described on page 48). This is because ‘negotiated sale’ has no formal process of negotiation, only a first and final offer to the property owner by the implementing agency. Nonetheless, to determine the appropriate price offer the implementing agency is required to engage the services of a government financial institution with experience in property appraisal, or an independent property appraiser who is accredited. The appropriate price offer for land is based on (i) classification and use of the property, (ii) development costs of improving the land, (iii) current selling price of similar lands, (iv) reasonable disturbance costs, (v) the size, shape or location, tax declaration and zonal valuation, (vi) such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas and thereby rehabilitate themselves as early as possible, (vii) the price of the land as manifested in ocular findings and documentary evidence, as well as (viii) the value declared by the owners based on the value shown in the owners’ latest Tax Declaration Certificates or Sworn Statements. This last point offers property owners the ability state their preferred value.

252. The appropriate price offer for structures, improvements and other affected assets is based on the price to replace the existing structure or asset with a similar asset at current market prices including estimated direct costs (such as current market cost for materials and labor, and equipment expenses), and estimated indirect costs (such as overhead expenses, contingencies
and miscellaneous, contractor’s profit margin and value added tax (VAT) component). If the affected structure has been damaged, then the replacement cost should be based on the predamaged condition of that structure. The replacement structure has to perform the same functions and meet the performance specifications as the original structure.

253. **Expropriation.** If the property owner/s declines the first and final offer or does not accept it, or accepts it but fails to submit the necessary documents in the 30 day time period, the mode of acquisition becomes expropriation. The implementing agency will file a verified complaint before the proper court and immediately deposit to the court in favor of the owner (i) the value of the land based on the zonal valuation of the BIR, (ii) the replacement cost at current market value for structures, improvements and assets, (iii) current market value of crops and trees. Upon compliance, the court will immediately issue an order to take possession of the property by the implementing agency. The court will release the said amount to the owner upon presentation of sufficient proof of ownership. Should the decision become final and executory, the court shall order DOTr to pay the difference in the necessary just compensation (if any) as determined by the Commissioners assigned by said court. DOTr shall also pay the necessary documentary stamp tax and registration fees.

254. Where the PAP agreed to the negotiated sale, but was unable to gain the necessary documents to show proof of ownership, DOTr may pursue a joint motion in the court for a compromised judgement reflecting the agreed amount – on a case-by-case basis and in good faith. DOTr will provide assistance to PAPs whose lands will be subjected to Extra Judicial Settlement (EJS). This will be done through the Help Desk that will be established at each LGU prior to the issuance of the Notice of Taking (NoT). Early issuance of the NoT will be completed wherever possible for PAPs to have enough time to complete/progress EJS process prior to issuance of the Letter Offer to Buy, which only gives them 30 days to accept offer, after which expropriation proceedings can commence.

255. Based on Rule 16 Section 1(h) of the 1997 Rules of Court on Civil Procedures, DOTr can withdraw the case any time before the filing of the answer by the defendant (owners). If the answer has been filed there has to be a joint filing by DOTr and owner to withdraw the case (Section 2, Rule 17 of the 1997 Rules of Court on Civil Procedures). In both cases, the acquisition mode would revert back to negotiated sale, which will entitle the owner to payment at current market value for land (as indicated in DOTr’s letter offer), free of taxes, including CGT, and registration fees, replacement cost for structures and improvements, crops and trees. If no motion to dismiss as above described is filed, expropriation proceeding will continue. Once the court decision becomes final and executory acquisition mode (expropriation) cannot revert back to any other mode.

256. **Donation.** Given the characteristics of the project, land acquisition by donation is not considered an option, with the exception of government to government negotiated donation arrangements. In the unlikely situation that the mode of acquisition preferred by the property owner/s is by donation and all other modes of acquisition have been explored, the DOTr will provide all necessary precautions to ensure that the preference has not been made under duress, that the donation of land is an act of informed consent and that the land owner/s have not been forced or coerced. Appendix 3 outlines the land donation process that must be followed in this event. Any voluntary donation will follow international best practices and be confirmed through written records and verified by an independent third party.

257. **Acquisition of Properties Under Commonwealth Act (CA) No. 141.** PAPs who are original patent holders of lands granted under CA 141 and whose land has not been subjected to
previous government exercise of its lien shall not receive compensation for land but shall be provided with: (i) Cash compensation for structure, improvements, crops and trees, computed at full replacement cost, and (ii) Financial assistance, particularly to displaced tenants/occupants of agricultural lands, cultural minorities and settlers who are duly accredited by the Ministry of Agrarian Reform/Bureau of Forest Development/Office of Muslim Affairs and Cultural Communities in accordance to Section 18 of EO No. 1035, s. 1985.

258. **Exchange, Barter and Land for Land.** If feasible, land for land can be provided, principally for agricultural land in terms of a new parcel of land of equivalent productivity and equivalent market value or price. The exchange shall be done on a “value-for-value” basis, with consideration made on the amount of time required to transfer the title. The implementing agency will be subject to applicable capital gains taxes (CGT) and documentary stamp tax (DST).

259. **Easement of Right of Way.** If the portion of a lot needed for the ROW is minimal, such that the expenses for surveying or segregating that portion from the main lot would be very much more than the value of the part of the lot needed, the implementing agency may, if the property owner agrees, resort to the mode of Easement of ROW. Under this mode, an agreement shall be executed by the property owner and the implementing agency whereby the property owner will grant the right to use the affected portion, but the owner retains ownership of that portion. The implementing agency will pay the owner for that portion of the lot based on existing zonal valuation declared by the BIR. In addition, the IA shall compensate the property owner the replacement cost of any improvements and structures on the land affected by the ROW.

260. **Acquisition of Subsurface Right of Way.** If the project involves underground works within a depth of 50 m from the surface, the implementing agency can negotiate with the property owner a perpetual easement of ROW for the subterranean portions of the property and offer to acquire from the property owner the affected portion of the land, including affected structures, improvements, crops and trees. The subsurface easement price shall be 20% of the market price of the land.

261. **Eligible Persons.** Eligible land owners include: (i) Those who have full title, such as Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT); (ii) PAPs who are not original patent holders of lands granted under CA 141 and where any previous acquisition is not through a gratuitous title (e.g., donation, succession); (iii) PAPs who can present (a) a Tax Declaration showing his/her and his/her predecessors’ open and continuous possession of the property for at least 30 years, (b) a certification from the DENR that the land is alienable and disposable, or (c) other documents that may show proof of ownership; (iv) PAPs who were former ISFs but who now hold a title of land as beneficiaries of government socialized housing programs; and (v) PAPs who are holders of Emancipation Patent (EP) granted under PD 27 or CLOA granted under the Comprehensive Agrarian Reform Act.

262. **Informal settlers.** PAPs who own the structures but do not own the land are entitled to cash compensation for the entire or, affected portion of the structure or improvement without depreciation, upon presentation of proof of ownership (e.g., certification from the concerned barangay in accordance with the IRR for R.A. 10752). If homeless and underprivileged as defined in Section 3 of R.A. 7279, PAPs will have the option to avail of tenured land, or socialized housing package either through the LGUs or CMP through the SHFC, and the option to keep salvaged materials from demolished structures without deduction from compensation due him.

263. **Temporary impacts to property.** Property owners who will incur temporary impacts during construction (for use as access road, for soil dumping, borrow sites and contractor's
camps, etc.) and who have legal rights to the land shall be entitled to the following from the construction Contractor: (i) Lease amount equivalent to prevailing rental rates in the location of the property, (ii) Compensation for affected non-land assets based on replacement cost, and (iii) Restoration of land to pre-construction state.

264. **Partial Acquisition.** Cash compensation for the portion of land, structure or asset/improvement at full replacement cost. DOTr will pay 100% of the compensation upon annotation of the title indicating portion of the government lien and before construction can begin. If the portion of the lot to be acquired is minimal, such that expenses for surveying or segregating that portion from the main lot would be more than the value of the part of the lot needed, DOTr may, if the property owner agrees, resort to the mode of easement of ROW provided under Title VII, Chapters 1 and 2 Civil Code of the Philippines. If the remaining portion of the land is not viable for continued use for the original purpose or if more than 80% of the entire land is to be acquired, the entire plot will be acquired subject to agreement from the PAP. DOTr is to pay 100% of compensation prior to relocation/construction can begin.

265. **Disturbance Compensation for Businesses.** PAPs who own business, commercial and industrial establishments are entitled to the following: (i) Cash compensation to cover income losses during transition period corresponding to stoppage of business activities, but not exceeding a period of six (6) months; (ii) Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere; and (iii) Assistance in securing a soft loan to enable self-rehabilitation for those restarting businesses elsewhere.

266. PAPs who are employed in displaced commercial or industrial establishment and lose their job due to closure of business are entitled to: (i) Cash compensation equivalent to two (2) months' net salary based on minimum wage; (ii) Participation in the Livelihood Restoration and Improvement Program; (iii) Provision of skills training in anticipation of available job positions during construction and operation of the project; and (iv) Priority in employment during construction and operation stage of the project.

267. **Rehabilitation Assistance and Rental Subsidy.** PAPs whose present means of livelihood is no longer viable and will have to engage in a new income activity are qualified to: (i) Income support, (ii) Skills training and other development activities to be provided in coordination with other national government agencies (such as DSWD, TESDA, DTI, DOLE, etc.) and LGUs, if the present means of livelihood is no longer viable and the PAF will have to engage in a new income activity, and (iii) Assistance in securing soft loan to enable self-rehabilitation. PAPs who are renting/leasing land and/or structures are entitled to rental subsidy equivalent to three months of rental payment for temporary dwelling place and relocation expenses, maximum amount of which will be determined based on city/municipal standards.

268. **Provision of Food Allowance and Transportation Assistance.** Food allowance during transfer after relocation of PAFs will be provided as part of transition assistance. In addition, transportation assistance will be provided for PAPs and their belongings.

269. **Trees, Crops and Aquaculture.** Cash compensation at replacement value will be provided. Determination of replacement cost of trees will take into account age and productivity of the tree. Compensation rates will be determined by the replacement cost study and informed by values prescribed by the Department of Agriculture (fruit trees) or Department of Environment and Natural Resources (for timber trees).
270. **Salvage Materials and Demolition.** PAPs will be allowed to self-demolish their structures to enable them to preserve materials. In such cases, PAPs shall be entitled to keep salvageable materials without deduction from compensation. If structures are partially dismantled by PAPs, the remaining will be dismantled by the DOTR’s contractor at no cost to the PAP.

271. **Special Assistance for Vulnerable Groups.** PAPs who belong to any of the following vulnerable groups: (i) Poor based on poverty threshold; (ii) Elderly; (iii) Persons with disabilities (PWDs); (iv) Female-headed households who may be worse off after displacement. Vulnerable groups shall be provided with: (i) Inconvenience allowance in the amount of Php 10,000 per household; (ii) Rehabilitation assistance in the form of skills training and other development activities with the value of up to Php 15,000 per household in coordination with other government agencies; (iii) Allowance to commute in the amount of Php 5,000 per household for three months for family members need to commute to current working place and/or school for underprivileged and homeless. For families with persons needing special assistance and/or medical care, respective LGUs will provide nurses or social workers to help them before and during the resettlement activities.

**B. Income/Livelihood Restoration**

272. The objective of income/livelihood restoration is to ensure the improvement of the socioeconomic conditions of PAPs or at least to bring back the pre-project income and living standards of the affected households and if vulnerable, improve to national minimum standards. The tranche-specific resettlement action plan(s) will enable the development of sustainable income restoration and rehabilitation strategies, including short-term and long-term interventions that are appropriate for the cultural background and practices of PAPs in the project sites. Strategies for income and livelihood restoration shall be consistent with the requirements of JICA’s guidelines and ADB’s SPS and may include but not limited to (i) training/capacity building for livelihood; (ii) prioritized hiring of PAPs to serve as contracted human resources for tranche-specific activities; and (iii) financial and in-kind assistance support to the poor will be allocated attached to capacity building initiatives. PAPs who lose 10% or more of their productive assets for the identified tranches will be entitled for income restoration assistance. Costs for income/livelihood restoration strategies for poor PAPs will be included in the RAP budget.

273. Development of livelihood development program will incorporate the following considerations.

(i) Prepared at the same time as the RAP. The program will be developed during the preparation of the draft RAP to ensure sufficient resources and adequate implementation arrangements are in place. The program will be further detailed and finalized during the updating of the RAP.

(ii) Design of the program will be based on research and scoping. During the project preparation phase, preliminary information will be collected on available programs and services such as vocational training, conditions, opportunities and risks for various options.

(iii) Consultation, information dissemination and needs assessment will be conducted. Development of the program and activities will include an iterative process of consultation and assessment of needs and preferences of eligible PAPs. Later during implementation, information dissemination along with counselling on livelihood development options, including requirements, benefits/opportunities, challenges, and risks will be provided to PAPs so that they can make informed decisions.

274. Institutional roles and responsibilities in design and implementation of the program: The implementation of this livelihood restoration and improvement plan requires the successful
coordination of the inputs of a range of technical specialists, consultation teams, and monitoring teams from concerned national and local government agencies with the DOTr having overall responsibility for program implementation. Central to DOTr’s role is getting all the national and LGUs to work together harmoniously in implementing the livelihood restoration and improvement plan which is underpinned by their existing programs, services, and resources. DOTr will also be responsible in making available the required additional resources and support to enhance LGU capacities to carry out the plan in their respective cities/municipalities. Monitoring and evaluation of the program implementation will also be among DOTr’s core responsibilities to ensure that all partners adhere to their agreed commitments.

275. Relevant national government agencies that may be identified later as program partners, consistent with their mandates, should make available the necessary government programs to enable the LGUs and PAPs to undertake the critical livelihood restoration and improvement activities in such a manner that takes into consideration the PAPs’ unique circumstance.

276. Meanwhile, the local governments units should play a vital role of ensuring that the national government programs and relevant LGU programs reach the PAPs accordingly and in a timely manner. Local programs and services are generally the same across different cities though they may vary in name and size but the goal is the same --- to extend livelihood support and help improve the standard of living of its constituents--- which is also consistent with the aim of this framework. Under this, approach the LGUs will play a critical role in preparing, coordinating, and executing site-specific detailed livelihood restoration and improvement implementation plans in accordance with this framework.

277. Specific partnership commitments, roles and responsibilities including coordination and reporting mechanisms shall be defined in greater detail in the Memorandum of Agreements forged among key players to deliver the programs and services laid out in this section.

C. Relocation

278. The project is anticipated to effect significant resettlement impacts involving physical and economic displacement. The RAP(s) will outline a plan for relocation activities. The entitlement matrix includes options for self-relocation and assisted relocation. Assisted relocation includes availing of government socialized housing programs, such as National Housing Authority (NHA) and Social Housing Finance Corporation (SHFC), for ISFs, as well as options for other PAPs to avail of government economic and medium cost housing programs under the Home Development Fund otherwise known as Pag-IBIG Fund.

279. For those availing of a government socialized housing program, efforts will be made to identify vacant sites in consultation and agreement with the affected persons and the DOTr, as well as the local administration. DOTr, government housing agencies and the LGUs will work closely to ensure that during the tranche-specific/sub-project specific resettlement action plan implementation, the affected households to be relocated will be assigned to appropriate relocation sites, based on the results of the socio-economic survey and the DMS.

280. There are various options for assisted-resettlement depending on the eligibility category as well as financial capacity of the PAPs. Generally speaking, those with greater needs, such informal settlers who are poor and landless, will receive greater levels of assistance and subsidy. Informal settlers who have sufficient income for legitimate housing or who have previously availed of subsidized social housing but sold or transferred the housing unit (termed “professional squatters” under RA7279) will be eligible for lower levels of subsidized housing assistance. Those
who are certified by HUDCC to be “squatting syndicates” as described in RA7279 as being engaged in the business of squatter housing for profit or gain will not be eligible for resettlement assistance. For those who are ineligible for all forms of government housing, may be able to avail of government supported public rental accommodation. Table 15 describes the assisted-resettlement options for project affected households.

**Table 15 Eligibility of Assisted Resettlement Programs by Category (Source: JICA Study Team)**

<table>
<thead>
<tr>
<th>Project Affected Households by Category</th>
<th>Eligibility for Assisted-Resettlement Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal settler</td>
<td>Government assisted economic and medium cost-housing loan under Pag-IBIG Fund</td>
</tr>
<tr>
<td>Informal settlers but are not low income or homeless</td>
<td>Government economic and medium cost-housing loan under Pag-IBIG Fund</td>
</tr>
<tr>
<td>Informal settlers and are low income or homeless</td>
<td>Socialized housing program provided by NHA</td>
</tr>
<tr>
<td>Returnees who were previous participants of a socialized housing program and sold the house</td>
<td>Government economic and medium cost-housing loan under Pag-IBIG Fund</td>
</tr>
<tr>
<td>Returnees who were previous participants of a socialized housing program and abandoned the house</td>
<td>Socialized housing program provided by NHA or Public Rental</td>
</tr>
<tr>
<td>Renting, sharing the structures, and are low income and homeless</td>
<td>Socialized housing program provided by NHA</td>
</tr>
<tr>
<td>Renting, sharing the structures, but are not low income or homeless</td>
<td>Socialized housing program provided by NHA</td>
</tr>
</tbody>
</table>

281. The various forms of housing assistance programs and their conditions are described briefly below.

**A. Social Housing Programs**

1. **NHA- Administered Resettlement Program**

282. This involves the acquisition and development of large tracts of raw land to generate serviced lots or core housing units for families displaced from sites earmarked for government infrastructure projects and those occupying danger areas such as waterways, esteros, and railroad tracks.

   (i) Housing Materials Assistance Program. Involves the provision of building materials to relocated families for the construction of houses using sweat equity in lieu of a completed housing unit developed by NHA.

   (ii) Resettlement Assistance Program for Local Government Units - Development of resettlement sites by the LGUs is assisted by the NHA under its Resettlement Assistance Program for LGUs and is implemented as a joint undertaking of the LGU and NHA. LGUs' primary contribution is land while the NHA provides funds to cover the cost of land development. LGUs recover the project cost from beneficiaries and utilize the proceeds exclusively for project maintenance or to acquire and/or develop new resettlement sites.

   (iii) Medium Rise Housing - An in-city housing alternative entails the construction of three-to five-storey buildings. It is implemented directly by NHA or in joint venture with other government agencies and/or the private sector. Tenure is on ownership basis.
(iv) Core Housing Program - Entails the acquisition and development of raw land as well as the construction of housing units. The program provides serviced lots with core housing designed to match the affordability of the target market consisting mostly of low-salaried government and private sector employees. Projects under this program are implemented under a joint venture arrangement with the private sector or LGUs. The partners invest or contribute equity in the project in terms of land or funds for land development and house construction.

(v) Community Mortgage Programs - Community resources are mobilized for resolution of land tenure issues and/or site development through the Land Tenure Assistance Program (LTAP), Community Mortgage Program (CMP) and Community Land Acquisition Support Program (CLASP). Under LTAP, the NHA extends credit assistance to Community Associations for the acquisition of land they occupy or intend to be resettled. Under other community-based approaches, the NHA acts as conduit between community associations/ cooperatives and financing institutions such as the National Home Mortgage Finance Corporation (NHMFC), Home Development Mutual fund (HDMF OR Pag-IBIG Fund) and other government and non-government institutions.

2. SHFC- Administered Resettlement Program

283. This SHFC organize the PAHs into community associations (CA) with no more than 200 member-family to ensure manageability through their accredited mobilizers (partner NGOs). These CAs will identify their preferred site, provide input to site development plan and agree on the type and floor plan of their housing unit. They will be involved in all aspects of planning – thus the term, People’s Plan. These CAs will undergo capacity building as part of community organizing and will be trained to run their association, to implement livelihood projects and to manage their estate. Relocation sites are be finalized until community associations are formed and have conducted planning workshops.

284. The role of CAs are to: (i) organize themselves into an association registered to HLURB (Home Owners Association); (ii) identify and decide the land (on-site, in-city, or off-city) to purchase; (iii) negotiate with the landowner (with the help of the LGU); (iv) participate in technical-related workshops such as site development plan, and designs; and (v) participate in capacity building trainings that will help the organization to acquire knowledge (i.e. financial literacy, enterprise development, estate management).

3. Home Development Mutual Fund (Pag-IBIG)

285. PAPs will have an option of availing of government economic and medium cost housing through a program of Pag-IBIG Fund.

4. Pag-IBIG Housing Loan

286. Any or a combination of the following: (i) Purchase of a fully-developed residential lot or adjoining residential lots not exceeding 1,000 m²; (ii) Purchase of a residential house and lot, townhouse or condominium unit; (iii) Construction or completion of a residential unit on a residential lot owned by the member; (iv) Home Improvement; (v) Refinancing of an existing housing loan.
287. Development of Resettlement Site Options and Relocation Procedures and Implementation Responsibilities. The procedures to identify site options and preparation for relocation will depend on the government housing agencies and/or LGUs involved. The specific arrangements for relocating PAFs to respective site options will be included in a Memorandum of Agreement (MOA) between DOTr and the key shelter agencies/LGUs. The details of these procedures and implementation responsibilities will also be included in the RAP. DOTr, nonetheless, is committed to ensure the process is participatory for PAPs, particularly in site selection and house design.

288. Temporary Accommodation. In case a Resettlement site construction is not ready in time for the clearing of ROW, rental assistance will be provided to the PAHs. If there are unanticipated lengthy delays for relocation site preparations, provision of temporary shelters may be provided. The following minimum conditions will be observed if temporary accommodation is provided:

(i) Provision of tents shall not be an option for any temporary shelter.
(ii) Temporary shelters must be built/installled within or adjacent (i.e., within a reasonable walking distance) to the permanent relocation site of the affected families to avoid double displacement. It must be the policy of the project not to affect the regular schooling and/or employment of the PAPs twice.
(iv) PAPs may be allowed to move into temporary shelters only when their identified site or land for permanent relocation has been acquired by NHA/SHFC//DOTr. No PAP shall be moved to a temporary shelter without guaranteed area for permanent relocation.
(v) For households with elderlies and/or physical disabilities, units on the ground floor should be provided in case the temporary shelter is multi-storey.
(vi) Clustering of households should support existing social networks, contribute to security and enable self-management by the PAPs.
(vii) The site for temporary shelter must be safe in terms of natural (e.g., flooding, landslides) and man-induced hazards (e.g., fire).
(viii) The structure must be durable enough to last the entire period until the construction of the permanent relocation sites is complete.
(ix) Provide appropriate drainage facilities so that dwelling areas and water distribution points are kept free of standing wastewater and that storm water drains are kept clear.
(x) Roads and pathways within the area should provide safe, secure and weather resilient access to individual dwellings and communal facilities including schools and healthcare facilities.
(xi) Distance to essential services should be considered including schools, health facilities, safe play areas, market area, and local transportation services.
(xii) Grouping among individual household shelters should provide a 30-metre firebreak between every 300 meters of built-up area, and a minimum of 2 meters (but preferably twice the overall height of any structure) between individual buildings or shelters to prevent collapsing structures from touching adjacent buildings.
(xiii) Shelters should be oriented and designed to maximize ventilation and minimize entry of direct sunlight. (xiv) Sheltering of domesticated animals or livelihood assets such as livestock shall be provided to ensure that these will not cause nuisance within the community and to the host community.
(xv) A contract with garbage collector company or a MOA with the host LGU must be executed prior to relocation to ensure regular collection of solid waste.
(xvi) Restore the site used for temporary settlements to their original condition once they are no longer needed.
(xvii) Minimum floor space must not be less than 17.5 sq. m for a family of five.
(xviii) The covered area should provide sufficient space for the following activities: sleeping, washing and dressing; care of infants, children and the ill or infirm; storage of food, water, household possessions and other key assets; cooking and eating indoors; and the common gathering of the household members.

(xix) As much as practicable, individual toilets and bath must be installed. If toilets are communal, maximum sharing should be 1:4 TB to HH.

(xx) Water supply must be ample. If communal supply (e.g., Level II) is provided, it must be well sanitized and maintained by the homeowner’s association.

(xxi) Each unit must have connection to electric power supply.

(xxii) Alleys and other common areas must be well lighted during nighttime.

VI. GRIEVANCE REDRESS MECHANISM

289. A Grievance Redress Mechanism (GRM) is a systematic process to receive, evaluate, and address the project-related grievances of affected persons (PAP) and/or groups. A project level grievance mechanism will be made available to allow appeals against any disagreeable decision, practice or activity arising from land or other assets compensation. PAPs will be fully informed during the consultations of their rights and of the procedure for addressing grievances, both verbal and written. Complaints and grievances relating to any aspect of the resettlement entitlements and/or activities, including the determined area and price of the lost assets, will be addressed.

290. However, care will be taken to prevent grievances rather than going through a redress process by ensuring active consultation with and participation of PAPs in the land acquisition and resettlement action planning and implementation process. If grievances still arise, all attempts will be made to resolve informally at the local level. At any stage of the grievance redress process, PAPs will have the option of taking their complaint to the formal mechanism of addressing grievances, including accessing the country’s legal system.

291. There will be four levels of the grievance redress process open to PAPs and other stakeholders during the resettlement action plan and project implementation, as described below. Assigned Grievance Officer/s from DOTr’s Office of the Undersecretary for Railways will serve as the first contact point for PAPs. All complaints received in writing (or prepared in written form, when received verbally) from the PAPs shall be properly documented. To aid in this process, help/grievance desks will be established at each City/Municipality and staffed by trained Grievance Desk Officers from the MCRP Project Management Office (specifically within the Environment, Social and Right-of-Way Division [ESR Division]). The MCRP PMO is within the DOTr’s Office of the Undersecretary of Railways. The help desk will act as a community-level mechanism to accept grievances. In addition, a project hotline will also be established to answer questions and accept grievances. Help/grievance desk and hotline staff will be trained in the GRM and gender-sensitive, culturally appropriate processes for accepting grievances by the Grievance Desk Officer/s. After documenting the grievance on a Grievance Action Form, it will be discussed with and actioned by the Grievance Desk Officer/s in the first instance.

292. The Grievance Desk Officer/s will determine if such complaints are project related. If a complaint is not project-related, the Grievance Desk Officer/s will advise the complainant and assist them by forwarding the complaint to the appropriate agency or LGUs who could act on the complaint. All complaints shall be acted upon immediately and addressed through negotiation processes to arrive at a consensus, pursuant to the procedures detailed below.

293. The second level of grievance redress will be implemented through two bodies as follows:
- For legal title holders, their grievances will be acted upon by the RAP Implementation and Management Committee (RIMC), to be headed by an existing ROW Project Management Office (ROW PMO), also within DOTr’s Office of the Undersecretary;
- For non-title holders (ISFs), their grievances will be acted upon by the Local Inter-Agency Committee (LIAC) or Local Housing Office (LHO).

294. The third level in the grievance redress process is a review, investigation and decision by the Project Inter-Agency Committee (PIAC)). Lastly, if the PIAC decision is unsatisfactory, the matter can be taken to an appropriate court of the Republic of the Philippines for adjudication (Table 16).

Table 16 Levels of Grievance Redress Mechanisms (Source: JICA Study Team)

<table>
<thead>
<tr>
<th>1st Level</th>
<th>For Legal Title Holders</th>
<th>For Informal Settler Families (ISFs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Help/Grievance Desk</td>
<td>RAP Implementation and Management Committee (RIMC), to be headed by an existing MCR Project Management Office (MCR PMO) within DOTr,</td>
<td>Local Inter-Agency Committee (LIAC)/ Local Housing Office (LHO)</td>
</tr>
<tr>
<td>2nd Level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Inter-Agency Committee (PIAC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3rd Level</td>
<td>Court</td>
<td></td>
</tr>
</tbody>
</table>

295. **Principles Guiding the GRM.** Implementation of grievance redress must be anchored on several principles to guide process, decisions, resolutions, and steps forward: (i) always keep the claimants details confidential; (ii) the GRM procedure must be explained clearly, and cases must be presented and deliberated in a language understandable by the PAPs (i.e. technical terms must be explained in a layman’s term); (iii) grievance procedure must be transparent, gender responsive and culturally appropriate; (iv) it must be readily accessible to the affected persons at no costs and without retribution.

296. **Procedures.** The procedures for the GRM are:

a. All complaints received in writing, verbally or transmitted electronically will be documented and filed by the Grievance Desk Officer/s. Upon receiving a complaint from the aggrieved person, the Grievance Desk Officer/s will accomplish a Grievance Action Form (Appendix 6) and enter the details in the log-book or database (Appendix 7).

b. Received claims are screened, assessed and investigated. The Grievance Desk Officer/s will assign personnel to complete actions to resolve the grievance or elevate the claim directly to the 2nd level. Grievances which do not apply to the project will be referred to the appropriate entity, and the claimant notified that this has occurred. The Grievance Action Form and log-book/database will be kept up-to-date. Action on the response must be communicated to the claimant within the time period identified.

c. Actions and decisions made shall be reported and discussed during weekly internal meetings and a summary report presented at the 2nd and 3rd levels on a regular basis. The Grievance Desk Officer/s shall monitor the issues.
d. The GRM will be publicized in the form of handouts that are written in Filipino and other local languages as needed. Training will be provided to LGUs, project staff, contractors, etc. about the GRM procedures.

e. On a quarterly basis the Grievance Officer/s will prepare a monitoring and evaluation report on the types of grievance cases and how they were resolved. The report should also include an assessment of the effectiveness of the GRM. These reports shall form part of the Internal Monitoring Report to be submitted to JICA/ADB.

A. Grievance Redress Mechanism Levels

297. **Level 1 – Help/Grievance Desk.** The Help/Grievance Desks will serve as the first formal contact point for legal PAPs and ISFs to receive their grievances in person at their LGU, by using the hotline or my email/letter, who will then determine (i) if complaints are project-related or not, and (ii) if the complainant is a legal PAP or ISF. The aim of the GRM policies are to resolve grievances expeditiously at the lowest possible level. The issue or concern will be taken to the next level if (i) it cannot be addressed at the lowest level, (ii) the complainants are not satisfied with the action taken, or (iii) the case is not acted upon after 15 working days.

298. **Level 2 – RIMC for legal PAPs or LIAC/LHO for ISFs.** The RIMC and LIAC/LHO will serve as the second level of decision-making. They will act and decide **within 15 working days** on the complaint filed by a PAP who is not satisfied with the action or decision of the Grievance Desk Officer/s, and inform the PAP of actions and decisions regarding the filed complaints. The LIAC shall be created at local levels were the relocations will take place. This will be headed by the city or municipal mayor of the LGU, and will consist of representatives of the LGU, affected barangay and PAPs. In the case where there are less than 50 PAPs in a LGU, the Local Housing Office or office designated by the LGU, will be mobilized in place of the LIAC.

299. **Level 3 – Project Inter-Agency Committee (PIAC).** If a decision by the RIMC/LIAC/LHO is not satisfactory to the complainant, they may appeal to the PIAC. The PIAC shall serve as the third level of grievance for legal title holders and ISFs. The PIAC will decide on the manner or resolution and this will be communicated in writing within 15 working days.

300. **Level 4 – Court.** If not satisfied with the decision of Levels 1, 2 or 3, the complainant may approach a court of law at any stage, which is not a part of the project level GRM, and whose decision will be final.

301. **Grievances concerning the project but are actions of others.** Some project related grievances pertaining to actions or activities of other concerned stakeholders shall be handled as described in the DPWH Infrastructure Right-of-Way Manual (2003), specifically: (i) Complaints against local government executives shall be filed with the Department of Interior and Local Government; (ii) Complaints against subordinate officials shall be filed with the office of the local chief executive concerned; (iii) Complains against officials of other national agencies may be filed with the office of the President, or the Office of the Ombudsman; (iv) Aggrieved parties may also direct their complaints to and/or seek the assistance of the Commission of Human Rights or the Presidential Commission for the Urban Poor.

302. **Modes of Filing Complaint with the Grievance Officer/s.** There are different modes of filing complaints with the Grievance Officer/s:
(i) Verbally at the city/municipal Help/Grievance Desk or to a project representative at consultations
(ii) Verbally or by text message using the project hotline
(iii) Letter addressed to the Grievance Desk Officer at the DOTr MCR-PMO, within the Office of the Undersecretary for Railways

303. In all instances, verbal and written complaints will be recorded in a log-book or database. The Grievance officer of DOTr Railway Office shall publicize the grievance redress process in the form of handouts such as pamphlets, brochures or leaflets that are written in Filipino. All concerned institutions, including Barangays, LGUs, and the MCR PMO, shall use the same handouts in explaining the grievance redress procedures to the aggrieved stakeholder who may come to them to raise their issue or concern. Training will be provided for these offices on the GRM procedure. The handout will be disseminated through LGUs and barangays as well as DOTr, also the mechanism to be publicized at the website of DOTr and LGUs.

304. **IP Grievance Redress Procedure.** In the case of ancestral land acquisition, conflicts within the affected IP community will be addressed within the community itself in the context of its customary law and customary dispute resolution process and mechanisms, in the presence of the relevant staff of the NCIP office with jurisdiction over the area, and if so invited, project-related staff and other stakeholders, e.g. formal local leadership in the barangay and/or the municipality. Inter-community conflicts will be addressed between the communities themselves, according to their customary or agreed upon dispute resolution processes and mechanisms. If an outside facilitator, mediator, or arbiter is required or requested for, the ESR-PMO will seek the intervention of the NCIP to act as facilitator, mediator, or arbiter. This guideline applies to conflicts or disputes between the IP community and any of the project units and implementers.

305. If no satisfactory result ensues, the IP communities shall be allowed to elevate their complaints and grievances to the PIAC. The grievance procedure established herein in no way substitutes for or replaces the grievance procedure set forth in The Free and Prior Informed Consent (FPIC) Guidelines of 2012. At their choosing, the IPs may avail of the grievance procedure and mechanisms spelled out in The Free and Prior Informed Consent (FPIC) Guidelines of 2012.

306. **ADB’s Accountability Mechanism.** In addition to the project GRM, ADB’s Accountability Mechanism also applies to the project. However, while the project level GRM is the responsibility of the EA, the Accountability Mechanism is the responsibility of ADB. The accountability mechanism provides opportunities for people (2 or more complainants) that are adversely affected by ADB-financed projects to express their grievances, seek solutions, and report alleged violations of ADB’s operational policies and procedures, including safeguard policies. ADB’s accountability mechanism comprises of (i) consultation led by ADB’s special project facilitator to assist people adversely affected by ADB-assisted projects in finding solutions to their concerns and (ii) providing a process through which those affected by projects can file requests for compliance review by ADB’s Compliance Review Panel. Details of the Accountability Mechanism can be found at: [https://www.adb.org/documents/accountability-mechanism-policy-2012](https://www.adb.org/documents/accountability-mechanism-policy-2012).

307. **JICA’s Objection Procedures.** Alternatively, people (2 or more persons) who suffer or likely to suffer substantial damage as a result of the project may submit an objection to JICA requesting investigation. Details of JICA’s Objection Procedures based on the Guidelines for Environmental and Social Considerations can be found at: [https://www.jica.go.jp/english/our_work/social_environmental/objection/index.html](https://www.jica.go.jp/english/our_work/social_environmental/objection/index.html).
VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Institutional Arrangements

308. Main institutional stakeholders include Department of Transport (DOTr), Philippines National Rail (PNR) and National Housing Authority (NHA), Social Housing Finance Corporation (SHFC) and LGUs. PNR will participate in project design, including mitigation measures and social actions plans. NHA and SHFC are involved in resettlement of informal settler for the rail projects and will be closely involved in resettlement action planning and livelihood restoration programs. People affected by land acquisition and land clearance, communities along the alignment and their community-based organizations will be involved in assessing impacts, needs and mitigation measures.

1. Organizational Coordination

309. The Right-of-Way Project Management Office (ROW-PMO) under the DOTr’s Office of the Undersecretary for Railways is the responsible entity for the preparation and implementation of the resettlement action plan including ROW acquisition, relocation of PAPs, including ISFs and IP communities in compliance with policies outlined in this framework and national laws. It is organized with technical and administrative manpower to conduct a range of activities from impact assessment to payment of compensation, among others. The proposed implementation structure for the MCRP resettlement action plan is shown in Figure 1.

2. Responsible Organizations

310. DOTr Right of Way Project Management Office (ROW-PMO). In order to address anticipated projects for railways and railways facilities, a Department Order (DO) on “Creation on a Right of Way Project Management Office for Railways and Railways Facilities Projects for the Department of Transportation” was provided by DOTr on 19th of August 2017. Figure 12 provides an organizational chart of the implementation arrangements for the entire project, and Figure 13 provides the resettlement action plan implementation arrangements.
Figure 11 MCRP Project Implementation Arrangements (Source: JICA Study Team)
Figure 12 RAP Implementation Structure (Source: JICA Study Team)
311. The DOTr ROW-PMO is responsible for the focused execution of the DOTr’s duties and responsibilities in ROW acquisitions and relocations of PAPs for all railway projects of the DOTr. It will act as the lead coordinator of the DOTr, with concerned national agencies, LGUs, civil society groups, residents and other stakeholders in land acquisition and resettlement related activities. The ROW-PMO will perform the internal monitoring and auditing functions to ensure the lawful and effective implementation of all functions and responsibilities of the DOTr. Thus, the DOTr ROW PMO will appoint a person in charge of MCR project to oversee land acquisition and resettlement activities conducted by MCR PMO.

312. **DOTr MCR Project Management Office (MCR PMO).** The MCR-PMO is the representative of the DOTr in all activities pertaining to the planning, design review, and implementation of the project. It shall be guided by its Operational Procedures.

313. The MCR PMO will provide technical assistance on day-to-day activities for the project, including (i) site preparations, (ii) supervise the consultants undertaking the detailed engineering design, construction drawings and all other related documents, (ii) supervise the agencies and consultants involved in the implementation of the Resettlement Action Plan (and/or other safeguard planning documents) including the ROW clearing and land acquisition processes, (iii) supervise the construction of all civil works packages and supply, delivery and commissioning of the rolling stock components, (iv) secure necessary approvals and permits from concerned government agencies, LGUs and other stakeholders. A division within MCR-PMO will be created focused on environment, social and ROW activities, as well as a MCR RAP Implementation and Management Committee (RIMC). This team will specifically be responsible for land acquisition and resettlement preparation activities, including validation of the PAPs, their assets and the implementation of the RAP, as well as all consultation and disclosure activities.

314. **DOTr Environment, Social and ROW Division (ESR Division).** The ESR Division of MCRP PMO will be implementing the RAP with the ROW PMO and other implementation partners. Additionally, it will assign a dedicated group of staff to (i) supervise the implementation of the Livelihood Restoration and Improvement Program (LRIP); (ii) monitor development of relocation sites and relocation activities including the provision of interim shelters (rental or temporary shelter); (iii) handle the Grievance Redress Mechanism; and (iv) conduct internal monitoring.

315. **DOTr Technical Working Committee** for the Acquisition of Sites/Rights-of-way for the Department’s Infrastructure Projects (TWC). The Department Order No. 2013-05 specifies the composition of the Technical Working Committee for the Acquisition of Sites/Rights-Of-Way for the department's Infrastructure Projects under the management of DOTr. The TWC will provide overall supervision and coordination in the planning, implementation, monitoring and evaluation of land/site acquisition activities. It will also evaluate and examine all documents pertaining to the properties to be acquired, and approve the compensation value as determined by the IPA/GFI.

316. **Project Inter-Agency Committee (PIAC).** As the implementing agency, DOTr through its Secretary will coordinate with other Department Secretaries to establish the Project Inter-Agency Committee (PIAC) either through an Executive Order (EO) to be issued by the President of the Philippines. The PIAC will be chaired by the Secretary of the DOTr and Co-Chaired by the Chairman of the Housing and Urban Development Coordinating Council (HUDCC). Members will include PNR, Department of the Interior and Local Government (DILG), Department of Trade and Industry (DTI), Department of Labor and Employment (DOLE), Department of Social Welfare and Development (DSWD), Department of Agrarian Reform (DAR), Department of the Environment and Natural Resources (DENR), Department of Finance (DOF). The PIAC will form Technical
Working Groups comprised of representatives from the concerned divisions and partner agencies, including working groups focused on (i) Relocation, and (ii) Livelihood Restoration.

317. **Rap Implementation and Management Committee (RIMC).** The RAP Implementation and Management Committee (RIMC) will be created through a Memorandum of Understanding between the MCRP PMO and the concerned LGUs. Its main role, as its name connotes, is to implement the RAP. Other important functions include: (i) Participate in the conduct of information education and communication (IEC) with PAPs, throughout the duration of the RAP implementation; (ii) assist DOTr in validating the eligibility of PAPs in relation to their corresponding entitlements; and (iii) Receive grievances during RAP implementation, related but not limited to project design, parcellary survey, appraisal, compensation, extra-judicial settlement (EJS), etc. The RIMC will be established after the creation of the MCRP PMO.

318. **Local Inter-Agency Committee (LIAC).** The LIAC shall be created and institutionalized at all local levels where relocations of ISFs will take place and will be involved actively in the implementation of the relocation and resettlement action plan. In areas where there are less than 50 PAPs, the Local Housing Board or housing and resettlement units (i.e., Urban Poor Affairs Office), or a similar office in the affected LGU shall be utilized. Coordination with LIAC and other agencies will start after the MCR PMO is mobilized. The LIAC shall be headed by the concerned city/municipal mayor under whose jurisdiction the project area is located. People’s Organizations (POs), representing the PAPs will be invited in the PIAC to assist and help the entity in the implementation and monitoring of the resettlement of ISFs. The LIAC will form the following sub-committees: (i) Social Preparation with community organizing, (ii) Beneficiary Selection, Awards and Arbitration (iii) Legal and Security, and (iv) Relocation and Livelihood restoration. Specifically, the role of the LIAC is to:

(i) Serve as the local clearing house of all relocation and resettlement activities, and resolve issues and concerns that may arise in the actual conduct of census and tagging operations and dismantling operations, as well as in the planning and development of resettlement sites;

(ii) Facilitate the orderly, peaceful and humane relocation of the ISFs occupying the affected areas;

(iii) Facilitate and expedite activities of the Social Preparation Committee in the stages of Pre-Relocation, Actual Relocation and Post Relocation;

(iv) Supervise and evaluate the ISF applicants/beneficiaries through the Beneficiary Selection, Awards and Arbitration Committee (BSAAC);

(v) Ensure that all qualified ISFs are relocated to acceptable, secure, and affordable resettlement sites that are provided with basic utilities, facilities and services; Enable all ISF PAPs to participate in planning and implementing the program through a coordinative and integrated multi-sectoral approach; and

(vi) Monitor the implementation of resettlement action plans, programs and projects as well as the operations of the subcommittees under it.

319. **National Commission on Indigenous Peoples (NCIP).** The NCIP is the primary government agency through which ICCs/IPs can seek government assistance. The IPRA vests upon the NCIP the power to issue certificate of ancestral land/domain title (CALT/CADT) (IPRA, Section 44e). It has the power to issue appropriate certification as a pre-condition to the grant of permit, lease, grant or any other similar authority for the disposition, utilization, management, and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned.
NCIP AO No. 3 S. 2012 vests upon the NCIP Regional Office the responsibility to receive applications for the issuance of Certification Precondition. It is responsible for the conduct of the Field Based Investigation (FBI) and overseeing the process for obtaining the Free and Prior Informed Consent (FPIC) from the affected IPs/ICCs. The NCIP also validates expressions of voluntary initiation or solicitation for certain projects made by IP communities.

Local Government Unit. The LGU will secure legal instruments in the municipality government (e.g., Executive Orders, Municipal Resolutions, Memorandum Orders, etc.) that is necessary for the implementation of the resettlement action plan(s). In particular, LGUs shall (i) assist in identifying and securing the necessary land for relocation purposes, and (ii) cooperate with the MCR PMO to form and mobilize RIC, PIAC/NHB to direct and oversee implementation and monitoring of the resettlement action plan(s). The LGU’s will chair the PIAC and execute the work plans and actions, identify possible areas for development as relocation sites, facilitate the smooth relocation of families and the orderly removal of structures, assist in consultations with PAPs, undertake necessary actions to safeguard the project alignment and sites and prevent the entry of new illegal dwellers, provide assistance in the conduct of social preparation activities, provide assistance in validating PAPs and review and assess documentary requirements submitted.

National Housing Authority. Per RA 7279, the local government unit, in coordination with the National Housing Authority (NHA), shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families. NHA is tasked with the development of shelters/housing for relocation.

Home Development Fund or as it is known Pag-IBIG. Pag-IBIG will support PAPs to avail of government economic and medium cost housing program. The DOTr will enter into an agreement with Pag-IBIG so that available housing programs can be made accessible to eligible PAPs through their respective LGUs.

Housing and Urban Development Coordinating Council (HUDCC). A Memorandum of Understanding will be executed between DOTr and HUDCC to provide support for the project, including the implementation of the Livelihood Restoration and Improvement Plan.

Other relevant government agencies may be tapped to provide livelihood rehabilitation program, including Technical and Skills Development Authority (TESDA), Cooperative Development Authority (CDA), Department of Trade and Industry (DTI), Department of Science and technology (DOST) and other agencies with related expertise, programs and experience. Additional information on the roles and responsibilities for the housing agencies will be included in the Resettlement Action Plan.

B. Capacity Building

Effective resettlement action plan implementation depends on the capacity and commitment of the agencies responsible for safeguards planning and management. In order to realize the implementation of the resettlement action plan(s), the ESR Division of the MCR PMO of DOTr will require capacity development on the provisions of this resettlement framework, as well as the overall ADB SPS (2009) and JICA’s guidelines on environmental and social considerations (2010). It helps that DOTr is also preparing resettlement action plans according to the JICA and the World Bank requirements. It is proposed that with ADB and JICA’s assistance,
safeguards training will be conducted prior to the resettlement action plan implementation. Specific topics recommended for the training are:

(i) Strengthen knowledge and awareness of DOTr key units on the provisions in this resettlement framework including ADB SPS (2009) on involuntary resettlement and indigenous peoples and JICA’s guidelines on environmental and social considerations (2010);
(ii) Orientation on the cultural sensitivities of the IP communities;
(iii) Requirements and procedures for social safeguards planning;
(iv) Understanding the use of the detailed measurement survey instruments;
(v) Conduct of meaningful consultations;
(vi) Orientation and finalization of detailed plans for livelihood restoration, compensation disbursement and its required document, and grievances handling and redressing; and
(vii) Monitoring of resettlement action plan implementation and reporting.

327. DOTr as the executing agency shall retain adequate staff for handling social safeguards with relevant qualifications and experience to be able to adequately design and deliver the social safeguards planning documents.

C. Implementation Schedule

328. The loan for this MFF by ADB is expected to be approved in the second quarter of 2019. Civil works for the project is planned or anticipated to start in May 2019. Once the MFF is approved by ADB, updated resettlement action plans will be prepared based on this resettlement framework and updated with the detailed measurement surveys during detailed design phase. These updated RAPs may be prepared and submitted for approval one area or section at a time. The resettlement activities are listed in Table 17, which will be further developed with indicative time frames in the draft resettlement action plan. Civil works shall not commence until all resettlement activities (except income restoration activities that may take years to complete) have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances.

Table 17 Indicative Implementation Schedule (Source: JICA Study Team)

<table>
<thead>
<tr>
<th>Activities</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAP Preparation, Updating and Implementation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Draft RAP Preparation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Briefing of Local Authorities and Orientation of IOL Team</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Census and IOL Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Consultation and Disclosure Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Preliminary Assessment for Income Restoration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Establishment of various committees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Draft FS RAP Approval</td>
<td></td>
<td></td>
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<tr>
<td>3. Detailed Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. RAP Updating / Finalization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Mobilization of Resettlement and Social Specialists</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### VIII. BUDGET AND FINANCING

329. The resettlement action plans preparation and implementation costs including cost of compensation and resettlement administration will be considered as an integral part of the project cost. The tranche-specific/sub-project resettlement action plans will include a budget section indicating: (i) unit compensation rates for all affected items and allowances; (ii) methodology followed for the computation of unit compensation rates; and (iii) a cost table for all compensation expenses including administrative costs and contingencies.

330. All costs for compensation, allowances, and administration of resettlement action plan implementation will be provided by the DOTr from its own budget. In order to ensure that sufficient funds are available for land acquisition and resettlement tasks, the Government shall allocate 100% of the cost of compensation at replacement cost and expected allowances estimated in each resettlement action plan plus 10% of contingencies, and transfer to DOTr before the resettlement action plan(s) implementation.

331. The Department of Finance will responsible for the timely allocation of the required funds to the DOTr for implementing the resettlement action plan(s). The budget for land, tree and crop compensation as well as structures/houses, employment loss, income loss, relocation cost, etc. will be disbursed by the DOTr to the PAPs through the ESR-PMO. Allowable resettlement costs by category are presented in Table 18.  

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### Table 18 Allowable Resettlement Costs and Budget Line Items

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>COST ITEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resettlement action plan preparation and compensation for acquired assets</td>
<td>Cost of census and survey of affected people and inventory of assets</td>
</tr>
<tr>
<td></td>
<td>Compensation for assets lost (land, structures, etc.) at replacement cost</td>
</tr>
<tr>
<td></td>
<td>Cost of preparation of replacement farmland</td>
</tr>
<tr>
<td>Relocation and transfer</td>
<td>Cost of moving and transporting movable items</td>
</tr>
<tr>
<td></td>
<td>Cost of replacement housing</td>
</tr>
<tr>
<td></td>
<td>Cost of site and infrastructure development and services</td>
</tr>
<tr>
<td></td>
<td>Subsistence allowances during transition</td>
</tr>
<tr>
<td></td>
<td>Cost of replacement businesses and downtime</td>
</tr>
<tr>
<td>Income/Livelihood programs</td>
<td>Cost estimates for income restoration plans (e.g., training, small business, community enterprise, livelihood specialist)</td>
</tr>
<tr>
<td></td>
<td>Cost of incremental services (extension, health, education)</td>
</tr>
<tr>
<td></td>
<td>Environmental enhancement packages (forestry, soil conservation, grazing land, etc.)</td>
</tr>
<tr>
<td>Administrative/ Services costs</td>
<td>Physical facilities (office space, staff housing, etc.)</td>
</tr>
<tr>
<td></td>
<td>Transport/vehicles, materials</td>
</tr>
<tr>
<td></td>
<td>Operation staff (managerial, technical), and support staff</td>
</tr>
<tr>
<td></td>
<td>Staff training for capacity development and monitoring Information disclosure, consultations, and grievance redress mechanism</td>
</tr>
<tr>
<td></td>
<td>NGO services for resettlement action plan implementation</td>
</tr>
<tr>
<td>Monitoring and reporting</td>
<td>Cost of monitoring the resettlement action plan implementation</td>
</tr>
<tr>
<td></td>
<td>Verification of monitoring by qualified and experienced external experts or qualified NGOs for projects with significant involuntary resettlement impacts</td>
</tr>
<tr>
<td></td>
<td>Evaluation of resettlement action plan implementation and reporting</td>
</tr>
<tr>
<td>Contingency</td>
<td>10 percent of the estimated resettlement project costs</td>
</tr>
</tbody>
</table>

332. **Sources of funds and flow of funds.** The budget for the resettlement plans will be funded by the Government of the Philippines. The ESR Division will ensure that payments are made to the PAPs.
IX. MONITORING AND REPORTING

333. Given the magnitude of impacts of the project, it has been categorized as A for involuntary resettlement safeguards according to ADB’s SPS. As such, all land acquisition and resettlement tasks under the project will be subjected to internal and external monitoring. The monitoring exercise will be routinely conducted by the DOTr MCR ESR-PMO safeguards team. The external monitoring by a qualified and experienced external monitor will be periodical, twice a year. The DOTr will communicate the monitoring results semiannually to ADB, which shall be posted on the ADB website. Indicators for the internal monitoring will be those related to the processes and immediate outputs and results.

Internal Monitoring. Implementation of the resettlement action plan(s) will be regularly supervised and monitored by the MCR PMO of DOTr. The findings will be recorded in the internal monitoring reports.

334. Internal monitoring and supervision will:

(i) Verify that the baseline information of all PAPs has been secured and that the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation (if any) has been carried out.

(ii) Formulate performance indicators, benchmarks and success/hurdle rates for the project.

(iii) Oversee that the resettlement action plans are implemented as designed and approved.

(iv) Verify that funds for implementing the resettlement action plan(s) are provided by the DOTr in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the respective resettlement action plan(s).

(v) Record all grievances and their resolution and ensure that complaints are dealt with in timely manner.

335. External Monitoring. A qualified external agency or a qualified and experienced external monitoring expert, approved by ADB, will be engaged by DOTr to carry out external monitoring and evaluation. The external monitor will review the internally generated monitoring information and will advise on safeguard compliance issues, and if any significant involuntary resettlement issues are identified, a corrective action plan will be prepared to address such issues. In addition, external monitoring is to provide a review and assessment of (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures. Evaluation will be carried out one year after the completion of the tranche-wise resettlement action plan implementation. The cost for engaging external monitor will be included as part of the resettlement action plan(s) administration cost.

336. Monitoring Mechanism. During resettlement action plan preparation, the EA/IA will develop a monitoring and reporting framework for resettlement activities. Central to this framework are the census of the affected persons and inventory of affected assets that constitute the basis for the agreed plan. Monitoring should focus on resettlement implementation, not just on physical and financial progress, and be comprehensive. This overall monitoring and reporting framework, based on predefined indicators, should provide a routine flow of information from the field level to the headquarters of the implementing agency and be combined with periodic supervision and verification.
Monitoring indicators typically come from the baseline data to address the specific contents of the activities and entitlements matrix. Potential monitoring indicators, from which specific indicators can be developed and refined according to the circumstances, are set out in Table 19.

Table 19 Monitoring Indicators

<table>
<thead>
<tr>
<th>Monitoring Aspects</th>
<th>Potential Indicators</th>
</tr>
</thead>
</table>
| **Delivery of Entitlements** | • Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.  
• Disbursements against timelines.  
• Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors’ camps, been included.  
• Timely disbursements of the agreed transport costs, relocation costs, income substitution support, and any resettlement allowances, according to schedule.  
• Provision of replacement land plots.  
• Quality of new plots and issue of land titles.  
• Restoration of social infrastructure and services.  
• Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted.  
• Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business. |
| **Consultation and Grievances** | • Consultations organized as scheduled including meetings, groups, and community activities.  
• Knowledge of entitlements by the displaced persons.  
• Use of the grievance redress mechanism by the displaced persons.  
• Information on the resolution of the grievances.  
• Information on the implementation of the social preparation phase.  
• Implementation of special measures for Indigenous Peoples. |
| **Communications and Participation** | • Number of general meetings (for both men and women).  
• Percentage of women out of total participants.  
• Number of meetings exclusively with women.  
• Number of meetings exclusively with vulnerable groups.  
• Number of meetings at new sites.  
• Number of meetings between hosts and the displaced persons.  
• Level of participation in meetings (of women, men, and vulnerable groups).  
• Level of information communicated—adequate or inadequate.  
• Information disclosure.  
• Translation of information disclosure in the local languages. |
| **Budget and Time Frame** | • Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.  
• Capacity building and training activities completed on schedule.  
• Achieving resettlement implementation activities against the agreed implementation plan.  
• Funds allocation for resettlement to resettlement agencies on time.  
• Receipt of scheduled funds by resettlement offices.  
• Funds disbursement according to the resettlement action plan.  
• Social preparation phase as per schedule.  
• Land acquisition and occupation in time for implementation. |
| **Resettlement and Relocation** | • ISFs (including those that choose to participate in a social housing program) provided adequate information, consulted on preferences and guided on procedures to avail of social housing.  
• ISFs participation in selection and design of social housing locations and options.  
• Number and percentage of ISFs availing of social housing programs.  
• Timeliness of provision of social housing to relocating ISFs. |
## Monitoring Aspects

### Potential Indicators

- Quality of social housing provided to ISFs (suitability of location, utilities, access to social services).
- Transitional assistance, such as transportation allowances, provided.
- Rental assistance provided until social housing is available for eligible ISFs.
- Percentage of relocating ISFs able to service financial obligations
- Percentage of relocating ISFs satisfied with social housing and remaining in social housing.
- Adequate management on the part of NHA.

## Livelihood and Income Restoration

- Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).
- Number of displaced persons who received vocational training (women, men, and vulnerable groups).
- Types of training and number of participants in each.
- Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).
- Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).
- Number of new employment activities.
- Extent of participation in rehabilitation programs.
- Extent of participation in vocational training programs.
- Degree of satisfaction with support received for livelihood programs.
- Percentage of successful enterprises breaking even (women, men, and vulnerable groups).
- Percentage of displaced persons who improved their income (women, men, and vulnerable groups)
- Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)
- Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)
- Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)
- Number of households with agricultural equipment
- Number of households with livestock

## Benefit Monitoring

- Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.
- Noticeable changes in income and expenditure patterns compared to the pre-project situation.
- Changes in cost of living compared to the pre-project situation.
- Changes in key social and cultural parameters relating to living standards.
- Changes occurred for vulnerable groups.
- Benefiting from the project by the displaced persons.
Appendix 1: Outline of a Resettlement and Indigenous Peoples Plan

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

(i) discusses the project’s potential impacts, and includes maps of the areas or zone of impact of project components or activities;
(ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
(iii) summarizes the key effects in terms of assets acquired and displaced persons; and
(iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

(i) define, identify, and enumerate the people and communities to be affected;
(ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
(iii) discuss the project’s impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
(iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Social Impact Assessment

This section:

(i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
(ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and...
territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.

(iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.

(iv) assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.

(v) includes a gender-sensitive assessment of the affected Indigenous Peoples’ perceptions about the project and its impact on their social, economic, and cultural status.

(vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

F. Information Disclosure, Consultation, and Participation

This section:

(i) identifies project stakeholders, especially primary stakeholders;

(ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;

(iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

(iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement action plan;

(v) confirms disclosure of the draft resettlement action plan to affected persons and includes arrangements to disclose any subsequent plans; and

(vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation;

(vii) summarizes the comments of the IP communities on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;

(viii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities.

G. Grievance Redress Mechanisms
This section describes mechanisms to receive and facilitate the resolution of affected persons’ concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

H. Legal Framework

This section:

(i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB’s policy requirements; and discuss how any gaps will be addressed;
(ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
(iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
(iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

I. Entitlements, Assistance and Benefits

This section:

(i) defines displaced persons’ entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
(ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
(iii) outlines opportunities for affected persons (Indigenous Peoples) to derive appropriate development benefits from the project that are culturally appropriate, and gender responsive.

J. Relocation of Housing and Settlements

This section:

(i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
(ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
(iii) provides timetables for site preparation and transfer;
(iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
(v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
(vi) describes plans to provide civic infrastructure; and
(vii) explains how integration with host populations will be carried out.

K. Livelihood Restoration and Rehabilitation
This section:
(i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
(ii) describes livelihood restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
(iii) outlines measures to provide social safety net through social insurance and/or project special funds;
(iv) describes special measures to support vulnerable groups;
(v) explains gender considerations; and
(vi) describes training programs.

L. Resettlement Budget and Financing Plan

This section:
(i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement action plans during loan implementation.
(ii) describes the flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items)
(iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs
(iv) includes information about the source of funding for the resettlement action plan budget.

M. Institutional Arrangements

This section:
(i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement action plan;
(ii) includes institutional capacity building program, including technical assistance, if required;
(iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement action planning and management;
(iv) describes how women’s groups will be involved in resettlement action planning and management; and
(v) describes measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

N. Implementation Schedule
This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction and provide land acquisition process and timeline.

O. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement action plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.
Appendix 2: Outline of a Project Information Brochure

- Project Information, time frame when the project is likely to commence construction and when constructions ends.

- Resettlement issues: how the project adversely affects people in the project area, who are the affected people, approximately how many persons/households will be affected and how (loss of homes, loss of income due to the loss of agricultural land other productive assets, e.g. shops, etc.), what mitigation measures have been planned. Time frame for land acquisition and compensation payment.

- Insert the entitlement matrix.

- Consultations and their outcome – how the project has addressed the concerns of the affected persons and other stakeholders. Inform the audience that consultation is a continual process and will be carried out through the project implementation.

- Disclosure – Inform the audience that relevant information from the safeguards planning document(s) will be disclosed to the project affected persons, and the entire document(s) will be submitted to ADB for review and posting on its website.

- Grievance redress mechanism – if the project affected persons and/or other stakeholders have any grievances or complaints related to the project, who do they complain to? Hence, GRM is a project level mechanism to resolve issues. Describe the proposed GRM structure, comprising …. …. …. (members) and describe the step-by-step process for GRM to resolve issues. The GRM should be free of cost to the aggrieved persons. Despite the GRM, the aggrieved persons are free to access the country’s legal system, at their cost, at any stage of the GRM, irrespective of its outcome.

- Safeguards implementation monitoring – monitoring would be participatory as much as practicable involving the project affected persons. Periodical monitoring reports would be compiled into semi-annual monitoring reports for submission to ADB, which ADB will review and post on its website.

- Insert the names, designations, and contact numbers and/or email addresses of the responsible persons in EA who could be contacted for information and for filing grievances.

Sample PIB is set out below.
What is The Malolos-Clark Railway Project (MCRP) – Malolos-Clark Section?

The MCRP will construct a 53km railway to complete the railway network connecting Metro Manila and the regional centers in Clark and the Clark International Airport (CIA).

The project is part of the Government’s roadmap to develop regional centers in the Greater Capital Region in areas surrounding Metro Manila with improved connectivity. The MCRP is one of the Government’s efforts to promote inclusive growth and improve the transport and logistics services to currently underserved areas in the country. Starting from the center of Manila to the nearby areas in the North Luzon, the MCRP is expected to ease the existing national and local roads along the railway’s route of traffic congestion while accelerating economic growth and expansion along the project’s influence areas.

The MCRP will provide a high standard suburban commuter rail from Malolos to Clark, with the line commencing at the City of Malolos, passing through the municipalities of Calumpit in the province of Bulacan, the municipalities of Apalit, Minalin and Santo Tomas, and cities of San Fernando, Angeles, and Mabalacat, until the alignment reaches inside the Clark International Airport Complex, all in the Province of Pampanga. The line will be a combination of viaduct and embankment and works are planned to include six stations and one depot. The section from Malolos to San Fernando is expected to be viaduct.

The executing agency is the Department of Transportation (DOTr) in partnership with Philippines National Railways (PNR).

The project will be implemented with financial and technical assistance from Japan International Cooperation Agency (JICA) and the Asian Development Bank (ADB).

Land requirements for the project: The expected right of way (ROW) needed for the line is 30m. The clearance corridor will need to allow for the construction of the viaduct (approx. 12m wide) as well as service road, drainage and relocation of some utilities.

The MCRP will utilize existing Philippines National Railways (PNR) ROW used for the former rail alignment as much as possible to minimize the need for land acquisition. However, additional land will be required to widen the existing ROW, for new alignment sections, as well as for stations and a depot.

New ROWs will need to be acquired for the spur line from Clark to CIA (approx. 11km). Also, some realignment sections are expected to be needed between Apalit and Angeles.

There will be impacts on people and property associated with land acquisition as well as clearing of some existing PNR ROWs needed for the project. There will be displacement of informal settlers and other land users within the existing PNR-owned ROW. There has been large scale encroachment on the PNR ROW in the past 31 years since the last train was operated in 1986.

Sites for land acquisition for realignment and new alignment sections are expected to be mostly farming land.

Has the affected land and other properties been identified already?

The Detailed Designs for the railway project is still being carried out. This involves, among others the final inventory of affected people, property and livelihoods.

What will the project do for people affected by land acquisition and clearing? A person with affected land or fixed property (such as houses or shops) is considered an eligible Project Affected Person (PAP) if they have affected property and occupied the project area at the time of the cut-off date. The cut-off date is the date of the commencement of the census and inventory of losses which was publicly announced in each local area. For legal land owners, the cut-off date will be the date of Notice of Taking issued to each land owner. Any people who occupy the project area after the cut-off date will not be eligible for any forms of compensation or assistance.

Project affected people will be eligible for compensation for affected property they own at replacement cost as well as various forms of assistance in accordance with their category of eligibility and type of impact. The entitlements are aimed at restoring property that is lost and restoring living standards. For underprivileged people, the project will provide various forms of assistance to enable them to improve their living standards. Types of assistance include resettlement support and livelihood development activities as well as various forms of transitional assistance.

How will I know what I will be entitled to?

The project conducts surveys to identify and record people and property affected by the project. The project will convey information to PAPs through consultation meetings and printed information. Three phases of public consultations were held during the feasibility study phase to provide information about the project policy, eligibility and entitlements.
Resettlement Action Plan (RAP) will be prepared that will set out details of agreed entitlements, assistance, strategies and implementation arrangements. The RAP will be publicly disclosed and key information will be included in public information brochures that will be updated from time to time. After the project is approved, individual households will be provided detailed information on their specific entitlements.

**When will the project take place?** The MCRP is currently in the feasibility study and preliminary design phase. The Project is expected to be implemented over four years from 2019 to 2022.

**What can I do if I have a complaint?** A project level grievance mechanism will be made available to allow appeals against any disagreeable decision, practice or activity related to the project, including land acquisition and clearing. Best efforts will be made to address concerns through consultation at the local level. If grievances persist, PAPs will have the option of taking their complaint to the formal mechanism of addressing grievances, including accessing the country’s legal system.

The Environment, Social and ROW Division of the MCRP Project Management Office of DOTr (ESR-PMO) will be the point of contact to accept all grievances of both titleholder and non-titleholder aggrieved persons. It will determine if such complaints are project related. If a complaint is not project-related, the ESR-PMO will advise the complainant and assist them by forwarding the complaint to the appropriate agency or LGUs who could act on the complaint. There will be two levels of the grievance redress process open to PAPs and other stakeholders during the resettlement action plan and project implementation.

- For legal title holders, their grievances will be acted upon by the Resettlement Implementing Committee (RIC);
- For non-title holders, their grievances will be acted upon by the Local Inter-Agency Committee (PIAC) or the Local Housing Board.

The GRM procedures will involve a system for recording complaints and decisions along with guidelines on timeframes for resolution.

**Who can I contact if I have any questions or need more information?**

The project will conduct consultation meetings in the project areas during which questions and comments can be raised.

Other contact points to raise questions and comments are:

- Your Local Government Unit: ____________
- DOTr Help Desk: USEC Timothy John R. Batan
- Office of the Undersecretary for Railways
- DOTr Clark Office
- Pinatubo Street corner Osmena Street
- Clark Freeport Zone, Pampanga
- Phone: (02) 790-8300 ext. 285
Appendix 3: Land Donation Process and Transfer of Title

Voluntary donation of land is a result of negotiation or negotiated settlement. Hence, although this is not involuntary resettlement, ADB’s requirements for negotiated land acquisition should be applicable in the case of voluntary donation as a good practice. This means, the EA (i) will engage an independent external party to document the negotiation and settlement processes; (ii) will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; (iii) third-party validation; and (iv) record-keeping requirements. The decision on whether or not to donate must be based on informed consent. The PAPs must be fully aware of their entitlements under the RAP and the value of property they intend to donate. Persons who are likely to experience material harm by the donation cannot be considered as being eligible to donate. Such cases would include PAPs who are vulnerable or where the donation would represent a severe loss of productive resources or cause physical displacement.

Proper transfer of title for the portion of donated land needs to be undertaken and monitored. This will facilitate avoiding the titleholder paying relevant duties and taxes on the donated portion of the land in the future. Transfer can take place via voluntary land donation agreement or MOU.

A thorough consultation and discussion must first take place as part of the negotiation process for voluntary donation, and the project benefits explained that shall realistically offset the size of the donated land. A signed MOU must be completed to initiate the process.

The following steps should be followed for the title transfer:

Step 1: Consultation, discussion and signing of the voluntary land donation agreement or MOU.

Step 2: Submit an acquisition proposal to DOTr including details of land sections that need to be acquired.

Step 3: Invoke land acquisition process and use the voluntary land donation agreement or MOU that the land owner has already agreed to give the land.

Step 4: The land portion will be transferred to DOTr.

A robust record-keeping and monitoring mechanism needs to be in place for the third-party validation. The following monitoring formats are suggested (appended).

<table>
<thead>
<tr>
<th>Form Title</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary Monitoring Sheet (Form M-1)</td>
<td>PMO</td>
</tr>
<tr>
<td>Verification of Ownership of Land and Assets (Form M-2)</td>
<td>PMO</td>
</tr>
<tr>
<td>MOU Collection and Grievance Redress (Form M-3)</td>
<td>PMO</td>
</tr>
</tbody>
</table>
SAMPLE DEED OF LAND DONATION

DEED OF DONATION

KNOW ALL MEN BY THESE PRESENTS:

That I, ____________________________ of legal age, single / married to ____________________________ with postal address at ____________________________, hereinafter referred to as the DONOR, and ____________________________, likewise of legal age, single / married to ____________________________ with postal address at ____________________________, hereinafter called the DONEE, witnesseth:

That the DONOR is the registered owner of a parcel of land, more particularly described as follows:

(Insert description of property to be donated)

That the DONEE is a ____________________________;

That the DONOR hereby voluntarily GIVES, TRANSFERS, and CONVEYS by way of donation, unto the said DONEE, his heirs and assigns, the above described property, together with all the improvements found thereon, free from all liens and encumbrances;

That the DONOR affirms that this donation is not made with intent to deceive his creditors, and that he has reserved for himself sufficient funds and property;

That the DONEE hereby accepts and receives this donation made in his favor by the DONOR, and hereby manifests his gratefulness for the latter’s generosity.

IN WITNESS WHEREOF, both the DONOR & DONEE have hereunder subscribed their names this __________ day of _________________ , 20__ at ______________________, Philippines.

________________________________________  ______________________________________
DONOR                                      DONEE

WITNESSES:

________________________________________  ______________________________________

ACKNOWLEDGEMENT
Republic of the Philippines)
________________________________________) S.S

BEFORE ME, a notary for and in the ____________________________, personally appeared:

Name CTC Number Date/Place Issued
(Donee) 00000000 (Date), 20__ / Locality
known to me and to me known to be the same persons who executed the foregoing Deed of Donation and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on the date and place first above written. Notary Public

This is a sample of a Deed of Donation. You may freely copy and revise this form.
Appendix 4: Sample Internal Monitoring Tools

Form M-1: Summary Monitoring Sheet
(as of end (month, year) )

| Province: | Barangay: |
| City / Town / Village: | |

<table>
<thead>
<tr>
<th>Project stage</th>
<th>Task</th>
<th>Completed (Date)</th>
<th>Outstanding tasks</th>
<th>Time frame for completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction stage</td>
<td>Dissemination of Project Information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sensitization of community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Finalization of design</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consultations with Community/PAPs</td>
<td></td>
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<tr>
<td></td>
<td>Survey for Profile of PAPs</td>
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</tr>
<tr>
<td></td>
<td>Identification of vulnerable PAPs</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dissemination of process of voluntary donation, support/assistance options &amp; grievance procedures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Finalization of support / assistance, if any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marking of land requirement on the ground</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Incorporating impact mitigation measures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrutiny and approval of design</td>
<td></td>
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<tr>
<td></td>
<td>Collection of MoU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Advance notice to farmers with standing crops, if any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Relocation/Shifting of structures / Common Property Resources, if any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provision of support/assistance, if any</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Enrollment into livelihood training program</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Physical possession of land by PMO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Preparation Stage</td>
<td>Redress of grievances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unforeseen impacts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other issue - specify</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Note: This form will be prepared by the PMO for each city/town/village till issues related to voluntary donation of land are addressed.
**Form M-2: Verification of Ownership of Land and Assets**

(As on (date, month, year))

<table>
<thead>
<tr>
<th>Province:</th>
<th>Barangay:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City / Town / Village:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the PAP</th>
<th>Category of PAP (Titleholder, Tenant, squatter, etc.)</th>
<th>Vulnerable PAP</th>
<th>Plot No.</th>
<th>Type of affected Land</th>
<th>Type of affected Structure (Residential, Commercial, etc.)</th>
<th>Trees, CPR and other losses</th>
<th>Livelihood losses</th>
<th>Verified (Y/N)</th>
<th>Remarks</th>
</tr>
</thead>
</table>


**Form M-3: MOU Collection and Grievance Redress**

(as on (date, month, year))

<table>
<thead>
<tr>
<th>Province:</th>
<th>Barangay:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City / Town / Village:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the Eligible PAPs / community</th>
<th>Verification and Collection of MOUs</th>
<th>Grievance Redress</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ownership verified by Revenue official (Date) and PMO</td>
<td>MOU signed prior to date of contract award</td>
<td>MOU Signed and collected by PMO (Date)</td>
<td>Any Grievance reported</td>
</tr>
</tbody>
</table>

**Grievances from other than Affected Persons**
Appendix 5: TOR for External Monitoring Agency

(Draft) Terms of Reference

For

External Monitoring Agency (EMA)

for the Malolos-Clark Railway Project

Resettlement Action Plan Implementation

A. Background

The MCRP requires the services of a qualified and experienced external agency to provide external monitoring of the implementation of the Resettlement Action Plan (RAP), review its effectiveness in meeting its stated objectives, and recommend corrective measures necessary when shortcomings are observed.

The main objectives of external monitoring are to provide an independent periodic review and assessment of (i) achievement of resettlement objectives; (ii) changes in income, living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures.

The objectives of the monitoring program are:

(i) to ensure that the standard of living of PAPs are restored or improved;
(ii) to monitor whether the overall project and resettlement objectives are being met in accordance with the Resettlement Plan, and if not to suggest corrective measures;
(iii) to assess if rehabilitation measures and compensation are sufficient and comply with the policies and entitlements set out in the RAP;
(iv) to identify problems or potential problems; and
(v) to identify methods of responding timely to mitigate and resolve problems.

The services of the EMA will be procured through selection process of DOTr.

B. Key Services and Outputs

External monitoring will be conducted on a semi-annual basis. Reporting: Semi-Annual reports will be submitted simultaneously to DOTr PMO, JICA and ADB. Post Resettlement Implementation Evaluation: Strategic lessons for future policy formulation and planning will also be drawn from the monitoring and evaluation of resettlement. This is possible through a Post-
Resettlement Implementation Evaluation Study that will be carried out 6-12 months following completion of all resettlement activities.

C. Tasks

The tasks of the external monitoring agency (EMA) shall be the following:

(i) Verify results of internal monitoring;
(ii) Coordinate with the NCIP regarding the monitoring and evaluation of the situation of affected IP communities, whether inside or outside ancestral domains as covered in pertinent social safeguards documents/plans;
(iii) Verify and assess the results of the information campaign for PAPs rights and entitlements, including the consultation with affected IPs living outside ancestral domain;
(iv) Verify that the compensation process has been carried out with the procedures communicated with the PAPs and affected IPs during the consultations;
(v) Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced
(vi) Assess efficiency, effectiveness, impact and sustainability of social safeguards documents/plans implementation drawing lessons as a guide to future resettlement and indigenous people’s policy making and planning;
(vii) (Ascertain whether the social safeguards document/plan entitlements were appropriate to meet the objectives, and whether the objectives were suited to AP and to IP conditions;
(viii) Suggest modification in the implementation procedures of the social safeguards document/plan, if necessary, to achieve the principles and objectives of the RIPPF;
(ix) Review on how compensation rates were evaluated; and
(x) (Review of the handling of compliance and grievances cases.

D. Methodology

The methods for external monitoring and evaluation include:

(i) Review of the approved RAP.
(ii) Review of detailed measurement survey documents to be able to establish a baseline for monitoring and evaluating project benefits. The EMA to check on a random basis the DMS process with PAPs from identification to agreement on DMS results.
(iii) Review of SES baseline prepared during RAP preparation and RAP updating (following detailed design) 27. A post resettlement survey will be carried out one year following completion of resettlement activities. Sampling will include 20% of severely affected PAPs as well as at least 10% of all other PAPs. As much as possible, the same PAPs interviewed during RAP updating will be interviewed.
(iv) Participatory rapid appraisals (PRA). Consultation with PAPs and various stakeholders such as resettlement committee, PMU, community leaders; key informant interviews; focus group discussions; community public meetings; direct

27 SES to be carried out by JICA Design Team in parallel with DMS during RAP updating.
field observations; and in-depth case studies of good practices and problems identified by internal or external monitoring and required special efforts to resolve.

(v) Verification of Replacement Cost Study. The EMA will review the adequacy of the methodology and standards to determine compensation rates and review the ability of PAPs to replace affected assets with the compensation received.

(vi) The ability of PAPs to be able to purchase comparable replacement land with the compensation money, location of such land / distance from affected land / any assistance that PAPs require from the Project to find suitable replacement land to buy.

(vii) The EMA will carry out random checks of payments disbursed to PAPs during monitoring. The EMA will submit a resettlement audit report per project upon completion of compensation payment to PAPs.

E. Monitoring Indicators

Monitoring indicators typically come from the baseline data to address the specific contents of the activities and entitlements matrix. Potential monitoring indicators, from which specific indicators can be developed and refined according to the circumstances, are set out below.

Indicative Monitoring Indicators

<table>
<thead>
<tr>
<th>Monitoring Aspects</th>
<th>Potential Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery of Entitlements</td>
<td>• Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.</td>
</tr>
<tr>
<td></td>
<td>• Disbursements against timelines.</td>
</tr>
<tr>
<td></td>
<td>• Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors’ camps, been included.</td>
</tr>
<tr>
<td></td>
<td>• Timely disbursements of the agreed transport costs, relocation costs, income substitution support, and any resettlement allowances, according to schedule.</td>
</tr>
<tr>
<td></td>
<td>• Provision of replacement land plots.</td>
</tr>
<tr>
<td></td>
<td>• Quality of new plots and issue of land titles.</td>
</tr>
<tr>
<td></td>
<td>• Restoration of social infrastructure and services.</td>
</tr>
<tr>
<td></td>
<td>• Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted.</td>
</tr>
<tr>
<td></td>
<td>• Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.</td>
</tr>
<tr>
<td>Consultation and Grievances</td>
<td>• Consultations organized as scheduled including meetings, groups, and community activities.</td>
</tr>
<tr>
<td></td>
<td>• Knowledge of entitlements by the displaced persons.</td>
</tr>
<tr>
<td></td>
<td>• Use of the grievance redress mechanism by the displaced persons.</td>
</tr>
<tr>
<td></td>
<td>• Information on the resolution of the grievances.</td>
</tr>
<tr>
<td></td>
<td>• Information on the implementation of the social preparation phase.</td>
</tr>
<tr>
<td></td>
<td>• Implementation of special measures for Indigenous Peoples.</td>
</tr>
<tr>
<td>Monitoring Aspects</td>
<td>Potential Indicators</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Communications and Participation** | • Number of general meetings (for both men and women).  
• Percentage of women out of total participants.  
• Number of meetings exclusively with women.  
• Number of meetings exclusively with vulnerable groups.  
• Number of meetings at new sites.  
• Number of meetings between hosts and the displaced persons.  
• Level of participation in meetings (of women, men, and vulnerable groups).  
• Level of information communicated—adequate or inadequate.  
• Information disclosure.  
• Translation of information disclosure in the local languages. |
| **Budget and Time Frame**           | • Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.  
• Capacity building and training activities completed on schedule.  
• Achieving resettlement implementation activities against the agreed implementation plan.  
• Funds allocation for resettlement to resettlement agencies on time.  
• Receipt of scheduled funds by resettlement offices.  
• Funds disbursement according to the resettlement action plan.  
• Social preparation phase as per schedule.  
• Land acquisition and occupation in time for implementation. |
| **Resettlement and Relocation**     | • ISFs provided adequate information, consulted on preferences and guided on procedures to avail of social housing.  
• ISFs participation in selection and design of social housing locations and options.  
• Number and percentage of ISFs provided availing of social housing programs.  
• Timeliness of provision of social housing to relocating ISFs.  
• Quality of social housing provided to ISFs (suitability of location, utilities, access to social services).  
• Transitional assistance, such as transportation allowances, provided.  
• Rental assistance provided until social housing is available for eligible ISFs.  
• Percentage of relocating ISFs able to service financial obligations.  
• Percentage of relocating ISFs satisfied with social housing and remaining in social housing.  
• Adequate management on the part of NHA. |
| **Livelihood and Income Restoration** | • Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).  
• Number of displaced persons who received vocational training (women, men, and vulnerable groups).  
• Types of training and number of participants in each.  
• Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).  
• Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).  
• Number of new employment activities.  
• Extent of participation in rehabilitation programs.  
• Extent of participation in vocational training programs.  
• Degree of satisfaction with support received for livelihood programs. |
<table>
<thead>
<tr>
<th>Monitoring Aspects</th>
<th>Potential Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Percentage of successful enterprises breaking even (women, men, and vulnerable groups).</td>
</tr>
<tr>
<td></td>
<td>- Percentage of displaced persons who improved their income (women, men, and vulnerable groups)</td>
</tr>
<tr>
<td></td>
<td>- Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)</td>
</tr>
<tr>
<td></td>
<td>- Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)</td>
</tr>
<tr>
<td></td>
<td>- Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)</td>
</tr>
<tr>
<td></td>
<td>- Number of households with agricultural equipment</td>
</tr>
<tr>
<td></td>
<td>- Number of households with livestock</td>
</tr>
<tr>
<td>Benefit Monitoring</td>
<td>- Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.</td>
</tr>
<tr>
<td></td>
<td>- Noticeable changes in income and expenditure patterns compared to the pre-project situation.</td>
</tr>
<tr>
<td></td>
<td>- Changes in cost of living compared to the pre-project situation.</td>
</tr>
<tr>
<td></td>
<td>- Changes in key social and cultural parameters relating to living standards.</td>
</tr>
<tr>
<td></td>
<td>- Changes occurred for vulnerable groups.</td>
</tr>
<tr>
<td></td>
<td>- Benefiting from the project by the displaced persons.</td>
</tr>
</tbody>
</table>
### Appendix 6: Grievance Claim Log Sheet

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Date and Place</th>
<th>Manner in which the claim was received</th>
<th>Name of person receiving the grievance claim</th>
<th>Topic</th>
<th>Name and contact details of claimant</th>
<th>Acknowledgement delivered</th>
<th>Reporting Form Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>G001</td>
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# Appendix 7: Grievance Action Form

<table>
<thead>
<tr>
<th>Reference number</th>
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<tbody>
<tr>
<td>Claimant’s name/s</td>
<td></td>
</tr>
<tr>
<td><strong>Contact details</strong>*</td>
<td></td>
</tr>
<tr>
<td>*Contact information, including names, to be kept confidential</td>
<td></td>
</tr>
<tr>
<td><strong>Telephone:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Email:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Address/location:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of receipt</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Name of person receiving the claim</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Method of receipt</strong></td>
<td>In person  By telephone  In writing</td>
</tr>
<tr>
<td><strong>Summary</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Response (Date, status, action required, due date)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date claim closed</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Monitoring dates and outcomes</strong></td>
<td></td>
</tr>
</tbody>
</table>