

Resettlement Framework (RF)

May 2020

PHI: South Commuter Railway Project

CURRENCY EQUIVALENTS

(As of 5 May 2020)

| | | |
|---------------|---|--------------|
| Currency unit | = | Peso/s (PhP) |
| PhP 1.00 | = | \$0.0197 |
| \$1.00 | = | PhP 50.67 |

ABBREVIATIONS

| | | |
|-------|---|--|
| AD | – | Ancestral Domain |
| ADB | – | Asian Development Bank |
| ADR | – | Alternative Dispute Resolution (Act) |
| AKPF | – | Abot-Kaya Pabahay Fund |
| AO | – | Administrative Order |
| AP | – | Affected Person |
| BIR | – | Bureau of Internal Revenue |
| BP | – | Batas Pambansa |
| BSAAC | – | Beneficiary Selection, Awards and Arbitration Committee |
| BSP | – | Bangko Sentral ng Pilipinas |
| C.A. | – | Commonwealth Act |
| CBIA | – | Community Based Initiative Approach |
| CDA | – | Cooperative Development Authority |
| CEDAW | – | Convention on the Elimination of all forms of Discrimination Against Women |
| CGT | – | Capital Gains Tax |
| CLOA | – | Certificate of Land Ownership Award |
| CMP | – | Community Mortgage Program |
| CMP-M | – | CMP Community Mobilizers |
| CP | – | Certificate Precondition |
| DAR | – | Department of Agrarian Reform |
| DED | – | Detailed Engineering Design |
| DDR | – | Due Diligence Report |
| DENR | – | Department of Environment and Natural Resources |
| DHSUD | – | Department of Human Settlements and Urban Development |
| DILG | – | Department of the Interior and Local Government |
| DMS | – | Detailed Measurement Survey |
| DO | – | Departmental Order |
| DOF | – | Department of Finance |
| DOLE | – | Department of Labor and Employment |
| DOTr | – | Department of Transportation |
| DPWH | – | Department of Public Works and Highways |
| DST | – | Documentary Stamp Tax |
| DSWD | – | Department of Social Welfare and Development |
| DTI | – | Department of Trade and Industry |
| EA | – | Executing Agency |
| EIS | – | Environmental Impact Statement |
| EJS | – | Extra Judicial Settlement |
| EMA | – | External Monitoring Agency |

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| EMP | – Environmental Management Plan |
| EO | – Executive Order |
| EP | – Emancipation Patents |
| ESR | – Environment, Social and ROW Division |
| GCR | – Greater Capital Region |
| GRM | – Grievance Redress Mechanism |
| GSIS | – Government Service Insurance System |
| HDMF | – Home Development Mutual Fund |
| HLURB | – Housing and Land Use Regulatory Board |
| HUDCC | – Housing and Urban Development Coordinating Council |
| IA | – Implementing Agency |
| IEC | – Information Education and Communication |
| IP | – Indigenous People |
| IPA | – Independent Property Appraiser |
| IPP | – Indigenous Peoples Plan |
| IPRA | – Indigenous Peoples Rights Act |
| IR | – Involuntary Resettlement |
| IRR | – Implementing Rules and Regulations |
| ISF | – Informal Settler Families |
| JICA | – Japan International Cooperation Agency |
| KSA | – Key Shelter Agencies |
| LAP | – Land Acquisition Plan |
| LARRIPP | – Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (DPWH, 2007) |
| LGU | – Local Government Unit |
| LHB | – Local Housing Board |
| LHO | – Local Housing Office |
| LIAC | – Local Inter-Agency Committee |
| LRT | – Light Rail Transit |
| LTAP | – Land Tenure Assistance Program |
| MCRP | – Malolos-Clark Railway Project |
| MFF | – Multitranchise Financing Facility |
| MO | – Memorandum Orders |
| MOA | – Memorandum of Agreement |
| MOU | – Memorandum of Understanding |
| MRT | – Mass Rail Transit |
| NCIP | – National Commission on Indigenous Peoples |
| NEDA | – National Economic and Development Authority |
| NGO | – Non-Government Organization |
| NHA | – National Housing Authority |
| NHMFC | – National Home Mortgage Finance Corporation |
| NoT | – Notice of Taking |
| NSCR | – North-South Commuter Railway |
| OCC | – Operations Control Center |
| OCT | – Original Certificate of Title |
| OTB | – Offer to Buy |
| Pag-IBIG | – <i>Pagtutulungan sa Kinabukasan: Ikaw , Bangko, Industria at Gobyerno</i> |
| PAP | – Project Affected Person |
| PCUP | – Presidential Commission for the Urban Poor |
| PD | – Presidential Decree |

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| PhP | – Philippine Peso |
| PIAC | – Project Inter-Agency Committee |
| PIB | – Public Information Booklet / Brochure |
| PMO | – Project Management Office |
| PNR | – Philippine National Railways |
| PPGD | – Philippine Plan for Gender Responsive Development |
| RA | – Republic Act |
| RAP | – Resettlement Action Plan |
| RF | – Resettlement Framework |
| RIC | – Resettlement Implementation/Implementing Committee |
| RIMC | – RAP Implementation and Management Committee |
| RIPP | – Resettlement and Indigenous Peoples Plan |
| ROW | – Right of Way |
| ROW-PMO | – Right of Way Project Management Office |
| ROWA | – Right of Way Acquisition |
| ROWSAM | – Right of Way and Site Acquisition Manual |
| RPT | – Real Property Tax |
| SCRP | – South Commuter Railway Project |
| SES | – Socio-Economic Survey |
| SHFC | – Social Housing Finance Corporation |
| SPS | – Safeguards Policy Statement |
| SSS | – Social Security System |
| TCT | – Transfer Certificate of Title |
| TESDA | – Technical Education and Skills Development Authority |
| TWC | – Technical Working Committee |
| WB | – World Bank |
| WEDGE | – Women's Empowerment Development and Gender Equality |

GLOSSARY

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| Compensation | Payment in cash or in kind for land, housing, income, and other assets <i>acquired or adversely affected</i> 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). |
| 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. |
| Income restoration | Re-establishing income sources and livelihoods of APs 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. |

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| Project Affected person (AP) | 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 an AP 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 AP 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) solo parent-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) and the Japanese International Cooperation Agency (JICA) for assistance to help finance the South Commuter Railway Project (SCRP) also known as North-South Railway Project, South Line (Commuter). The proposed financing modality of SCRCP is a multitranche financing facility (MFF) and will be co-financed with JICA. This Resettlement Framework (RF) has been prepared to guide the preparation of tranche-wise safeguards documents.

2. Tranche 1 of SCRCP will consist of a high standard suburban commuter rail service from Blumentritt to Calamba, passing through the cities of Manila, Makati, Pasig, Taguig, Paranaque and Muntinlupa within the National Capital Region, followed by the cities of San Pedro, Binan, Santa Rosa, Cabuyao and Calamba in Laguna Province. The length of SCRCP will be approximately 54.6 km (excluding the depot access line). Based on the detailed design, the SCRCP section will start around 200 m east of Blumentritt station towards Espana station and extend south to Calamba Station. It will also include an underground section between Senate Station and the Food Terminal Inc. (FTI) Station that will connect SCRCP with the JICA funded Metro Manila Subway Project (MMSP). Out of the approximate 54.6 km of SCRCP alignment, approximately 49.5 km section will be elevated, 0.2km will be embankment and approximately 4.9 km will be at grade. The line will have 18 stations, 15 of which will be elevated and two at grade, the FTI station will have two platform (one elevated and one underground). Out of the 5.6 km connecting line between SCRCP and MMSP, 5.1 km will be underground and there will be also two underground stations in Senate and FTI. All trains will use the elevated Bicutan station. The project will also include construction of a depot.

3. The rail service will connect to other railway projects currently under implementation by the government, which will lead to an integrated railway system from Calamba to the Clark International Airport. A connecting line Bicutan–FTI–Senate Station will allow trains from SCRCP to operate on the Metro Manila Subway towards BGC, Ortigas, Quezon City and Valenzuela City.

4. The SCRCP will also connect to the JICA funded MMSP. The MMSP will connect Valenzuela with Manila's Airport (NAIA) Terminal 3 station and traverse the cities of Valenzuela, Quezon, Pasig, Pasay, Taguig and Paranaque in Metro Manila. Connection of SCRCP and MMSP will increase the convenience of passengers who travel between Metro Manila and are along SCRCP, as direct trains will operate between Calamba on SCRCP and Valenzuela on MMSP. Thus, it will contribute to the sustainable development of Metro Manila, easing traffic congestion while accelerating economic growth beyond the metropolitan area.

5. **Land acquisition and resettlement impacts.** SCRCP will utilize existing Philippine National Railway (PNR) 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. It is anticipated that the project will potentially result in the physical displacement of about 11,850 households (44,022 persons), 1,547 businesses, and 7,640 structures due to ROW clearance and land acquisition. Approximately 93% of the affected households are informal settler households occupying the PNR ROW or are renters.

6. **Anticipated social safeguard impacts.** SCRCP will utilize existing Philippine National Railway (PNR) right-of-way (ROW), as well as acquire approximately 86 hectares of land in areas

where the width of the PNR ROW is less than 30 m, at station locations, which will require 60 m width and land required for the depot. Involuntary resettlement impacts will be a result of the acquisition of land, as well as displacement of informal settlers and other land users within the existing PNR ROW. While SCRP will maximize use of the existing PNR alignment, some sections between Blumentritt and the Pasig River are expected to be realigned due to the implementation of the NLEX SLEX Connector Road Project, which will share the PNR ROW. There has been large scale encroachment on the PNR ROW. As a result, it is anticipated that more than 45,000 persons might be affected due to ROW clearance and land acquisition for the project (numbers as at Feasibility Study stage). This encompasses an estimated 12,210 households, with an estimated 11,384 of these that are either informal settler families (ISF) or renters. There will be physical and economic displacement, permanent and temporary damages to structures, crops and trees. Under this project, the Department of Transportation (DOTr) encourages ISFs to avail of the social housing option for relocation. There will not be any loss of land use in areas where indigenous peoples (IPs) reside. The most part of Senate Station to Bicutan Station Section which connects SCRP to MMSP is underground and does not require physical resettlement of people and structures but might require acquisition of subterranean easements. Moreover, the Senate Station – FTI Station Section will pass under government land and the FTI Station – Bicutan Station Section will be constructed together with the SCRP within PNR ROW.

7. Social Safeguards Policy Principles for the Project. This RF provides the policy framework for involuntary resettlement 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 policy principles for the Project as detailed in Chapter II Section F and summarized below:

- Land acquisition and involuntary resettlement will be avoided where feasible or minimized, by identifying possible alternative project designs.
- Where displacement of households is unavoidable, all eligible PAPs losing assets, livelihood, or resources will be fully compensated and assisted so that they can improve, or at least restore, their pre-project standards of living.
- Where displacement of business enterprises is unavoidable, all PAPs losing livelihoods will be fully assisted so that they can improve, or at least restore, their former economic conditions.
- Rehabilitation assistance will be provided to any PAPs, that is, any person or household or business which their: (i) standard of living is adversely affected; (ii) property is affected; (iii) income earning opportunities adversely affected; and (iv) social and cultural activities and relationships affected.
- Affected people will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing.
- PAPs partially affected by land acquisition will not be left with residual portions that would not be viable for continued use for the original purpose. For partially affected structures, if the remaining portion is not technically viable for continued use, the entire structure will be compensated. Assessment of technical viability is undertaken by civil engineers and duly checked by licensed Independent Property Appraiser (IPA) as part of the replacement

cost survey. The technical assessment is done at two levels. One is through actual field inspection and measurements. The other is through the preparation of Basic Plans which confirms if major structures such as columns would be affected. PAPs are informed by DOTr during RAP implementation/ROW acquisition (after issuance of Notice of Taking/Offer to Buy and during discussion and execution of the Agreement to Demolish and Remove Improvement).

- People temporarily affected will be considered PAPs. The Contractor will enter into Lease Agreements and comply the Environment Management Plan and this RAP.
- Where a host community is affected by the development of a resettlement site, the host community will be consulted on resettlement planning and decision-making. All attempts will be made to minimize the adverse impacts of resettlement upon host communities.
- Any project related activities that triggers involuntary resettlement such as land acquisition or land clearance that displaces people using the land then such impacts will be considered as impacts under the scope of this RAP. In such cases the same entitlements as in this RAP will be applied to those affected. All land to be used for project purposes will be screened for involuntary resettlement impacts.
- Payment for land and/or non-land assets will be based on the principle of full replacement cost.
- Compensation for PAPs dependent on agricultural activities will be land-based wherever possible. Land-based strategies may include provision of replacement land, ensuring greater security of tenure, and upgrading livelihoods of people without legal titles. If replacement land is not available, other strategies may be built around opportunities for re-training, skills development, wage employment, or self-employment, including access to credit.
- Transitional assistance will be provided, in addition to compensation to assist PAPs to restore livelihood and standards of living. The resettlement plan will consider the needs of those most vulnerable to the adverse impacts of resettlement.
- The RAP will be disclosed by DOTr to the public. PAPs will be involved in the process of developing and implementing resettlement plans, and will be consulted about the project and their rights, and to the extent possible involved in decision making concerning their resettlement.
- Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition (including compensation, other entitlements and income restoration measures) within the agreed implementation period. The funds for all resettlement activities will come from the Philippine government.
- Displacement must not take place before provision of compensation and other assistance required for relocation. Sufficient social infrastructure and basic services must be provided in the resettlement site prior to relocation.

- Arrangements required for the implementation of the RAP will be in place prior to the commencement of implementation of the RAP.
- Appropriate reporting (including auditing and redress functions) monitoring and evaluation mechanism, will be in place as part of the resettlement management system. An external monitoring agent or group will be hired.

8. **MFF Project Screening and Minimizing Adverse Impacts.** This RF provides the guidelines in screening for and minimizing adverse impacts – noting that SCRP is classified as Category A for involuntary resettlement. Ensuing MFF subprojects and sections may therefore be Categories A, B, or C for involuntary resettlement 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, and Resettlement Planning.** This RF provides the guidelines in the conduct of the social assessment for resettlement planning. The guidelines outline the manner in which the social assessment can be conducted in a gender-sensitive manner, in consultation with APs.

11. **Consultation, Participation, and Disclosure.** Meaningful consultation is upheld under this RF to ensure issues, concerns, voices and the potential of affected households are incorporated in the project preparation, implementation, monitoring and reporting. 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, 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 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 RF, (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) new or updated social safeguard planning documents and 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 local government units (LGUs) and government shelter agencies 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 APs. 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 government housing agencies, herein termed key shelter agencies (KSAs). APs who do not qualify for government socialized housing programs can avail of government economic and medium cost housing programs under the Home Development Mutual Fund otherwise known as Pag-IBIG Fund. APs will be supported in their relocation as detailed in the entitlement matrix. Others who may be ineligible for the government housing programs may be able to avail of public rental housing accommodation provided by DOTr in partnership with KSA, NGOs and/or LGUs. ISF's and poor households choosing to self-relocate will be given support and guidance to avoid becoming an ISF on another government property.

15. **Livelihood Restoration Program.** The Resettlement Action 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 APs in the project sites. Strategies for income and livelihood restoration shall be consistent with the requirements of ADB SPS and may include but not be limited to (i) training/capacity building for livelihood; (ii) prioritized hiring of APs 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. APs whose productive assets are affected will be entitled to various forms of transitional and livelihood 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 three levels of grievance redress for complaints made concerning the project. Notwithstanding, PAPs may seek redress through the court system at any time. The GRM has been developed in accordance with the ADB SPS and aims to reduce impacts and risks of the project and promote mutually constructive and trust-based relationships with affected people. The GRM will be established during RAP preparation.

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 Railways (PNR), KSAs and LGUs. PNR will participate in project design, including mitigation measures. The SCRPMO 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 APs, including ISFs 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. KSAs will be involved in resettlement of APs eligible for the socialized housing program and will be closely involved in resettlement action planning and

livelihood restoration programs. LGUs will provide support in the implementation of the RAPs in each of the cities where affected people will move from or to, due to the project.

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 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 semi-annual monitoring report to ADB and JICA. 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 semi-annual monitoring reports will be made upon submission to ADB and JICA. Preparation of semi-annual monitoring reports commence upon loan effectiveness and are carried out on an ongoing basis until a project completion report is issued.

I. INTRODUCTION

1. This Resettlement Framework (RF) has been prepared for the South Commuter Railway Project (SCRP). It outlines the resettlement policy principles, procedures, and institutional arrangements to mitigate risks and facilitate livelihood and development opportunities to the people affected by the project. It is based on applicable laws and regulations of the Government of Philippines (the Government), the Safeguard Policy Statement (SPS) of the Asian Development Bank (ADB), and the safeguard policy guidelines of the Japan International Cooperation Agency (JICA).

A. Project Description

2. The Government of the Philippines (GoP) requested the Japan International Cooperation Agency (JICA) and the Asian Development Bank (ADB) for assistance in preparing and financing the North South Railway Project -South Line (Commuter), hereafter referred to as South Commuter Railway Project (SCRP). The SCRCP will utilize as much as possible the existing Right-of-Way (ROW) of the Philippine National Railways (PNR) and will traverse six cities in the National Capital Region, namely Manila, Makati, Taguig, Parañaque, Pasig, and Muntinlupa, and five cities in the Province of Laguna consisting of San Pedro, Biñan, Santa Rosa, Cabuyao and Calamba.

3. The length of the SCRCP will be approximately 54.6 km connecting Blumentritt Station with Calamba Station; a 5.6 km connecting line Bicutan-FTI-Senate Station which will allow operation of direct trains from Calamba to station along the Metro Manila Subway in BGC, Ortigas, Quezon City and Valenzuela City and a depot site in Banlic. The project will promote and ensure sustainable development of Metro Manila, Greater Capital Region (GCR), and the Philippines.

4. 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,¹ 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.²

5. 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 1980s.

¹ Philippine Statistics Authority. Database 2017. Manila.

² Japan International Cooperation Agency and National Economic Development Authority. 2014. *Roadmap Study for Transport Infrastructure Development of Metro Manila and its Surrounding Areas (Region III and Region IV-A)*. Manila.

6. 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); 37km from Tutuban to Malolos. Another railway project is to extend the NSCR to the north and provide an approximately 53.1 km new railway line with two sections, (i) the 51.2 km section from Malolos to Clark International Airport; and (ii) the 1.9 km section from Solis to Blumentritt, known as the Malolos Clark Railway Project (MCRP). SCRCP will extend the railway line south after Blumentritt all the way to Calamba. These projects combined will create a north-south railway corridor in GCR.

7. SCRCP is part of the government's efforts to promote inclusive growth and improve the public transport services to currently underserved areas in the country. SCRCP 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.

8. SCRCP will provide a high standard suburban commuter rail from Blumentritt to Calamba with the line commencing in the City of Manila, passing through the cities of Makati, Pasig, Taguig, Paranaque and Muntinlupa within Metro Manila, followed by the cities of San Pedro, Binan, Santa Rosa, Cabuyao and Calamba in Laguna Province. The length of SCRCP will be approximately 54.6 km from Blumentritt to Calamba (excluding the line to the depot), of which 49.4 km is envisioned to be elevated using viaducts, and 5.5 km will be at grade, with 18 stations, and one depot. A connecting line Bicutan–FTI–Senate Station will allow trains from SCRCP to operate on the Metro Manila Subway towards BGC, Ortigas, Quezon City and Valenzuela City.

9. Financing modality and safeguards application. ADB will help to finance the SCRCP through a multitranche financing facility (MFF); SCRCP 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

10. ADB assistance for the project comprises a loan of USD 3.85 billion in three tranches of the MFF over the period of seven years to finance civil works and stations. Approximately 90% of the alignment is planned as viaduct to minimize the requirements for level crossings. SCRCP will utilize the existing PNR ROW over most of its length, with additional land acquisition required where needed. The project includes the following components:

- Main railway line
- Viaduct / bridges
- At grade
- Bridge crossings (rivers/highways): 7
- Depot, workshops and operations control center (OCC)
- Stations and related facilities: 18 stations
- 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. Project components

11. Main Railway Line. The SCRP alignment is approximately 54.6 km long starting 200 m east of Blumentritt station extending just after Calamba Station, and including the line to the depot. The track will consist of reinforced concrete slab-track for the main line and ballast track (crushed stone) in the depot. The required ROW width of the railway track is set at 30 m all along the alignment. There will also be the 5.6 km connecting line between SCRP and MMSP from Senate station to Bicutan Station in Metro Manila. The required ROW width of the railway track is set 30 m all along the alignment.

12. The majority of the structures of the railway track and station are elevated. Figure 1 shows the cross section of a typical viaduct, embankment, and at grade respectively.

13. 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)

14. At Grade. At grade will be adopted where it would not have an impact in dividing the community. At grade sections will be planned in the suburban areas and farmlands where elevating the railway is not necessary.

15. Bridges. The existing railway bridges cross the following rivers; Pasig River, San Pedro River, Soros River, Salang Langka Creek, San Cristobal River, and Calamba River. The locations of new bridges are shown in **Error! Reference source not found.** The bridges will be built within the 30m Project ROW, where possible. The types of the new bridges will be decided during detailed engineering design

16.

Table 1: Locations of the Alignment Crossing Rivers and Infrastructure

| No. | Location | Obstacle |
|------------|--|---------------------|
| 1 | LRT Flyover | Existing light rail |
| 2 | Pasig River | River |
| 3 | A Mabini Street | Intersection |
| 4 | Maharlika Highway | Road |
| 5 | Biñan River | River |
| 6 | Macarthur High Way (Manila North Road) | Road |
| 7 | Manila South Road | Road |

(Source: JICA Design Team)

17. Stations. There are 18 stations proposed between Blumentritt and Calamba. Blumentritt station will be constructed as part of the Blumentritt Extension within the Malolos Clark Railway Project (MCRP). The approximate 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.

18. The stations will adopt a universal design which will incorporate the barrier-free guidelines of both Philippines and Japan for elderly, children, and persons with disabilities. The proposed measures are to provide elevator and escalators, in addition to stairs for vertical movement of passengers from streets to station platforms.

19. The 180 m length of the platform is determined by the number of trains (8 car-train) plus an additional 10m of free space at both ends of the platform. The station design includes an option for future extension of the platforms to accommodate 10 car trains.

20. Tunnel. The 5.6 km connecting line from SCRP to MMSP will cover the section from Senate station to FTI station and Bicutan Station. The connecting line will include an underground section which has an approximate route length of 5.1 km. and a viaduct section of 0.5 km shared with SCRP. The tunnel section between Senate and FTI passes through mostly government properties within Pasay City and Paranaque City. Final specifications of the connecting line and stations will be determined in the Detailed Engineering Design phase.

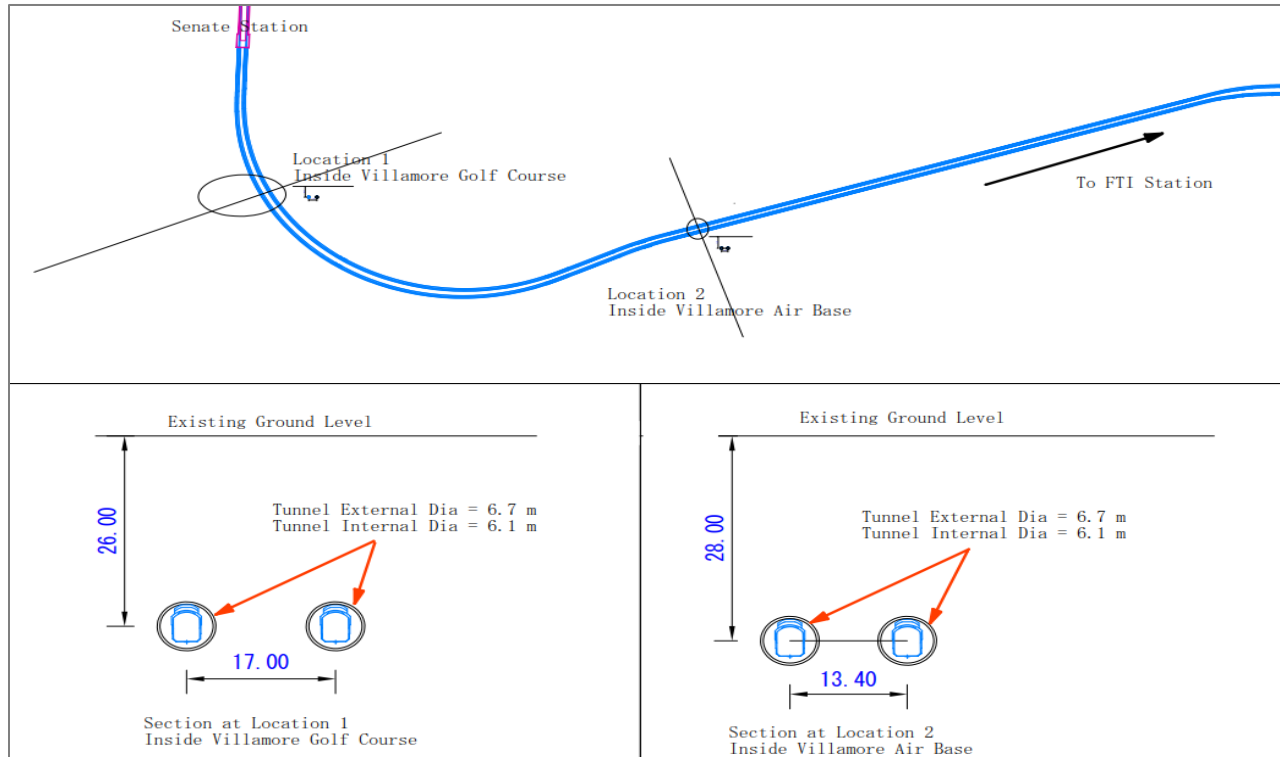


Figure 2: Cross-section of tunnel alignment from the connecting line of Senate to FTI-Bicutan

21. Depot. The Depot is planned to be located in Barangay Banlic, Calamba City. The exact boundary of the depot is being determined and the total area is expected to be around 30 hectares. The location of the Depot is indicated in Figure 3.

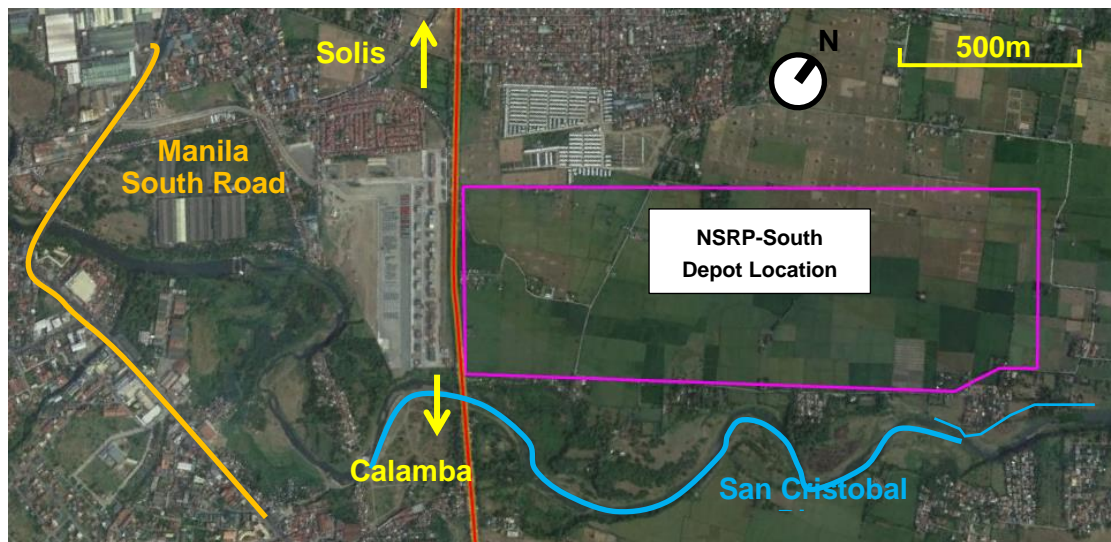


Figure 3: Location of South Depot (Source: JICA Design Team)

22. 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, signaling, communication systems, and civil and architectural facilities. The sample layout of the depot is shown in Figure 4. The depot will include the following facilities:

- Operation control center (OCC) building;
- Light repair shop;
- Unscheduled repair shop;
- Wheel re-profiling shop;
- Catenary maintenance vehicle shop;
- Shunting car shop;
- Fuel pump house;
- Oil storage for light repair shop;
- Hazardous store;
- Garbage shed for light repair shop;
- Truck garage;
- Substation 1;
- Distribution board space 1;
- Maintenance car shop;
- Water pump house 1;
- Track maintenance office;
- Security house 1;
- Security house 2;
- Bicycle parking shed;
- Motorbike parking shed

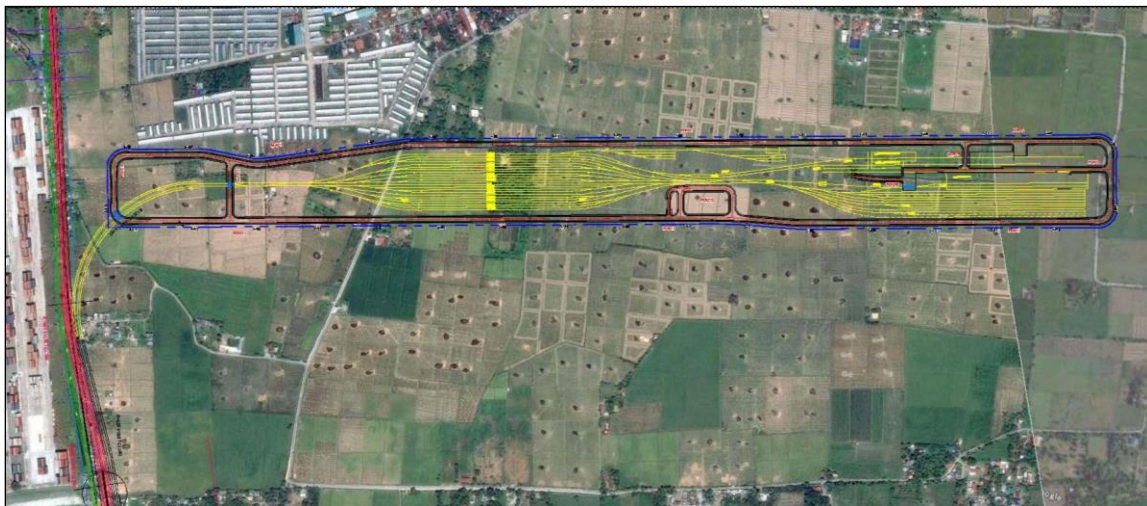


Figure 4: Sample Layout of the Depot Site (Source: JICA Design Team)

23. Temporary Construction yards. Nine potential construction yards have been identified. 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.

24. Substations. The locations and plans for the substations will be undertaken in consultation with local electric companies during the detailed engineering design (DED) stage. The substations will be designed as to be located under the viaduct and within the 30m ROW.

25. 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. There are some APs who may potentially lose public access, as the ROW will be fenced to secure the project area during construction and up to the train operation stage. Where possible, this loss of access will be confirmed during DED by DOTr or by the construction contractor during project implementation. In case there is loss of public access due to the project, DOTr will provide compensation and entitlements as outlined in this framework and Resettlement Action Plan. For the usage of Public Road and construction of temporary access roads, please refer to the Environmental Management Plan (EMP) of the Environmental Impact Statement (EIS) Report.

26. 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. The list of the proposed Maintenance Base locations and their indicative size are summarized in the table below.

C. Anticipated Involuntary Resettlement

27. The expected right of way/land clearance corridor requirement for the line is 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.

28. 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 the widening of existing PNR right-of-way (ROW), creation of new ROW for realignment sections and extension of pre-existing ROW, land for stations, depot, new access roads and maintenance base. The final alignment and land acquisition requirements will be finalized during detailed design.

29. Additional land acquisition is within highly urbanized areas of Manila (from Solis to Santa Mesa) due to the NLEX SLEX Connector Road Project – an elevated expressway project under

public private partnership that will share part of PNR ROW from Blumentritt to Santa Mesa area in Manila.³ As shown in Figure 5, the NLEX-SLEX Connector Road (white line) is planned to run parallel to the proposed SCRP (red line) from Blumentritt to Santa Mesa section. Between these sections, the structures of the NLEX-SLEX Connector Road are planned to be built inside the PNR ROW, side by side with the proposed SCRP alignment. Rather than using all of the PNR ROW, the SCRP alignment is adjusted westward in that section, resulting in additional land acquisition for SCRP to offset the PNR ROW to be occupied by the NLEX SLEX Connector Road (Figure 5).



Figure 5: NLEX –SLEX Connector Road, LTR1/2, NSCR and SCRP (labeled NSRP) alignments
(Source: JICA Design Team)

30. There will be minimal land acquisition in the areas of Makati, Taguig and Paranaque. Figure 6 shows the spur line (red line) connecting the SCRP alignment to Sucat station site. The current plans for the alignment and stations requires the acquisition of the abandoned Sucat Thermal Power Plant (STPP).

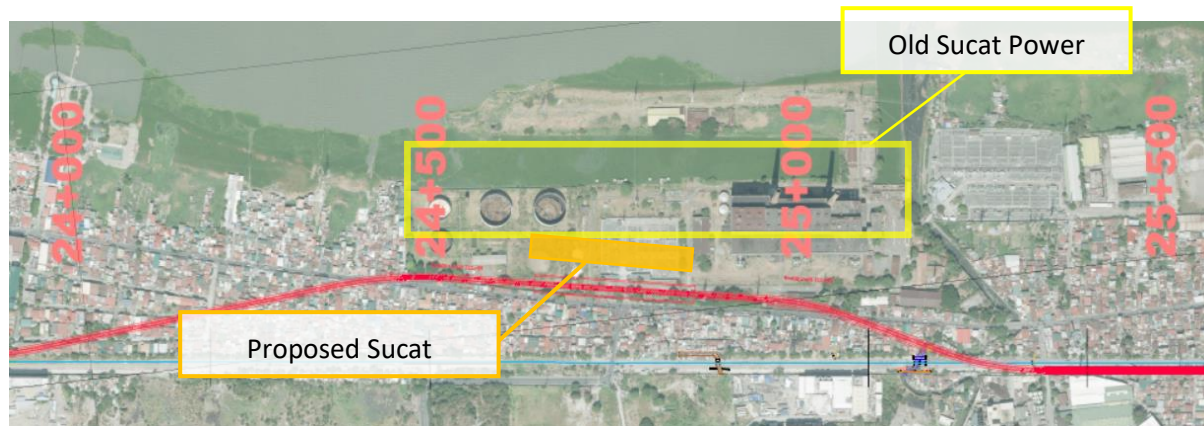


Figure 6: Location of Sucat Station at the old Sucat Power Plant site (Source: JICA Design Team)

³ The NLEX-SLEX Connector project is being implemented by the Department of Public Works and Highways (DPWH), as part of a public-private partnership. Both DPWH and DOTr will share the PNR ROW in some sections, causing additional land acquisition for the project in these sections.

31. As the railway alignment traverses towards the south, ROW acquisition will be along urbanizing areas of San Pedro, Biñan, Sta. Rosa, Cabuyao, and Calamba. As observed and validated with census data, the concentration of APs due to land acquisition are mostly found at both ends of the project alignment in Manila and Calamba.

32. Land acquisition and land clearing requirements will produce involuntary resettlement impacts. There will be displacement of informal settlers and other land users within the existing PNR-owned ROW and displacement of land owners and users where land needs to be acquired. There has been large scale encroachment on the PNR ROW. A rough estimate at this stage is that approximately 45,388 persons might be affected due to clearing the ROW and the requirements of widening the existing ROW (number as at Feasibility Study stage which included Solis and Blumentritt Stations).

33. Any project related activities or impacts caused by the project that produces involuntary resettlement impacts such as land acquisition or land clearance that displaces people using the land, then such impacts will be considered as impacts under the scope of RAP. In such cases the same entitlements as in the RAP will be applied to those affected. All land to be used for project purposes will be screened for involuntary resettlement impacts. Application of this requirement will be monitored under the RAP monitoring arrangements.

34. Considering the lengthy process for relocation site preparations, assistance will be provided to eligible APs requiring temporary accommodation (through the provision of rental allowances) in case the relocation sites are not yet ready by the time of ROW clearing. There are no impacts anticipated for indigenous peoples communities.

D. Composition of the Project Affected Persons

35. The profile of affected persons described in this section is based on surveys conducted during the Feasibility Study stage. Data on anticipated involuntary resettlement impacts gathered during the feasible study were based on an expected project scope that included part of the alignment between Solis and Blumentritt Stations, and the Blumentritt Station itself, which have since been assumed under MCRP and NCRP. The scope of the study also included an additional two stations in the City of Cabuyao, which have since been replaced by Banlic Station.

36. According to these surveys during the Feasibility Study stage, there are approximately 7,898 potentially affected structures (Table 2). The majority of these structures are residential (7,136). There are commercial (365), industrial (15) or institutional structures (43), with the remaining being a combination of commercial, institutional and/or industrial with residential or others. There are an estimated 12,210 households affected, with 11,384 of these that are either informal settler families or renters.

Table 2: Summary of Potential Resettlement Impact (Source: JICA Study Team)

| Project Area | Land Acquisition (sq. m) | No. of Affected Structures | No. of Households |
|---------------------|-------------------------------------|---|------------------------------|
| Main Alignment | 38.07 | 6,971 | 10,199 |

| Project Area | Land Acquisition (sq. m) | No. of Affected Structures | No. of Households |
|---|-------------------------------------|---|------------------------------|
| Espana Station | 1.5 | 23 | 51 |
| Santa Mesa Station | 1.5 | 9 | 25 |
| Paco Station | 1 | 52 | 135 |
| Buendia Station | 0 | 48 | 158 |
| EDSA Station | 0.5 | 16 | 1 |
| Nichols Station | 0 | 0 | 0 |
| FTI Station | 0.05 | 15 | 3 |
| Bicutan Station | 1.3 | 1 | 0 |
| Sucat Station | 1.5 | Refused SES | Refused SES |
| Alabang Station | 1 | 121 | 340 |
| Muntinlupa Station | 1 | 15 | 47 |
| San Pedro Station | 0.75 | 27 | 102 |
| Pacita Station | 0.75 | 5 (Refused SES) | Refused SES |
| Binan Station | 0.75 | 123 | 171 |
| Sta. Rosa Station | 0.75 | 0 | 0 |
| Cabuyao Station | 0.75 | 10 | 10 |
| | | | |
| Mamatid Station (no longer part of the project, replaced by Banlic Station) | 0.75 | 19 | 19 |
| Calamba Station | 0.75 | 20 | 14 |
| Banlic Depot | 30 | 86 | 90 |
| TOTAL | 86.42 | 7,898 | 12,210 |

E. Objectives of the Resettlement Framework

37. According to ADB's SPS and Operations Manual Section F1 (2013), a safeguard framework is required for the financial modalities of multi-tranche financing facility (MFF). This project is being prepared as an MFF, and the objectives of the policy framework for 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.

38. A policy framework for involuntary resettlement 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 people's 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 framework (RF) is prepared for the entire MFF.

39. The principal objective of this document is to ensure that during the various tranches development, all project affected persons (AP) 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.

40. The document lays down the principles and objectives, eligibility criteria for entitlements, legal and institutional framework, modes of compensation, consultations, and grievance redress procedures that will guide the implementation of compensation for APs. The specific objectives of this document are to ensure that:

- (i) All APs 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 AP and the barangay/municipality and/or the community have been documented and complied with.

41. The Resettlement Framework (RF) guides the preparation of Resettlement Action Plans (RAPs) and sets out requirements in terms of standards, entitlements and practices to be applied by the Government of the Philippines to ensure that involuntary resettlement impacts caused by the project are appropriately identified and mitigated. The standards and requirements set out in the RF are in compliance with laws and regulations/policies of the Government of the Philippines, as well as the JICA Guidelines for Environmental and Social Considerations (April 2010), and ADB's Social Policy Statement (SPS 2009).

42. 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 SCR ESR-PMO safeguards team. The DOTr will communicate the monitoring results quarterly to ADB. The external monitoring by a qualified and experienced external monitor will be periodical, twice a year. Monitoring will assess the extent to which objectives set out in the RF and RAPs are achieved and recommend additional measures or corrective actions so that the project achieves the objectives set out in the RF and RAPs. Both internal and external monitoring reports will be publicly disclosed on the ADB website.

II. LEGAL FRAMEWORK

43. This Framework encompasses both national laws and regulations, ADB's SPS, and JICA's guideline on environmental and social considerations. This RF is informed by involuntary resettlement 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

1. Philippine Constitution 1987

44. 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."

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

45. 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.

46. 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

47. 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 RA 6957, as amended by RA 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

48. 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

49. 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.

d. Negotiated Land Acquisition

50. 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.

51. According to the IRR of RA 10752, an EA/IA shall immediately offer 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 offer of the government.

52. 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.

53. 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.

54. 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

55. 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.

56. 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 or 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.

57. 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.

58. The IA will exert robust best efforts in cases where the owner of the property cannot be found, is unknown, or is deceased in cases where the estate has not been settled, or there are conflicting claims over the ownership of the property and improvements and/or structures thereon, so that expropriation cases can be minimized. Best efforts to identify property owners that cannot be found or unknown will be documented and will include at a minimum public notices in public media. 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.

59. 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.

60. 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.

61. **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 C.A. 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 .

62. 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 parcellary 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

63. **Current Market Value of Land.** Section 5(a)(1) of RA 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.

64. **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.

65. 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.

66. 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.

67. **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.

68. **Compensation for Structures and Improvement of Owners Who Have No Legally Recognized Right to the Land.** Section 5(b) of RA 10752, states that for owners of structures and improvements with no legally recognized rights to the land, payment of the replacement cost of structures and improvements shall apply as long as they meet all of the following conditions: i) Are Filipino citizens; ii) Do not own any real property or other housing facility in any urban or rural area; and iii) Are not professional squatters or members of a squatting syndicate as defined in the Urban Development and Housing Act of 1992. Although the IRR of RA 10752 provides a fourth condition, “Must not occupy an existing government ROW”, this is however, not included in the Act.

69. 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 APs 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

70. 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.

71. 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 IPA, as well as (3) the 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.

72. 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 RA 7160.

73. 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

74. 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.

75. 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.

76. 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

77. 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

78. 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.

79. 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.

k. Acquisition of Subsurface Right of Way

80. As provided in Section 4 of the RA 10752, when it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government owned lands owned, occupied or leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government's infrastructure and development project, the government or any of its authorized representatives shall not be prevented from entry into and use of such private and government lands by surface owners or occupants, if such entry and use are made more than fifty (50) meters from the surface.

81. The IA shall duly consult with and notify the affected property owners of any acquisition of subsurface right of way needed for the infrastructure projects.

82. If the national government project involves underground works within a depth of fifty (50) meters from the surface, the IA may undertake the mode of acquisition in the following order:

- a) Negotiate with the property owner a perpetual easement of ROW for the subterranean portions of his property required by the project; and
- b) Offer to acquire from the property owner the affected portion of the land, including the affected structures, improvements, crops and trees therein in accordance with the provisions of the Act.

83. The easement price provided by the IRR for RA 1052 is 20% of the market price of the land.

3. Republic Act No. 7279 (Urban Development and Housing Act of 1992)

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

4. Republic Act No. 7160 (Local Government Code of 1991)

91. 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.

92. 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.

93. Section 17(b) states that LGUs shall exercise other such powers and discharge other such 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).

94. 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.

95. 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. This is 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.

96. 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.

97. 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.

98. 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.

5. Republic Act No. 6389 (Agricultural Land Reform Code of 1971)

99. 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.

6. Republic Act No. 386 - An Act to Ordain and Institute the Civil Code of The Philippines

100. Article 1137 of the Civil Code in accordance with Article 1137 of the Civil Code, an occupant of land, who does 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 fulfil 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.

7. Republic Act No. 6685 (December 1988)

101. 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.

8. Commonwealth Act 141 Section 112 or Public Land Act

102. 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.

9. Indigenous Peoples' Rights Act (IPRA) of 1997.

103. 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.⁴

104. 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 Administrative Order (AO) No. 3, Series of 2012, the Revised Guidelines on Free and Prior Informed Consent 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 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);

⁴ 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.

- (viii) Right to maintain, protect, and have access to their religious and cultural sites (Chapter IV, Section 33).

105. 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.

106. 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.

10. Republic Act No. 9994 (February 2010)

107. 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.

11. Republic Act No. 7277 (March 1992)

108. 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.

12. Republic Act No. 9679 (Home Development Mutual Fund Law of 2009)

109. 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.

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

110. An act authorizing the Ministry of Human Settlements⁵ 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 are within the affordability level of the average and low-income earners is thirty percent (30%) of the gross family income as determined by the National Economic and Development Authority from time to time.

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

111. The Philippine government has been a 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, the Beijing Platform on the Fourth World Conference on Women, and the Sustainable Development Goals 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

112. 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.

113. 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 a 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.

114. 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.

⁵ Functions of the Ministry of Human Settlements have been transferred by virtue of E.O. 90 Series of 1986, creating the Housing and Urban Development Coordinating Council (HUDCC), and abolishing the Ministry of Human Settlements.

b. Republic Act 9710: Magna Carta of Women

115. RA 9710 is the Philippines' landmark legislation on gender equality. It is considered as the comprehensive 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.

116. 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.

117. 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.

118. 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. 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.

119. 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 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

120. 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

121. 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.

122. 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 small and medium sized enterprises 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.

123. 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.

C. Executive/Administrative/ Departmental Orders/ Procedures

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

124. 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

125. 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

126. 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)

127. The DOTr as an IA is mandated by R.A. 10752, through Section 18 of its IRR to produce an agency manual of procedures for ROW acquisition (ROWA). The ROWSA Manual was developed to provide clear and specific operational guidelines on ROW acquisition. 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 ROWSA Manual, heretofore also referred to as the "Manual", it is consistent with the requirements and provisions of R.A. 10752 and its IRR. 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.

128. The Manual also makes mention of the importance of due diligence and DOTr's ***“Core Values of the Department”*** (as presented below) that must be applied in every step of the ROW acquisition process.

Core Values of the DOTr

We value integrity and honesty. We practice what we say, formulate policies, programs and projects and properly use resources attuned with the DOTr Mission and Vision.

We are competent. We constantly search for and apply new ideas, technologies and practice to improve the delivery of services to our stakeholders.

We do right things at the right time with the right attitude and behavior. We provide our stakeholders and the general public access to relevant information.

We value and treat our stakeholders with utmost respect and care.

We, the members of the DOTr family, work as a team to attain common goals and objectives.

We commit everything to God for the continuous advancement of this Department and the nation as a whole.

129. Implementation of the RAP will be guided by the DPWH Right of Way Acquisition Manual (DRAM), however only where the manual applies to the policies stated in this document. The DOTr's Right of Way and Site Acquisition Manual (ROWSAM) will not be used in this project.

5. DPWH Right-of-Way Acquisition Manual (DRAM)

130. For this project, the DOTr will be adopting DPWH's ROW Acquisition Manual (DRAM) as a general guide in the implementation of the improved right-of-way process. Differences between the DRAM procedures and requirements specific for this project are set out in the gap matrix in this chapter, in the entitlement matrix and implementation arrangements described elsewhere in the Resettlement Framework. The DRAM was developed in compliance with Section 18 of the Implementing Rules and Regulations (IRR), of R.A. 10752, which prescribes that, to provide clear, specific, and operational guidelines for the efficient acquisition of ROW for its infrastructure projects, each IA (i.e., Implementing Agency) shall prepare and implement its own "Manual of Procedures for ROW Acquisition." The DRAM covers the entire ROW acquisition process – including the following:

- i. Project Feasibility Study with Environmental Impact Assessment;
- ii. Preparation of Preliminary ROW Action Plan (RAP) with property appraisal;
- iii. Provision of appropriations in the General Appropriations Act (GAA);
- iv. Detailed Engineering Design (DED) including Parcellary Surveys and preparation of Final RAP;
- v. RAP Validation;
- vi. Actual ROW Acquisition through Donation, Negotiation, Expropriation, and Other Modes;
- vii. Payments to property owners;
- viii. Transfer of Title to the Republic of the Philippines;
- ix. Clearance of ROW, and
- x. Management of ROW.

131. **Section 2.1.2** of the DRAM presents the overall new ROW acquisition process. Provisions that are pertinent to the Project are as follows:

- i. The process shall be applicable to both foreign-assisted and locally funded infrastructure projects.
- ii. The principles and general rules shall apply to all scopes of work of the project – whether the project involves entirely new construction or expansion/improvement of existing infrastructure.
- iii. The implementing office shall ensure that adequate funds for ROW costs are provided in project budgets which are included in the infrastructure program within the budget ceilings. The appropriations shall preferably be made at least one year ahead of actual construction works.
- iv. A Pre-Feasibility Study (PFS) or Feasibility Study (FS) shall generally be conducted for each project to define, among other things, the ROW requirements. The level of detail for these studies will vary, depending on the type, size, and complexity of the project.
- v. The implementing office shall formulate a ROW Action Plan (RAP) based on the PFS/FS. The RAP shall contain the description and extent of the lands, structures/improvements, and crops/trees to be acquired as ROW, the estimated costs and compensation due to the property owners and Project-Affected Persons (APs), the budget for all ROW costs including provision for inflation and contingencies, and the schedule of implementation and annual funding requirements.
- vi. If ROW costs differ from the approved ROW budget after the Detailed Engineering Design (DED) has been finalized, a budget adjustment shall be made.
- vii. The implementing office shall secure an ECC or Certificate of Non-Coverage (CNC), as applicable, before undertaking the DED. For projects costing over PhP 500 million, the ECC shall be secured before approval of the project by the National Economic and Development Authority (NEDA)/Investment Coordination Committee (ICC).
- viii. Parcellary Surveys shall be conducted for all projects in accordance with DO 187, series 2002, as amended. Parcellary Surveys, as well as the RAP preparation, shall be undertaken at least one year ahead of the scheduled construction works.
- ix. The determination of APs and affected improvements shall be based on the cut-off date, which is the start of the census of APs and tagging for improvements.
- x. Negotiated sale for the acquisition of the property shall be pursued based on the provisions of R.A. 10752 and its IRR as prescribed in the DRAM. Hence, offer shall be the sum of:
 - a. the current market value of the land,
 - b. the replacement cost for structures and improvements, and
 - c. the current market value of the crops and trees.

- xi. To determine the appropriate price offer for negotiated sale, the implementing office may engage a GFI or IPA as provided in the DRAM.
- xii. If, within 30 days, the owner does not accept the price offer under negotiated sale, the implementing office may initiate expropriation proceedings with the appropriate court.
- xiii. It is the responsibility of the implementing office to obtain and validate all necessary documents for ROW claims.
- xiv. Prior to payment, ROW claims shall be screened, fully verified and validated, and the supporting documents authenticated in accordance with the checklist in the DRAM.
- xv. Valid claims for all lands, structures and other improvements shall be paid in full in accordance with government rules and regulations. For negotiated sale, the implementing office shall remit to the BIR the Capital Gains Tax (CGT), for the account of the owner, to be deducted from the Total Price or compensation indicated in the DAS. The implementing office shall remit to the LGU concerned any unpaid Real Property Taxes of the owner, to be deducted from the consideration or Total Price in the DAS. The implementing office shall pay the Documentary Stamp Tax (DST) to the BIR, the Transfer Tax to the Provincial/City Treasurer, and the Registration Fees to the Register of Deeds, to be funded from appropriate funds of the implementing office outside the said compensation or Total Price in the DAS.
- xvi. The financial office shall monitor the releases and disbursement of ROW funds made by the implementing office.
- xvii. In general, before the implementing office issues the Notice of Award for the construction contract, the implementing office must obtain at least a Permit to Enter (PTE) the ROW from the owner, or a notarized DAS or Deed of Donation executed in favor of the government, or a Writ of Possession (WOP) from the concerned court, as the case may be. In case of a large multi-year project, the Notice of Award may be immediately issued to cover the entire project, but the Notice to Proceed (NTP) may be issued by segment according to the phased implementation of the project with corresponding phased delivery of the required ROW. In such a case, the general practice is that each ROW phase should provide a land area free from obstructions with at least a PTE to enable the contractor to do at least six months of continuous construction.
- xviii. The implementing office shall properly file all documents pertaining to the acquisition of ROW and shall effect the transfer of titles or other tenurial instruments in the name of the Republic of the Philippines within three months from the perfection of the DAS, or in the case of expropriation, from the date of full payment.
- xix. All utilities must be fully cleared from the ROW before the issuance of the Notice of Award for the construction contract. If a utility company does not comply with the implementing office's notification to relocate the utility within the specified time, the implementing office shall clear the utility and bill the utility company accordingly. The relocation of electric cooperative lines, however, shall be governed by the Joint Circular of the Department of Energy (DOE) – DPWH dated July 2017.
- xx. The implementing office shall prepare the final as-built ROW Plans upon completion of the project, for submission to the Undersecretary concerned.

132. **Section 2.4 Preparation of RAP.** This procedure is one of the main features of the improved ROW Process which would help ensure that ROW costs are included in project budgets. This is carried out by formulating a RAP during the project Pre-Feasibility Study or Feasibility Study. The RAP shall contain, among other things the following:

- i. description of the lands, structures/improvements, and crops/trees to be acquired as ROW;
- ii. profile of Project Affected Persons (APs);
- iii. pricing of property based on BIR zonal values, tax declarations, and recent sales;
- iv. possible adverse impacts of project and mitigation measures;
- v. cost estimates for acquiring land and improvements needed as ROW and for relocation of informal settlers;
- vi. recommended compensation and entitlement package for owners and APs; and
- vii. RAP implementation schedule.

133. **Section 2.3 Parcellary Survey.** The Parcellary Survey should be done as part of the DED and its outputs shall serve as the technical basis for defining the lots to be acquired for the ROW of a project. Parcellary Survey may be undertaken directly by the concerned implementing office or by consultants if the implementing office has limited capability or available personnel to do the job. In either case, the preparation of parcellary plans is started once the ROW plans for the proposed project are completed as part of the DED.

134. Adequate funds should be provided for the conduct of the Parcellary Survey out of the applicable ROW appropriations. As mentioned in the DRAM, such ROW appropriations should preferably be provided separate from, and at least one year ahead of, the civil works appropriations to avoid delays in project implementation. This will enable the IA to undertake the Parcellary Survey one year or more in advance of the scheduled construction works.

135. **Section 2.19 Expropriation Proceedings.** This section describes the conditions under which expropriation proceedings can be exercised by the implementing office. Please refer to provisions below:

- i. Rule 67, of the Rules of Court provides that the right of eminent domain shall be exercised by the filing of a verified complaint which shall state with certainty the right and purpose of expropriation, describe the real or personal property sought to be expropriated, and join as defendants all persons owning or claiming to own, or occupying, any part thereof or interest therein, showing, so far as practicable, the separate interest of each defendant. If the title to any property sought to be expropriated appears to be in the Republic of the Philippines, although occupied by private individuals, or if the title is otherwise obscure or doubtful so that the plaintiff cannot with accuracy or certainty specify who are the real Owners, averment to that effect shall be made in the complaint.
- ii. The power of eminent domain can only be exercised for public use and with just compensation. Taking an individual's private property is a deprivation which can only be justified by a higher good—which is public use - and can only be counterbalanced by just compensation. Without these safeguards, the taking of property would not only be unlawful, immoral, and null and void, but would also constitute a gross and condemnable transgression of an individual's basic right to property as well.

- iii. Other principles in expropriation include that *“the full and fair equivalent of the property taken from its Owner by the expropriator, and (that) the gauge for computation is not the taker’s gain but the Owner’s loss.”*
- iv. Expropriation should be the last resort in acquiring infrastructure ROW. In accordance with R.A. 10752-IRR Section 7, the IA may resort to the mode of expropriation to acquire real property for the ROW for a national government infrastructure in any of the following cases:
 - a. If negotiated sale fails, i.e., if, within thirty (30) days after receiving the price offer from the IA, the property Owner:
 - b. refuses or fails to accept the price offer for negotiated sale; or,
 - c. fails and/or refuses to submit the documents necessary for payment under the negotiated sale; or,
 - d. When negotiation is not feasible, including cases where, after due diligence, the Owner of the property cannot be found *or* the Owner is unknown *or* the Owner is deceased and the estate has not been settled *or* there are conflicting claims over the Ownership of the property and improvements and/or structures thereon.
- v. The IA, through the OSG, shall initiate the expropriation proceedings by filing a verified complaint before the proper Court.
- vi. The IA shall immediately deposit to the Court in favor of the Owner, the sum of: the value of the land based on the current relevant BIR zonal valuation, the replacement cost at current market value of the structures and improvements, and the current market value of crops and trees.
- vii. Upon compliance with the deposit, the Court is expected to immediately issue an order to take possession of the property - through a Writ of Possession (WOP) - to the IA which shall start implementation of the project.

136. In the DRAM, 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.

6. DOTr Department Order No. 2013-05

137. 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.

7. MO 65, Series of 1983

138. 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.

8. National Housing Authority Memorandum Circular No. 2427 s. 2012

139. 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.

9. DPWH Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (LARRIPP) (March 2007)

140. 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 (APs) 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.

10. Executive Order 152, Series of 2002

141. 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.

11. Executive Order 708 Series of 2008

142. 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

143. The EO provides for the transfer of PCUP to the Office of the President 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, 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

144. 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

145. 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 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 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

146. 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.

D. ADB Safeguards Policy Statement of 2009

147. **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 non-land 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.
- (x) 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.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement action plan under close supervision, throughout project implementation.
- (xii) 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.

148. 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.

149. 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.

150. **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.

151. 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 people own, use, occupy, or claim as their ancestral domain. If ancestral domain land were to be required for the rail ROW for the project, an appropriate IP safeguard instrument will be prepared. However, for this project, it has been assessed that no ancestral domain land is to be affected, nor are there any indigenous peoples affected by the project.

152. 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.

E. JICA Policies on Involuntary Resettlement

153. 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, Operational Procedure 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.

154. The above principle is complemented by the World Bank Operational Procedures 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 Operational Procedure 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 advance of such benefits.
- (ii) Eligibility of benefits include:
 - a) APs who have formal legal rights to land (including customary and traditional land rights recognized under law);
 - b) APs 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) APs 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.

F. The Framework Principles

1. The Project Policy Principles

155. The Government of the Philippines will adopt a Project Resettlement Policy (the Project Policy) for the project as described in this Resettlement Framework that is consistent with national laws and regulations and international standards of JICA and ADB on involuntary resettlement, and fill in policy gaps identified in the previous chapter. This is to ensure that APs are able to rehabilitate themselves to at least their pre-project condition, at the earliest possible time. The Project Policy will follow the provisions and entitlements laid out in this Framework. The following principles will govern project implementation:

- (i) Land acquisition and involuntary resettlement will be avoided where feasible or minimized, by identifying possible alternative project designs that have the least adverse impact on the communities in the project area.

- (ii) Where displacement of households is unavoidable, all eligible APs losing assets, livelihood, or resources will be fully compensated and assisted so that they can improve, or at least restore, their pre-project standards of living.
- (iii) Where displacement of business enterprises is unavoidable, all APs losing livelihoods will be fully assisted so that they can improve, or at least restore, their former economic conditions.
- (iv) Rehabilitation assistance will be provided to any APs, that is, any person or household or business which on account of land acquisition for the project would have their:
 - a) Standard of living adversely affected;
 - b) Right, title or interest in any structure, interest in, right to use, any land (including premises, agricultural and grazing land, commercial properties, tenancy, or right in annual or perennial crops and trees or any other fixed or moveable assets, acquired or possessed, temporarily or permanently);
 - c) Income earning opportunities, business, occupation, work or place of residence or habitat adversely affected temporarily or permanently; and
 - d) Social and cultural activities and relationships affected or any other losses that may be identified during the process of resettlement planning.
- (v) All affected people will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against achievement of the objectives outlined above. Lack of legal rights to the assets lost or adversely affected, nor tenure status and social or economic status, will not bar the APs from entitlements to such compensation and rehabilitation measures or resettlement objectives, unless proven disqualified under Philippine law, JICA Guidelines (2010) and ADB SPS (2009).
- (vi) All APs residing, working, doing business and/or cultivating land within the project impacted areas as of the cut-off date will be entitled to compensation for their lost assets at replacement cost as well as restoration of incomes and businesses, and will be provided with rehabilitation measures sufficient to assist them to improve or at least restore/maintain their pre-project living standards, income-earning capacity and production levels.
- (vii) APs partially affected by land acquisition will not be left with residual portions that would not be viable for continued use for the original purpose. APs whose land is partially acquired will have the option for the entire lot to be acquired if the residual portion is not viable. For partially affected structures, if the remaining portion is not viable for continued use, the entire structure will be compensated. Assessment of technical viability is undertaken by civil engineers and duly checked by licensed Independent Property Appraiser (IPA) as part of the replacement cost survey. The technical assessment is done at two levels. One is through actual field inspection and measurements. The other is through the preparation of Basic Plans which confirms if major structures such as columns would be affected. PAPs are informed by DOTr during RAP implementation/ROW acquisition (after issuance of Notice of Taking/Offer to Buy and during discussion and execution of the Agreement to Demolish and Remove Improvement).
- (viii) People temporarily affected will be considered APs. Prior to construction commencement, Contractors will secure the necessary ECCs for temporary facilities such as workers camps, construction yards, warehouses for materials, stockpiling

areas etc. from the appropriate DENR-EMB offices where they are located. Where these facilities are located in public or private lands, the Contractor will enter into Lease Agreements and should there be a need for temporary displacement or compensation for affected structures and improvements, the Contractor will comply with the provisions of R.A. 10752, the Environment Management Plan and this RAP.

- (ix) Where a host community is affected by the development of a resettlement site in that community, the host community will be consulted on resettlement planning and decision-making. All attempts will be made to minimize the adverse impacts of resettlement upon host communities.
- (x) The plans for resettlement and relocations will be designed in accordance with the Project Policy.
- (xi) Any project related activities that triggers involuntary resettlement such as land acquisition or land clearance or that displaces people using the land then such impacts will be considered as impacts under the scope of this RAP. In such cases the same entitlements as in this RAP will be applied to those affected. Application of this requirement will be monitored under this RAP monitoring arrangements.
- (xii) The RAP as approved by JICA and ADB will be disclosed by DOTr to the public through the following means: posting of approved RAP on JICA, ADB and DOTr websites and distribution to concerned LGUs. Implementation of the RAP will be guided by the DPWH Right of Way Acquisition Manual (DRAM), however only where the manual applies to the policies stated in this document. The DOTr's Right of Way and Site Acquisition Manual (ROWSAM) will not be used in this project.
- (xiii) Payment for land and/or non-land assets will be based on the principle of full replacement cost⁶.
- (xiv) Compensation for APs dependent on agricultural activities will be land-based wherever possible. Land-based strategies may include provision of replacement land, ensuring greater security of tenure, and upgrading livelihoods of people without legal titles. If replacement land is not available, other strategies may be built around opportunities for re-training, skills development, wage employment, or self-employment, including access to credit. Cash compensation alone will be avoided as an option if possible, as this may not address losses that are not easily quantified, such as access to services and traditional rights, and may eventually lead to those populations being worse off than without the project.
- (xv) Transitional assistance will be provided, in addition to compensation to assist APs to restore livelihood and standards of living. Such support could take the form of short-term jobs, subsistence support, and transitional allowance.
- (xvi) The resettlement plan must consider the needs of those most vulnerable to the adverse impacts of resettlement (including the poor, those without legal title to land, ethnic minorities, women, children, elderly, and disabled) and ensure they are considered in resettlement planning and mitigation measures identified. Assistance should be provided to help them improve their socio-economic status.

⁶ The cost of replacing lost assets and incomes, including cost of transactions.

- (xvii) APs will be involved in the process of developing and implementing resettlement plans.
- (xviii) APs and their communities will be consulted about the project, the rights and options available to them, and proposed mitigation measures for adverse effects, and to the extent possible be involved in the decision-making concerning their resettlement.
- (xix) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition (including compensation, other entitlements and income restoration measures) within the agreed implementation period. The funds for all resettlement activities will come from the Philippine government.
- (xx) Displacement must not take place before provision of compensation and other assistance required for relocation. Sufficient social infrastructure and basic services must be provided in the resettlement site prior to relocation. Livelihood restoration measures must also be in place but not necessarily completed prior to construction activities, as these may be on-going activities.
- (xxi) Arrangements required for the implementation of the RAP will be in place prior to the commencement of implementation of RAP; this will include the provision of adequate human resources for supervision, consultation, and monitoring of land acquisition and rehabilitation activities.
- (xxii) Appropriate reporting (including auditing and redress functions) monitoring and evaluation mechanism, will be in place as part of the resettlement management system. An external monitoring agent or group will be hired by the project and will evaluate the resettlement process and final outcome. Such groups may include qualified resettlement experts, NGOs, research institutions or universities.

2. Gap Analysis

156. A gap analysis of the Philippine Government's policy on involuntary resettlement vis-à-vis ADB and JICA's safeguard policies has been undertaken (**Error! Reference source not found.3**). 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.

- a. 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 **Error! Reference source not found.3** below.

Table 3: Gap Analysis

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|--|--|--|---|---|
| 1 | Compensation for non-land assets for those without recognized legal rights to affected land. | APs 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. | <p>APs without legal entitlement to affected land will be eligible for compensation for structures and improvements with following criteria:</p> <ul style="list-style-type: none"> a. Must be a Filipino citizen; b. Must not own any real property or any other housing facility, whether in an urban or rural area; c. Must not be a professional squatter or a member of a squatting syndicate, as defined in R.A No. 7279, otherwise known as the "Urban Development and housing Act of 1992"; <p>(Section 5(b) of RA 10752)⁷</p> <p>"Squatting syndicates" as defined in section 3 of RA</p> | <p>APs without legal rights to affected land are potentially ineligible for compensation for non-land losses if they are classified as ineligible (not meeting the criteria).</p> | <p>All people affected by the project 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 (including those occupying existing government right of way) for affected non-land assets and improvements, other than land, at full replacement cost.</p> <p>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 Agencies (PNR, LGU among others) as such will not be eligible for compensation.</p> <p>Presence in the project affected area at cut-off date to be identified through census and validated by the RAP Implementation Management</p> |

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.

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|--|-------|----------|---|-----|---|
| | | | <p>7279⁸ will not be eligible for compensation or assistance.</p> <p>Under Section 15 of IRR of RA 10752, the government shall provide adequate appropriations including the cost of development and implementation of resettlement projects, including planning, social preparation, provision of basic services, community facilities, livelihood restoration and improvement and other activities in the resettlement action plan.</p> <p>Section 5(b) of R.A. 10752, states that for owners of structures and improvements with no legally recognized rights to the land, payment of the replacement cost of structures and improvements shall apply as long as they meet all of the following conditions:</p> <ul style="list-style-type: none"> • Are Filipino citizens; • Do not own any real property or other housing | | <p>Committee (RIMC) or respective Local Housing Office (LHO) or the Local Inter-Agency Committee (LIAC), in the absence of the former.</p> <p>All aspects of the RAP will be covered by adequate government appropriations.</p> |

⁸ "Squatting syndicates" refers to groups of persons engaged in the business of squatter housing for profit or gain

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|---|---|--|--|---|
| | | | <p>facility in any urban or rural area; and</p> <ul style="list-style-type: none"> • Are not professional squatters or members of a squatting syndicate as defined in the Urban Development and Housing Act of 1992. <p>Although the IRR of R.A. 10752 provides a fourth condition, "Must not occupy an existing government ROW", this is not included in the Act.</p> | | |
| 2 | Eligibility for resettlement assistance | <p>Physically displaced persons will be provided with relocation assistance, transitional support and development assistance.</p> <p>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.</p> | <p>Socialized Housing:</p> <p>Under Section 16 of RA 7279, informal settlers: To qualify for the socialized housing program, a beneficiary:</p> <ul style="list-style-type: none"> - 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 | Restrictions on eligibility for resettlement assistance for those who do not meet the criteria for the socialized housing. | <p>All relocating APs will be eligible for self-relocation assistance or assisted resettlement.</p> <p>"Squatting syndicates" as defined in section 3 of R.A. 7279 and who are certified by HUDCC as such will not be eligible for resettlement assistance.</p> <p>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</p> |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|--|---|---|--|--|
| | | | professional squatter or a member of squatting syndicates. | | <p>assistance and transitional support.</p> <p>The Entitlement Matrix outlines the specifics of the support provided for the self-relocation assistance and resettlement assistance options.</p> |
| 3 | Payment of capital gains tax on land acquired through expropriation. | <p>The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs.</p> <p>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 costs; and (v) other applicable payments, if any.</p> | <p>RA 10752 requires for the property owner to pay the capital gains tax in expropriation proceedings in order to incentivize and promote negotiated sale.</p> <p>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 fees. The property owner will pay any unpaid real property tax.</p> <p>Under expropriation proceedings, the IA shall pay the documentary stamp tax, transfer tax, and registration</p> | Payment of capital gains tax by AP if land is expropriated is inconsistent with principle of replacement cost. | <p>Payment of CGT will be paid by the IA after the ruling by the court in expropriation cases when a AP is unable to accept the negotiated sale as they lack the paperwork and are required to undergo Extra Judicial Settlement before being recognized as the property owner (for example, in deceased estates that have not been settled).</p> <p>Prompt and complete disclosure of the advantages of Negotiated Sale over Expropriation Proceedings (As provided for by R.A. 10752) shall be made during conduct of the 2nd</p> |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|--|-------|----------|--|-----|---|
| | | | fees, while the owner will pay the capital gains tax and any unpaid real property tax. | | <p>Stakeholder Consultation Meeting to wit:</p> <p><u>Negotiated Sale Advantages:</u></p> <p>(i) Outright offer for land price will be based on fair market value</p> <p>(ii) Payment of CGT shouldered by Implementing Agency (DOTr)</p> <p>(iii) Shorter process (2-6 months if all required documents are complete)</p> <p><u>Expropriation Proceeding Disadvantages:</u></p> <p>(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</p> <p>(ii) Owner needs to hire lawyer</p> <p>(iii) Owner/PAP will pay the capital gains tax (CGT) (except in cases where a PAP is unable to accept the negotiated sale as they lack the paperwork and are required to undergo Extra Judicial Settlement).</p> |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|--|-------|----------|-------------------------|-----|--|
| | | | | | <p>(iv) 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.</p> <p>APs may still revert from expropriation to negotiation at any point in time before the last day of filing for Motion of the expropriation case.</p> <p>In case the Expropriation Case has been filed in Court:</p> <ul style="list-style-type: none"> • The plaintiff (DOTr) can withdraw the case any time before the filing of the answer by the defendant (APs) (Section 1(h) Rule 16 of the 1997 Rules of Court on Civil Procedures). • 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 |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|---------------------------------|--|--|---|---|
| | | | | | <p>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 in accordance with Section 5(c) R.A. 10752, replacement cost for structures and improvements, and market value for crops and trees under Section 5(a) R.A. 10752.</p> <p>If compensation is less than replacement cost, the DOTr will apply a mitigation measure to reach replacement cost.</p> <p>Other applicable allowances including livelihood rehabilitation and transitional assistance allowances apply as per cases not subject to expropriation.</p> |
| 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. | <p>Unless specifically included in the RAP, Government policies and standards only would be applied.</p> <p>For involuntary resettlement impacts from land acquired for resettlement sites RA7279 states that land for</p> | Potential gap with respect to application of policies and entitlements under RAP to those who are affected by land acquisition to develop | Any land acquired for the project requirements, including right of way and resettlement site development specifically for the needs of the project will be included in the scope of RAPs, and will follow the project- |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|--|--|---|---|--|
| | | Involuntary land acquisition for resettlement sites to be avoided, where possible. | socialised housing can be expropriated – but should be resorted to only when other options have been exhausted. | resettlement sites for the project. | specific policies as outlined in the RAPs. DOTr will oblige any agency responsible for land acquisition for project needs, including right of way adjustments, resettlement sites, utilities relocation and access roads, to apply the same standards and entitlements as set out in the policy framework. |
| 5 | Timing of payment of compensation and assistance prior to displacement | All compensation and assistance should be provided prior to displacement. | <p>Under RA 10752, in the mode of negotiated sale, APs will be paid in two instalments 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 APs only after the acquired lands have been cleared of all improvements (i.e., structures, trees, and crops).</p> <p>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</p> | Gaps on timing for payment, and for expropriation cases, the need to provide proof of ownership to the courts prior to payment. | <p>The APs will not be displaced until after they have been paid in full the compensation and applicable allowances due to them:</p> <p>For negotiated sale the following arrangements will be applied:</p> <p>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 APs request until the relocation site and socialized housing accommodation becomes available.</p> |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|--|-------|----------|---|-----|--|
| | | | <p>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).</p> <p>While the court adjudicates the compensation to be paid, the APs may, at any time request the court to release such deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752).</p> | | <p>For land: For Full/Severe impacts - 1st instalment of 50% by DOTr remaining 50% is paid to APs when land is officially transferred; for partial/ marginal land taking, remaining 50% is paid to APs 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.</p> <p>In negotiated sale cases where APs are willing to sell their property but will take more than 30 days to submit required documents, DOTr will provide necessary assistance to the extent possible, to help APs to secure the paperwork.</p> <p>In cases wherein APs need to undergo Extra Judicial Settlement (EJS)⁹ for the paperwork, the DOTr shall assist them through the Help Desk so that they can complete title segregation prior to issuance of the Letter Offer to Buy (OTB)¹⁰,</p> |

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.

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|--|-------|----------|-------------------------|-----|---|
| | | | | | <p>and thus can be eligible for negotiated sale.</p> <p>In cases wherein the APs 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 APs can, at any time, request the court to release the initial payment deposited to the Court upon submittal of proof of ownership. The AP 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 APs the difference between the initial payment released by the court and the market value indicated in the OTB.</p> |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|---|--|---|--|--|
| 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 | <p>There is no specific reference to severity of impact. Related reference includes:</p> <p>For agricultural tenants and sharecroppers:</p> <p>Financial assistance equivalent to the average gross harvest for the last three (3) years and not less than P15,000 per hectare (EO 1035).</p> <p>For agricultural lessees:</p> <p>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)</p> | 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 ¹¹ or if the residual portion is no longer viable for use according to original | No specific law prescribes acquisition of remaining | 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 |

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

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|---|---|--|--|--|
| | | purpose, the entire property will be acquired. | unviable portion of the acquired property. ¹² | | acquired taking also the wishes of the AP into consideration. |
| 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 | Requirements for supplementary assistance or training to certain categories of APs. 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 APs and be adequately resourced to restore income earning capacity of all APs whose livelihoods are affected and improve income earning capacity of vulnerable APs. The effectiveness of the income restoration and livelihood improvement activities will be monitored and reviewed. |

¹² The DPWH Land Acquisition Resettlement Rehabilitation and Indigenous Peoples Policy (LARRIPP) 3rd Ed. Series Of 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.

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|---|---|--|---|--|---|
| | | 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. | | | |
| 9 | Transitional assistance and compensation for lost income. | <p>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.</p> <p>In cases where land acquisition affects commercial structures, affected business owners are entitled to (i) the costs of re-establishing commercial activities elsewhere; (ii) the net income lost during the</p> | <p>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 appropriation to cover the funds needed for such.</p> <p>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</p> | <p>Although there are no specific laws and guidelines which mention the transition period, entitlements relating to this may be lumped under <i>“livelihood restoration and improvement and other activities under the resettlement action plan”</i> as provided by the latest ROW law and its IRR.</p> <p>In the Philippine laws, there is no provision for compensation for loss of income for medium to large businesses.</p> | <p>Transitional support during the period while APs are resettling and re-establishing their livelihoods will be provided aimed at stabilizing their living standards.</p> <p>The Entitlement Matrix outlines the specifics of the support provided for transitional assistance entitlements covering compensation for lost income and assistance to re-establish livelihoods and businesses.</p> |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|--|-------|---|---|-----|---------------------|
| | | transition period; and (iii) the costs of transferring and reinstalling plant, machinery, or other equipment. | <p>community facilities, livelihood restoration and improvement and other activities under the resettlement action plan in coordination with concerned government agencies.</p> <p>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.</p> <p>(2) 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.</p> <p>For PAHs 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 the tax record for the business activities)</p> | | |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
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| 10 | Disclosure of the RAP | JICA Policy is to make the RAP accessible to the Public through its website before Loan Agreement | The NEDA ICC does not require the RAP to be made available to public. | Accessibility of the RAP to stakeholders. | <p>The RAP shall be prepared and accessible to the public through the JICA, ADB and DOTr websites.</p> <p>Salient information from the RAP will be disclosed to APs prior to and following finalization during stakeholder consultation meetings.</p> |
| 11 | Grievance redress mechanism | Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. | There are no specific laws that stipulate the grievance redress mechanisms within land acquisition laws in the Philippines. | There are no specific laws that stipulate the grievance redress mechanisms for land acquisition in the Philippines. ¹³ | <p>An effective and accessible grievance redress mechanism will be established for the project to resolve disputes outside the judicial system.</p> <p>Prior to start of right-of-way acquisition¹⁴ (ROWA), DOTr will establish a help desk at each city/ municipality to address the concerns of APs pertaining to RAP and ROWA. Each help desk must be established immediately before the sending of the Notice of Taking to APs by DOTr. A database of APs' concerns, actions taken, referrals made, and resolution status of said</p> |

¹³ In terms of guidelines, Section 3.4 Tracking and Monitoring Implementation of Grievance procedures of the DPWH LAPRAP Tracking Manual of 2003 was previously used as reference.

¹⁴ Onset is marked by the sending of the Notice of Taking by DOTr.

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
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| | | | | | <p>concerns shall be developed and maintained by DOTr.</p> <p>Once the ROWA commences, GRM is triggered and the help desk, in coordination with the RIMC and LIAC shall serve as recipient and database manager of grievances filed.</p> |
| 12 | Census, inventory of losses and establishment of cut-off date for eligibility to entitlements. | <p>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).</p> <p>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.</p> | <p>Requirement under RA 7279 and its IRR for LGUs to conduct inventory of their ISFs.</p> <p>The conduct of survey and tagging are established practice by the Urban Poor Affairs Office.</p> <p>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.</p> | No specific requirement for cut-off date. | <p>A census and socioeconomic survey is conducted for the affected areas to prepare the RAP.</p> <p>For informal settlers, the cut-off date is set on the beginning date of the census and tagging.</p> <p>The cut-off date is publically disclosed during the 1st stakeholder consultation meeting in the project affected areas.</p> <p>Date of Notice of Taking will be the cut-off date for formal property owners.</p> |
| 13 | External monitoring | For projects with significant involuntary resettlement impacts, the borrower/client will retain | Not required | Requirement for external monitoring of | The IA will engage qualified experts to conduct external |

| | Issue | ADB/JICA | Laws of the Philippines | Gap | Gap Filling Measure |
|----|-------------------------|--|---|---|--|
| | | qualified and experienced experts to conduct external monitoring. | | projects with significant impacts. | monitoring of implementation of the RAP. |
| 14 | Voluntary land donation | 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. | Voluntary land donations are permitted. | Differences in implementation and conditions for voluntary donations. | <p>Voluntary land donation is not an option for this project, except for government to government negotiated donation.</p> <p>Voluntary donation will be an act of informed consent and APs will not be forced to donate land or other assets with coercion or under duress. Any voluntary donation as requested by the AP will follow international best practices and be confirmed through written records and verified by an independent third party.</p> |

3. Efforts to Minimize Involuntary Resettlement

157. 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.

158. 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 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 a RAP is attached as Appendix 1.

159. It is important to screen the sub-projects early on to identify past, present, and future IR impacts and risks. The scope of a RAP will be determined through a census and assets inventory of the affected households. It 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.

160. 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.

161. 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.

162. **Voluntary Land 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. Any voluntary donation will follow international best practices and be confirmed through written records and verified by an independent third party.

163. **Utilities.** Utility relocation associated with land clearance for the project is expected to utilize existing government owned easements where feasible. In the event that public utilities relocation produces involuntary resettlement impacts such as land acquisition or land clearance that displaces people using the land, then such impacts will be considered as impacts under the scope of RAP. In such cases the same entitlements as in the RAP will be applied to those affected. Either DOTr will take responsibility for the provision of compensation and assistance to those affected or will formally require the agency undertaking the land acquisition and clearance to apply the same standards and entitlements as the RAP. Responsibilities and arrangements for utility

relocation will be set out in the respective updated RAPs. Application of this requirement will be monitored under the RAP monitoring arrangements.

4. Affected Persons, Cut-Off Date and Eligibility

164. 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. Informal settlers, tenants, etc., constitute this type.

165. 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.

166. A cut-off date is a date that signifies eligibility for receiving compensation and assistance by the affected persons due to the project. For APs 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 APs 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 APs 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 the project affected area after that date.

167. 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 vulnerable and other disadvantaged groups, such as landless or those without title to land, poor, households headed by solo-parents, 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 APs will identify the conditions, needs and preferences of poor households and solo-parent headed households; monitoring of resettlement activities will assess separately the impacts on vulnerable APs.
- (ii) Ensure that the process of land acquisition and resettlement does not disadvantage vulnerable communities, households headed by solo-parents 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 APs for employment in construction, operation and maintenance of physical infrastructure, and other project activities, where appropriate.

5. Entitlements

168. 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 APs 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. 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.

169. 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.

170. 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 (**Error! Reference source not found.4**).

Table 4: Entitlement Matrix

| Type of Impact | | Loss of Land | |
|-----------------|---|--|--|
| Entitled Person | | (Severe/Full) | (Marginal/Partial) |
| 1a | APs 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). | Entitlements: 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. OR If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs. | Entitlements: 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. |
| 1b | APs 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). | | Easement Agreement: If the portion of a lot required for a ROW is minimal, such that the expenses for surveying or segregating that portion from the main lot would be more than the value of the part of the lot needed, the DOTr may, if the owner agrees, resort to the mode of easement of ROW (Title VII, Chapters 1 and 2 Civil Code of the Philippines). In this case, cash compensation for the value of the portion of the land subjected to easement agreement computed at latest BIR zonal value, with owner retaining ownership of said portion of land (Article 630, Chapter 1, R.A. 386/ Civil Code of the Philippines). |
| 1c | For untitled land, APs 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 Department of Environment and Natural Resources (DENR) that the land is alienable and disposable, and (c) other documents that may show proof of ownership (RA 10752). | | |
| 1d | APs who were former ISFs but now hold title of land as a result of a government socialized housing program. | | |
| 1e | APs who were former ISFs and government socialized housing program beneficiaries whose | Entitlements: Same as above, with less any amount still owing to the title. | Entitlements: Same as above. |

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| | titles are still under the name of the organization. | | |
| 1f | APs 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 ¹⁵ . In excess of government lien, follow other entitlements for 1a. | Entitlements: No compensation for the affected portion of land within 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 APs. |
| 1g | APs whose properties are mortgaged ('properties' may be land, land and building, or building within a condominium association such as an apartment.) | Entitlements: Same as above, but check payment will be split into as follows: <ol style="list-style-type: none"> 1. For mortgagee APs – 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 If acquisition results in physical displacement, then the resettlement assistance options of 2 (b) or 2 (d) of this entitlement matrix also apply. | Entitlements: DOTr to request Mortgagor to segregate the portion of the property to be acquired for ROW from the rest of the property. <ol style="list-style-type: none"> 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. |
| Implementation Considerations: DOTr to notify property owners early to enable time to gather necessary paperwork as proof of ownership. APs may seek guidance from DOTr through the Help Desk at the LGU on documentation requirements. If the original patent granted under C.A. 141 has been subject to Government exercise or lien, it cannot be subject to lien a subsequent time. APs can request DOTr to pay the RPT arrears in advance to the LGU, except when the arrears are higher than the total compensation amount. The arrears paid in advance, if any, will be deducted from the compensation payment to be received by the AP. The land for land option will be considered on a case by case basis considering the potential complexities in transferring titles, in order to ensure that there is not a large gap between acquisitions of land and providing the new parcel of land to the AP. APs who need to settle RPT arrears of significant amounts equivalent to 10% or more of the replacement value of their affected property will be eligible to be included in the Livelihood Restoration and Improvement Program. | | | |

¹⁵ For example, if the affected land was granted through C.A. 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 C.A. 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.

Non-viability of remaining portion will be determined by DOTr in consultation with the AP. If the remaining portion of 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 with the PAP.

In the event that the appraised value is lower than the BIR zonal value, DOTr will consider re-appraisal of the property.

In the event that there are fees associated with the mortgager's segregation of the portion of the property to be acquired for the ROW from the rest of the property, such fees will be borne by DOTr.

| Type of Impact | | Loss of Structure | |
|-----------------|--|--|--|
| Entitled Person | | (Severe/Full) | (Marginal/Partial) |
| 2a | APs who own structures and also own the land where the structure is located. | Entitlements: Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation or salvaged materials. | Entitlements: Cash compensation for the affected portion of the structure at full replacement cost without deduction for depreciation or salvaged materials. |
| 2b | APs who own structures but do not own the land where the structure is located on and are <u>not a low-income</u> household and/or they own a dwelling elsewhere. | In cases where the affected structures 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 belongings; and (iv) Food allowance of PhP150 per person relocated per day for three days 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 m ² ; | Cash allowance for repair costs commensurate with actual costs. Rental subsidy for maximum of 3 months will be provided if it is determined and agreed between the AP and DOTr PMO that retrofitting will require temporary vacating the place. |

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| | | <ul style="list-style-type: none"> - 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. <p>(ii) Cash compensation to cover the cost of reconnecting utilities such as water and power;</p> <p>(iii) Transportation to new dwelling inclusive of transportation of belongings; and</p> <p>(iv) Food allowance of PhP150 per person relocated per day for three days or a food parcel of equal or greater amount (as determined by DOTr).</p> | |
| <p>Implementation Considerations:</p> <p>The amount of the rental subsidy by locality will be determined by DOTr through the replacement cost study.</p> <p>The DOTr will enter into an agreement with Pag-IBIG so that available housing programs can be made accessible to eligible APs through their respective LGUs. Elderly ISFs without any next of kin that do not meet Pag-IBIG program eligibility criteria may have the option to avail of a affordable public rental facility in socialized housing arranged by DOTr. Rental allowance subsidy will be provided while awaiting availability of public rental facility.</p> <p>APs will not be responsible for demolition of structures. However, APs may be allowed to self-demolish their structures where safe to do so to enable them to preserve materials that still have salvage value. In such cases APs will be entitled to keep salvageable materials without deduction from compensation. Procedures and requirements regarding self-demolition will be set out in the DED RAP.</p> <p>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.</p> <p>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.</p> <p>Loan term or maximum repayment period is 30 years.</p> <p>Normal loan application may either be through on-line scheduling of appointment or walk-in at any Pag-IBIG branches. In the case of APs, DOTr will make necessary agreement with the Housing and Urban Development Coordinating Council (HUDCC) so that the APs can be assigned a priority lane or similar arrangement for faster processing of their loan.</p> <p>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.</p> <p>Compensation and entitlement to the structure shall also apply to those whose structure/s will be affected by the provision of setback.</p> <p>Non-viability of remaining portion will be determined by DOTr in consultation with the AP.</p> <p>The amount of food allowance will be reviewed during preparation of the updated RAP and during implementation and may be adjusted as needed to maintain the value in real terms.</p> | | | |
| 2c | APs who are renting, leasing or | Entitlements: | Entitlements: |

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| | sharing the structure, and do not have a low-income. ¹⁶ | <p>No compensation for land or structures. In cases where the structures are being used as residential dwellings, self-relocation or assisted resettlement as follows:</p> <p>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 belongings; and (iv) Food allowance of PhP150 per person relocated per day for 3 days 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 transportation of belongings; and (iv) Food allowance of PhP150 per person for 3 days relocated or a food parcel of equal or greater amount (as determined by DOTr).</p> | <p>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 option applies.</p> <p>Rental subsidy for maximum of 3 months will be provided if it is determined and agreed between the AP and DOTr PMO that retrofitting will require temporary vacating the place.</p> |
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¹⁶ For this project, low income families are those whose combined family monthly income is below PhP40,000.

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| 2d | APs who own structures but do not own the land where the structure is located on, and are a low-income household. ¹⁷ | <p>Entitlements:</p> <p>Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation for salvaged materials.</p> | <p>Entitlements:</p> <p>Cash compensation for affected portion of the structure equivalent to full replacement cost without deduction for depreciation or salvaged materials.</p> |
| 2e | APs who own structures and were former ISFs but now hold title of land through government socialized housing programs. | <p>In cases where the structures are being used as dwellings, self-relocation or assisted resettlement as follows:</p> <p>1. Self-relocation assistance:</p> <p>(i) If AP opts to move to an existing property (verified by the receiving LGU), in-kind transportation to be provided inclusive of transportation of belongings; and</p> <p>(ii) Cash compensation to cover the cost of reconnecting utilities such as water and power;</p> <p>(iii) Food allowance of PhP150 per person relocated per day for 3 days or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>OR</p> <p>2. Assisted resettlement:</p> <p>(i) Option to avail of government socialized housing program of a partner government key shelter agency (KSA) (if qualified). If not qualified for socialized housing, then the entitlements for assisted resettlement as per 2g apply;</p> <p>(ii) Cash compensation to cover the cost of reconnecting utilities such as water and power (if not provided by KSA/LGU);</p> <p>(iii) Transportation during relocation including hauling of household belongings to interim rental facilities, until the relocatees are transferred to the final resettlement site; and</p> <p>(iv) Food allowance of PhP150 per person relocated per day for 3 days or a food parcel of equal or greater amount (as determined by DOTr) during relocation to</p> | <p>Cash allowance for repair costs commensurate with actual costs.</p> <p>Rental subsidy for maximum of 3 months will be provided if it is determined and agreed between the AP and DOTr PMO that retrofitting will require temporary vacating the place.</p> |

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).

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| | | <p>the interim rental units and during relocation to the permanent relocation site.</p> <p>If completion of the socialized housing accommodation will not be ready by time of displacement, rental subsidy will be provided.</p> | |
| 2f | APs who were former ISFs and CMP/NHA beneficiaries whose titles are still under the name of the organization. | <p>Entitlements: Same as above minus any amount still owed to the housing agency.</p> | |
| 2g | APs 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 | <p>Entitlements: Cash compensation for entire structure equivalent to full replacement cost without deduction for depreciation for salvaged materials.</p> <p>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:</p> <p>1. Self-relocation assistance: (i) If AP opts to move to an existing property (verified by the receiving LGU), in kind transportation to be provided inclusive of transportation of belongings; (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power; and (iii) Food allowance of PhP150 per person relocated per day for 3 days 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 provided by DOTr in partnership with KSA, NGOs and/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 during relocation including hauling of household belongings to interim rental facilities, until the relocatees are transferred to the final</p> | |

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| | | <p>resettlement site; and</p> <p>(iv) Food allowance of PhP150 per person relocated per day for 3 days or a food parcel of equal or greater amount (as determined by DOTr) during relocation to the interim rental units and during relocation to the permanent relocation site.</p> <p>If completion of the public rental housing accommodation will not be ready by time of displacement, rental subsidy will be provided.</p> | |
| <p>Implementation Considerations:</p> <p>APs will not be responsible for demolition of structures. However, APs may be allowed to self-demolish their structures where safe to do so to enable them to preserve materials that still have salvage value. In such cases APs will be entitled to keep salvageable materials without deduction from compensation. Procedures and requirements regarding self-demolition will be set out in the DED RAP.</p> <p>Payment of compensation for structures and improvements may, upon the request of APs, be either:</p> <ul style="list-style-type: none"> i. Fully paid in cash; ii. Used as an advance payment for their housing loan amortizations; or iii. Held in abeyance until they are transferred to the relocation site. <p>AP's preference based on the above shall be stipulated in the respective Agreement to Demolish and Remove Improvement (ADRI). To ensure that funds are available until APs are relocated, DOTr shall make the necessary arrangements with the Land Bank or equivalent, so that a trust fund can be set up for this purpose. APs who preferred to defer payment would be able to withdraw such upon presentation of the Certificate of Award as socialized housing beneficiary issued by the KSA.</p> <p>For APs 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 APs who have duly paid full amount in consideration.</p> <p>Any fees required to be paid to community organizers to set up communities to borrow for socialized housing will be paid by DOTr.</p> <p>The amount of food allowance will be reviewed during preparation of the updated RAP and during implementation and may be adjusted as needed to maintain the value in real terms.</p> <p>For cases where PAPs are required to avail of rental subsidy assistance while awaiting completion of socialized housing, assistance to transport belongings will be provided both at time of initial displacement to temporary accommodation as well as to socialized housing when it is completed. Self-relocation options described in 2(d), 2(e), 2(f), and 2(g) are tentative and will be finalized after consultations take place during the DED resettlement plan preparation.</p> | | | |
| 2h | APs who occupy temporary dwellings. ¹⁸ | <p>Entitlements:</p> <p>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 or the Local Housing Office or equivalent stating that they</p> | No compensation for structure. |

¹⁸ Moveable sleeping materials located within the project right-of-way (e.g., tent, cart, tarpaulin)

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| | | <p>are bona fide residents and have occupied the project affected-area prior to the applicable cut-off date.</p> <p>APs 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 facility through partnership with KSA, NGOs, and/or LGUs, to the extent possible.</p> <p>If completion of the public rental facility accommodation will not be ready by time of displacement, rental subsidy will be provided.</p> | |
| 2i | APs who are renting, leasing or sharing the structure, and have a low-income. ¹⁹ | <p>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:</p> <p>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 belongings; and (iv) Food allowance of PhP150 per person for 3 days or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>OR</p> <p>2. Assisted resettlement: (i) Option to avail of government socialized housing (if qualified); (ii) Cash compensation to cover the cost of reconnecting utilities such as water and power (if not provided by KSA/LGU);</p> | |

¹⁹ For this project, low income families are those whose combined family monthly income is below PhP40,000.

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| | | <p>(iii) Transportation to new dwelling inclusive of transportation of belongings; and</p> <p>(iv) Food allowance of PhP150 per person relocated per day for 3 days or a food parcel of equal or greater amount (as determined by DOTr).</p> <p>If completion of the socialized housing at the relocation site will not be ready by time of displacement, rental subsidy will be provided.</p> | |
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Implementation Considerations:

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

The amount of the rental subsidy by locality will be determined by DOTr through the replacement cost study.

The amount of food allowance will be reviewed during preparation of the updated RAP and during implementation and may be adjusted as needed to maintain the value in real terms.

For cases where PAPs are required to avail of rental subsidy assistance while awaiting completion of socialized housing, assistance to transport belongings will be provided both at time of initial displacement to temporary accommodation as well as to socialized housing when it is completed.

| Entitled Person | | Loss of income/Livelihood |
|-----------------|---|--|
| 3a | APs who own fixed micro businesses ²⁰ (e.g. small shops, sari-sari store, carinderia, food stand, repair shop, etc.) with or without permits from the LGU concerned. | <p>Entitlements:</p> <p>Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed six months.²¹</p> <p>Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere.</p> <p>Assistance to transport belongings to new location.</p> <p>Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere.</p> <p>Participation in the Livelihood Restoration and Improvement Program.</p> <p>For APs who are leasing space from property owners:</p> <p>(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.</p> |

²⁰ Categories of businesses are based on capitalization and number of employees, with up to Php 3,000,000 capitalization and 1-9 employees for micro businesses as defined under Small and Medium Enterprise Development 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.

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| 3b | APs who own small, medium and large business establishments ²² | <p>Entitlements:</p> <p>Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed six months.²³</p> <p>Cash compensation to cover transactional (e.g., permitting) cost of re-establishing the business elsewhere.</p> <p>Assistance to transport belongings to new location.</p> <p>Assistance in securing soft loan to enable self-rehabilitation for those restarting business elsewhere.</p> <p>For APs who are owners of small, medium or large commercial establishments built inside own affected property:</p> <p>(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;</p> <p>For APs who are owners of commercial/business entities and are leasing affected space/property:</p> <p>(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.</p> |
| 3c | Vendors with no stalls | Assistance in identification of, and transportation to, an alternative site 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; and link to existing government programs. |
| 3d | Trolley drivers | <p>Transitional support of minimum wage for four (4) months²⁴.</p> <p>Participation in the livelihood restoration and improvement program.</p> <p>Provision of skills training in anticipation of available job positions during construction and operation of the project.</p> <p>Training allowance²⁵</p> <p>Priority in employment during construction and operation stage of the project.</p> |
| 3e | APs who are employed in a displaced commercial or | <p>Entitlements:</p> <p>Cash compensation for net salary of two (2) months based on actual salary. For APs whose income is</p> |

²² Categories of businesses are based on capitalization and number of employees, with (1) Php 3,000,001 – Php 15,000,000 capitalization and 10-99 employees for small businesses; (2) Php 15,000,000-100,000,000 capitalization and 100-199 employees for medium businesses, and (3) more than PhP 100,000,000 capitalization and over 200 employees for large businesses as defined under Small and Medium Enterprise Development Council Resolution No. 01 Series of 2003 dated 16 January 2003.

²³ 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.

²⁴ Inclusive of payment of daily wage equivalent to the number of days the trainees need to be absent from work in order to attend training (during training) equivalent to the prevailing minimum wage in the area shall be provided to PAPs who are attending the training.

²⁵ Transportation allowance only if necessary.

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| | industrial establishment and lose their job due to closure of business or laying off as a result of minimized operation. | below or within the minimum wage, cash compensation for 4 months based on prevailing minimum wage. Participation in the Livelihood restoration and Improvement Program. |
| 3f | APs 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. | Provision of skills training in anticipation of available job positions during construction and operation of the project. Training allowance ²⁶ . Priority in employment during construction and operation stage of the project. |
| 3g | APs who relocate to a place that makes it more expensive to commute to their place of work and they retain their employment. | 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). ²⁷ |
| 3h | APs who are agricultural tenants and sharecroppers. | 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. |
| 3i | APs who are landowners or lessee who are directly engaged in farming. | 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. |
| 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. | | |

| Entitled Person | | Loss of Public Land and Structure (Severe/Full) |
|-----------------|---|--|
| 4a | Government Agency/ Local Government Unit (LGU) owners | Entitlements: Compensation between agencies based on mutual agreement. |

²⁶ Php 200 daily for food and transportation

²⁷ Commuting allowance will be provided only upon transfer to off-city permanent relocation site. No commuting allowance will be provided at the temporary accommodation.

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| | of affected public structures on public land. | Transportation to be provided inclusive of transportation of belongings. |
| 4b | Government Agency/ Local Government Unit (LGU) owners of affected public structures on private land. | Entitlements: Cash compensation for structures at full replacement cost. Transportation to be provided inclusive of transportation of belongings. |

| Entitled Person | | Loss of Non-Land Assets and Improvements |
|---|--|---|
| 5a | Owners of fruit and timber trees (regardless of ownership status of affected land). | Entitlements: Cash compensation at replacement cost for affected fruit and timber trees. |
| 5b | Owners of crops (regardless of ownership status of affected land). | Entitlements: Compensation for the affected perennial and annual crops at market value of the crop at full-term harvest time ²⁸ . |
| 5c | Owners of aquaculture produce (regardless of ownership status of affected land). | Entitlements: Compensation for aquaculture stock computed at harvest time and land preparation for a replacement fish pond/fish pen. |
| 5d | Owners of other affected non-land assets and improvements (not mentioned in 5a, 5b or 5c). | Entitlements: Compensation at replacement cost for affected non-land assets and improvements (not mentioned in 5a, 5b, 5c). Alternatively, APs may opt for transportation of secondary structures (non-land assets) in whole or in part in lieu of compensation where property can be viably transported. |
| Implementation Considerations: Determination of replacement cost of trees will take in to 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. | | |

²⁸ Compensation for crops is for one harvest only. Should the PAP or someone else plant on the project ROW after validation in the barangay, it is no longer eligible for compensation.

| Entitled Person | | Additional Hardship Due to Vulnerability |
|--|--|--|
| 6a | APs who are classified as any of the following vulnerable groups: poor (based on the poverty income threshold), elderly and solo parent-headed households ²⁹ , and persons with disabilities. | Entitlements: <u>In addition to applicable compensation:</u> Inconvenience allowance in the amount equivalent to PhP10,000 per household. For the families with persons who need special assistance and/or medical care, respective LGUs to provide nurses or social workers to help them before and during the resettlement activity. Rehabilitation assistance in the form of skills training and other development activities with the value of up to PhP15,000 will be provided in coordination with other government agencies. Support and/or maintain access to government welfare programs. Inclusion in the Livelihood Restoration and Improvement Program. |
| Entitled Person | | Temporary Impacts due to Construction |
| 7a | APs who have legal rights to the land. | Entitlements: Restoration of land within 3 months of completion of use. Compensation for affected non-land assets at full replacement cost commensurate with rates set out in the resettlement plan. Cash payment for rent of the affected land at prevailing rental rates in the location of the property until the property is restored. |
| 7b | APs without legal rights to affected land but owners of affected non-land assets. | |
| 7c | Severance impacts and/or barrier effect during construction disrupting lateral movement (access) or access to property. | The project will provide for crossings and continued access. In the event that construction works completely block access (without alternative access) to a business then compensation for lost income for the period of disrupted access will be provided. |
| Implementation Considerations: Contractors will be responsible for the arrangement and payment of land rent, restoration of land and compensation for non-land assets and lost income. Temporary impacts due to construction will be monitored and reported as part of monitoring of the Environment Management Plan. | | |

²⁹ Solo-parent headed households are defined as a solo-parent (male or female) who is the head of a household, whom also has dependent children under the age of 18 years.

| Entitled Person | | SUB-TERRANEAN EASEMENT AGREEMENT |
|------------------------|---|---|
| 8a | <p>APs who have full title such as Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT)</p> <p>Successor in interest APs who are NOT the original patent holders of lands granted through Commonwealth Act (C.A.) 141, and where any previous acquisition of said land is not through a gratuitous title</p> <p>For untitled land, APs who are holders of Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least 30 years</p> <p>APs who holds title of land through government socialized housing program</p> <p>APs who are beneficiaries of government socialized housing program but has not completed amortization of awarded property.</p> | <p>Entitlements:</p> <p>Cash compensation for affected portion of land computed at 20% of current market value with APs retaining ownership of land;</p> <p>OR</p> <p>If the land owner, does not agree to the installation of the easement, the affected land will be acquired and compensated as per provisions under section 1 of the entitlement matrix.</p> |
| 8b | <p>APs who are original patent holders of lands granted through Commonwealth Act (C.A.) No. 141</p> <p>National and local government who own land</p> | <p>1. No compensation</p> <p>2. Execution of MOA on usage of land/ROW</p> |

| Entitled Person | | Unanticipated Involuntary Resettlement Impacts |
|------------------------|----------------------------|--|
| 9a | Eligible affected persons. | <p>Entitlements:</p> <p>Entitlements will be prepared in accordance with the JICA Guidelines (2010), ADB Safeguard Policy</p> |

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| | <p>Statement (2009) and applicable national laws and regulations (including requirements for preparation of corrective action plan and other related documents for ADB and JICA to review and approve), and the Environmental Management Plan (EMP) of the approved Environmental Impact Statement (EIS).</p> <p>In the event that the residual community will lose access due to the project, DOTr shall either maintain access or acquire the remaining land. Any additional land acquisition (including all affected structures, improvements and crops therein) as a result of landlock, provision of access, and/or required setback shall be compensated similarly as provided for in this entitlement matrix. Likewise, families and businesses that will be displaced as a result of landlock or provision of access road or required setback shall be eligible to all applicable entitlements and resettlement and/or livelihood restoration assistance provided for in this Framework.</p> |
| <p>Implementation Considerations: Entitlements to be prepared in such circumstances are subject to approval of the DOTr and concurrence by ADB and JICA.</p> | |

| Expropriation Proceeding | |
|--|--|
| <ol style="list-style-type: none"> 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 (less any unpaid real property tax and capital gains tax) 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). 2. While the court adjudicates the compensation to be paid, the APs may, at any time request the court to release such deposit upon presentation of proof of ownership (Section 6(a) R.A. 10752). 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. 4. At this time, DOTr will also pay any required taxes and fees (such as notary fees) where applicable with the exception of CGT and any unpaid RPT. 5. If compensation is less than replacement cost, the DOTr will apply a mitigation measure to reach replacement cost. 6. Other applicable allowances including livelihood rehabilitation and transitional assistance allowances apply as per cases not subject to expropriation. | |
| <p>Implementation Considerations: Based on Rule 17, Section 1 of the 1997 Rules of Court on Civil Procedures, the plaintiff (DOTr) can withdraw the case by filing a notice of dismissal any time before service of the answer by the defendant (owners). If the answer has been served, the case shall not be dismissed at the plaintiff's instance except upon approval of the court and upon such terms and conditions as the court deems proper (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</p> | |

cost for structures and improvements, and market value for crops and trees. If no notice or 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.

Where the AP agreed to the negotiated sale, but was unable to gain the necessary documents to show proof of ownership, DOTr and the AP may manifest before the court, upon filing of the expropriation case and making the necessary deposit, that the offer amount is not in dispute. DOTr shall then pursue the case in good faith and pay just compensation to the rightful owner/s as decided by the court.

DOTr will provide assistance to APs 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 APs 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 APs 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.

III. SOCIOECONOMIC INFORMATION

A. Socioeconomic Survey, Census and Inventory of Assets

171. **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.

172. 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. **Error! Reference source not found.**⁵ provides the survey objectives and required variables.

Table 5: SES Objectives and Required Parameters³⁰

| SES Objectives | Required Parameters |
|---|---|
| <ul style="list-style-type: none">• To prepare a profile of the APs• To prepare an entitlement matrix for the social safeguards planning document• To assess incomes, identify productive activities, and plan for livelihood restoration (if required)• To develop relocation options (if required) | <ul style="list-style-type: none">• Demographic: household composition by age, gender, relationship, ethnicity, education levels;• Social: family, lineage, clan, community, ethnicity and religious affiliation;• Income and assets as well as expenditures;• Occupation;• Access to public services: health care, water supply and sanitation, education, transport, etc.• Gender roles and issues; and• Attitudes and preferences regarding the project, land acquisition, resettlement, livelihood options (as required). |

173. The SES conducted during the detailed design phase will also be 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 AP 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.

³⁰ Adapted from ADB. Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document. November 2012.

174. **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 APs 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.

175. **Detailed measurement survey (DMS).** 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. APs 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.

176. 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

B. Replacement Cost Study / Method of Valuing Affected Assets

177. The determination of the compensation will be based on the principle of replacement cost at the time of compensation. Replacement cost studies will be conducted by a licensed independent property appraiser (IPA) or a government financial institution (GFI) with adequate experience in property appraisal to be selected by the IA through a competitive process.

178. The IA will use the replacement cost studies of the IPA or GFI as basis of the IA's price offer during negotiated sale. The basis of the replacement cost study is to be consistent with the following standard of assessment:

(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 as well as the price of the land as manifested in ocular findings, oral as well as documentary evidence presented taking the following into consideration:

- Location of the property with reference to quality of neighborhood and surrounding improvements, access to community centers, shopping and transportation, and presence of detrimental influences to value
- Size, the lot area in relation to the highest and best use, present use and utilization of the property.

- Physical characteristics such as shape, topography, utilities, easements, road frontage, etc.; and
- 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 as well as review of existing listing of properties and comparison against actual sales prices of properties with similar characteristics;

(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) Replacement cost value for structures and improvements on the land;

(iv) 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.

179. The valuation methodology for the project uses for land is the Market Data Comparison Approach to estimate the value of the land. In this approach, the sales of similar properties in the vicinity are reviewed and compared to the subject.

180. The valuation methodology for the project uses for structures is the Cost Approach. In the International Valuation Standards 2017 (IVS 2017), “the cost approach provides an indication of value using the economic principle that a buyer will pay no more for an asset than the cost to obtain an asset of equal utility (...).” The international standard requires that all cost that will be incurred should be considered. The project will include the following cost in the valuation of structures:

- Direct Cost – refers to cost of materials and labor;
- Indirect Cost - refers to professional fees (i.e. design, permit, architectural, legal, etc), overheads, taxes, finance costs, profit margin or entrepreneurial profit to the creator of the asset.

181. In determining the replacement cost of structures, depreciation will not be factored.

182. The replacement cost study is part of the Terms of Reference (TOR) of the IPA and it includes the project entitlement matrix as basis for valuation. The work requirements of the IPA to prepare a Replacement Cost Study (RCS) as to be reflected in their TOR will include the following elements:

- Scope of the RCS: verify and determine the current market values for lands, structures, improvements, and other physical properties or non-land-based incomes. For other crops and trees, value assessment shall be determined using Department of Environment and Natural Resources (DENR) applicable guidelines. Such market values shall serve as basis for calculating compensation and entitlements for PAPs, families, structures and properties to ensure that PAPs are compensated at replacement cost at the time of compensation.

- **Methodology:** The RCS shall be carried out by based on information collected from both desk research, interviews in the field including with affected people, realtors, developers, banks, building contractors, real estate agents and government agencies to get a good estimate of the current market values of land properties and other improvements.

183. The independent appraiser consults on the above principles with the affected people to guide the appraisal. The principles of replacement cost and market value will be explained to the affected people during feasibility and detailed engineering design stage.

184. In all cases, the increase or decrease 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.

185. Annual crops equivalent to current market value at the time of compensation. The GFI or IPA will also assess the current market value of annual and perennial crops and trees located within affected properties.

C. Preparation of the Safeguard Documents

186. 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.

187. 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.

188. 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.

189. The information contained in the 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 RAP. The entitlement matrix of the 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 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.

190. 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.

191. The type of social safeguard documents to be prepared is based on the impact assessment. There are three possible documents that may be required: (i) a RP, (ii) DDR, and (iii) Audit with Corrective Action Plan. If there will be impacts on Indigenous Peoples communities, then (iv) Indigenous Peoples Plan (IPP), and/or (iv) Resettlement and Indigenous Peoples Plan will need to be prepared. **Error! Reference source not found.**⁶ summarizes when each is to be applied.

Table 6: Guide to Application of Social Safeguard Document

| Document | When to Apply | Source |
|----------|---|-------------------------------|
| RP | 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. No IPs/ICCs to be affected. | ADB SPS 2009 App 2 |
| DDR | 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 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 | ADB SPS 2009 Page 21, Para 56 |

| Document | When to Apply | Source |
|-----------------------------------|---|---|
| | consultations with affected people are conducted in accordance with ADB's requirements. | |
| Audit with Corrective Action Plan | 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 |
| RIPP | IPs/ICCs to be affected. 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. | ADB SPS 2009; App 3, Safeguard Requirements 3 IP, para. 35. Elaborations in ADB IP Handbook: Para 265 |
| | 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. | Elaborations in ADB IP Handbook: Para 263 |
| IPP | 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. | ADB SPS 2009 App 3 |
| | 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. ³¹ Considers the level of vulnerability of the affected customary community. | Elaborations in ADB IP Source Book 2013 Para 43 and 69 |
| | The process seeks to resolve all outstanding applicable safeguard issues through corrective action plans. | |

192. **Ancestral domain land.** The project is not expected to involve the acquisition of ancestral land and/or structures, improvement, crops, trees, and perennials on it. Should this eventuate, 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. Implementation will be required to follow ADB SPS (2009) and IPRA.

³¹ 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).

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

193. A tranche 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.

194. All land acquisition and resettlement activities shall be carried out with the cooperation and assistance of APs 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 AP census and the inventory of affected assets.
- (ii) The project implementing consultants will carry out a detailed measurement survey (DMS) with the cooperation of APs and will inform them the results of the survey and the inventory prior to the finalization of the RAP.
- (iii) The preference of APs 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 APs 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.

195. The APs will participate throughout various stages of the RAP preparation, documentation, implementation, and monitoring. For these purposes and prior to any resettlement activity, APs 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 APs on the project and explore other alternatives with them, when necessary. These consultation meetings will include:

- (i) An orientation on the project;
- (ii) Project 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) Process of determining replacement cost values for compensation;
- (vii) Details and explanation of the acquisition processes, including advantages of negotiated sale over expropriation proceedings;
- (viii) Compensation payment;
- (ix) Resettlement options and relocation sites. This will include information on options and eligibility for the various forms of assisted resettlement and self-relocation, as well as minimum standards for resettlement sites and as much detail as available on resettlement site planning at the time the consultations are conducted; and
- (x) Grievance redress process.

196. 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 APs in their language. An outline of a PIB is appended as Appendix 2, with a more detailed version provided to APs during consultations following detailed design phase, prior to land acquisition. All consultation meetings and information dissemination activities will be properly documented.

197. **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 APs. 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

198. This resettlement framework and the subsequent RAPs will be disclosed on the ADB, JICA and DOTr websites. The RAPs, 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 APs. The following key documents produced related to resettlement assessment, planning, and monitoring are required to be disclosed:

- (i) Draft resettlement framework and RAPs endorsed by DOTr and concurred by ADB and JICA;
- (ii) Updated resettlement framework and RAPs endorsed by DOTr and concurred by ADB and JICA;
- (iii) Corrective action plans prepared during project implementation, if any;
- (iv) Any resettlement related due diligence reports; and
- (v) The resettlement monitoring reports.

V. COMPENSATION, INCOME RESTORATION, AND RELOCATION

A. Compensation

199. 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 (**Error! Reference source not found.**4). 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 APs in accordance with the entitlement matrix.

200. The process of ROW 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 (C.A.) 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 modes of negotiated sale and expropriation. There are also differences whether the acquisition is partial or in full.

201. Under this project, the IA will exert best efforts to ensure the success of negotiated sale to avoid expropriation. As such, the project will offer compensation at replacement cost for land, structures/improvements, and crops and trees.

202. **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 offer compensation at replacement cost for the loss of land, crops and trees and 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.

203. To determine the appropriate price offer the implementing agency is required to undertake a replacement cost study as described in chapter 3 section B of this Resettlement Framework.

204. **Expropriation.** If the property owner/s declines the offer, 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.

205. Where the AP agreed to the negotiated sale, but was unable to gain the necessary documents to show proof of ownership, DOTr may manifest before the court, upon filing of the expropriation case, that the offer amount is not in dispute. After making the deposit in court, DOTr

shall then pursue the case in good faith and pay just compensation to the rightful owner/s as decided by the court. DOTr will provide assistance to APs 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), and government agencies will be invited to set up “one-stop shops” during Stakeholder consultation meetings with landowners to provide further assistance. Early issuance of the NoT will be completed wherever possible for APs 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. Prompt and complete disclosure of the advantages of Negotiated Sale over Expropriation Proceedings (As provided for by R.A. 10752) shall be made during conduct of the 2nd Stakeholder Consultation Meeting to wit (i) Negotiated Sale Advantages: (a) Outright offer for land price will be based on fair market value, (b) Payment of CGT shouldered by Implementing Agency (DOTr), and (c) Shorter process (2-6 months if all required documents are complete); Expropriation Proceeding Disadvantages: (a) 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, (b) (ii) Owner needs to hire lawyer, (c) 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, (d) property owner required to pay the CGT.

206. APs may still revert from expropriation to negotiation at any point in time before the last day of filing for Motion of the expropriation case. Based on Rule 17, Section 1 of the 1997 Rules of Court on Civil Procedures, the plaintiff (DOTr) can withdraw the case by filing a notice of dismissal any time before service of the answer by the defendant (owners). If the answer has been served, the case shall not be dismissed at the plaintiff's instance except upon approval of the court and upon such terms and conditions as the court deems proper (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. If APs 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.

207. **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.

208. **Acquisition of Properties Under Commonwealth Act (C.A.) No. 141.** APs who are original patent holders of lands granted under C.A. 141 and whose land has not been subjected to previous government exercise of its lien shall not receive compensation for up to 20m or 60m of the land (see the Entitlement Matrix) 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.

209. 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).

210. 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 ownerships 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. This will be properly communicated to the owner prior to the owner giving their agreement, including any information regarding restrictions on use, replacement values and the mechanism for securing the easement, which will also be described in the updated RAP. Template or relevant sample easement agreement(s) will be attached to the updated RAP. Implementation of easement agreements and details of information disclosure of easement conditions and options available to PAPs will be monitored by the EMA.

211. 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 with affected owners retaining ownership of the surface land. If the affected owner does not agree to have an easement, the implementing agency will offer to acquire the property including affected structures, improvements, crops and trees. The subsurface easement price shall be 20% of the market price of the land. This will be properly communicated to the owner prior to the owner giving their agreement, including any information regarding restrictions on use, replacement values and the mechanism for securing the easement for the subsurface right of way, which will also be described in the updated RAP. Template or relevant sample easement agreement(s) will be attached to the updated RAP. Implementation of easement agreements and details of information disclosure of easement conditions and options available to PAPs will be monitored by the EMA.

212. Eligible Landowners. Eligible land owners include: (i) Those who have full title, such as Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT); (ii) APs who are not original patent holders of lands granted under C.A. 141 and where any previous acquisition is not through a gratuitous title (e.g., donation, succession); (iii) 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. (iv) APs 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; (v) APs who were former ISFs but who now hold a title of land as beneficiaries of government socialized housing programs; and (vi) APs who are

holders of Emancipation Patent (EP) granted under PD 27 or CLOA granted under the Comprehensive Agrarian Reform Act.

213. Informal settlers. APs 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). Low-income households will have the option to avail of a socialized housing package either through the LGUs or KSAs, and the option to keep salvaged materials from demolished structures without deduction from compensation due him/her. Affected low-income households that do not meet the socialized housing program eligibility criteria may have the option to avail of affordable public rental housing accommodation through partnership with KSA and/or LGUs, if available. If completion of the socialized housing or public rental housing options will not be ready in time, a rental subsidy will be provided. Under this project, the IA encourages eligible ISF PAPs to opt for socialized housing over self-relocation to enable them to have a sustainable long-term housing solution that is legal and affordable. DOTr together with the KSAs will make best effort for an in-city socialized housing scheme.

214. 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 within a pre-agreed timeframe. Wherever possible, land use for construction yards (which are not site specific) will be negotiated by the construction company on a willing-lessee willing lessor basis.

215. 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 AP. DOTr is to pay 100% of compensation prior to relocation/construction can begin.

216. Disturbance Compensation for Businesses. APs who own business, commercial and industrial establishments are entitled to compensation and assistances, as detailed in the Entitlement Matrix.

217. APs who are employed in displaced commercial or industrial establishment and lose their job due to closure of business are also eligible for compensation for loss of income and assistance, as detailed in the Entitlement Matrix.

218. Rehabilitation Assistance and Rental Subsidy. APs 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 AF will have to engage in a new income activity, and (iii) assistance in securing soft loan to enable self-rehabilitation. APs who are

renting/leasing land and/or structures are entitled to rental subsidy and assistance as detailed in the Entitlement Matrix .

219. **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 APs and their belongings.

220. **Trees, Crops and Aquaculture.** Cash compensation at market value will be provided. Determination of market value 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).

221. **Salvage Materials and Demolition.** APs will be allowed to self-demolish their structures to enable them to preserve materials provided this can be done safely. In such cases, APs shall be entitled to keep salvageable materials without deduction from compensation. If structures are partially dismantled by APs, the remaining will be dismantled by the DOTr's contractor at no cost to the AP.

222. **Special Assistance for Vulnerable Groups.** APs who belong to any of the following vulnerable groups: (i) Poor based on poverty threshold; (ii) Elderly; (iii) Persons with disabilities; (iv) Solo-parent headed households who may be worse off after displacement. Vulnerable groups shall be provided with additional support as detailed in the Entitlement Matrix. 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

223. The objective of income/livelihood restoration is to ensure the improvement of the socioeconomic conditions of APs 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 APs 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. APs whose productive assets are affected will be entitled to various forms of transitional and livelihood restoration assistance.

224. 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 APs. Later during implementation, information dissemination along with counselling on livelihood development options, including requirements, benefits/opportunities, challenges, and risks will be provided to APs so that they can make informed decisions.

225. 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 government agencies 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.

226. 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 APs to undertake the critical livelihood restoration and improvement activities in such a manner that takes into consideration the APs' unique circumstance.

227. Meanwhile, the LGUs should play a vital role of ensuring that the national government programs and relevant LGU programs reach the APs 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.

228. **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

229. The project is anticipated to effect significant resettlement impacts involving physical and economic displacement. The RAP(s) will outline a plan for relocation activities, which considers the impacts of resettlement including those on social capital. The entitlement matrix includes options for self-relocation and assisted relocation. Assisted relocation includes availing of government socialized housing programs of key shelter agencies (KSAs), such as Social Housing Finance Corporation (SHFC), National Housing Authority (NHA), and the Home Development Fund otherwise known as Pag-IBIG Fund, for ISFs. There are also options for other APs to avail of government economic and medium cost housing programs under Pag-IBIG Fund. ISF's and

poor households choosing to self-relocate will be given support and guidance by DOTr to avoid becoming an ISF on a government or private property.

230. 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.

231. There are various options for assisted-resettlement depending on the eligibility category as well as financial capacity of the APs. Generally speaking, those with greater needs, such as 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.

232. **Error! Reference source not found.**⁷ describes the assisted-resettlement options for project affected households.

233. Social aspects will also be considered as a significant effect of relocation. DOTr are aware that the social capital of communities can be damaged when physically displaced. As a mitigation measure, DOTr will partner with key shelter agencies, such as SHFC, who organizes the community to rebuild social capacity prior to and following relocation.

Table 7: Eligibility of Assisted Resettlement Programs by Category (Source: JICA Study Team)

| Project Affected Households by Category | Eligibility for Assisted-Resettlement Programs |
|---|---|
| Formal settler | Government assisted economic and medium cost-housing loan under Pag-IBIG Fund |
| Informal settlers but are not low income or homeless (including returnees) | Government assisted economic and medium cost-housing loan under Pag-IBIG Fund |
| Informal settlers and are low income or homeless | Socialized housing program provided by KSAs |
| Returnees who were previous participants of a socialized housing program and sold the house and are low income | Government assisted economic and medium cost-housing loan under Pag-IBIG Fund Or Public rental facility |
| Returnees who were previous participants of a socialized housing program and abandoned the house and are low income | Socialized housing program provided by KSAs Or Public Rental |
| Renting, sharing the structures, and are low income and homeless | Socialized housing program provided by KSAs |
| Renting, sharing the structures, but are not low income or homeless | Government assisted economic and medium cost-housing loan under Pag-IBIG Fund |

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

A. Social Housing Programs

1. SHFC- Administered Resettlement Program

235. This SHFC organizes 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 will be finalized when community associations are formed and have conducted planning workshops. Once families have moved in to the resettlement sites, they will begin to make monthly amortization payments, which will be subsidized where needed.

236. 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).

2. NHA- Administered Resettlement Program

237. 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. 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.

3. Home Development Mutual Fund (Pag-IBIG)

238. APs 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

239. 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.

240. **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 APs, particularly in site selection and house design.

241. Temporary Accommodation. In case a resettlement site is not ready in time for the clearing of ROW, assistance will be provided to APs requiring temporary accommodation. Assistance will include the provision of rental allowances at market rates and an allowance for utilities.

VI. GRIEVANCE REDRESS MECHANISM

242. A Grievance Redress Mechanism (GRM) is a systematic process to receive, evaluate, and address the project-related grievances of affected persons (AP) 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. APs 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.

243. However, care will be taken to prevent grievances rather than going through a redress process by ensuring active consultation with and participation of APs 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, APs will have the option of taking their complaint to the formal mechanism of addressing grievances, including accessing the country's legal system.

244. There will be three levels of the grievance redress process open to APs and other stakeholders during the resettlement action plan and project implementation, as described below. Notwithstanding, PAPs may seek redress through the court system at any time. Assigned Grievance Officer/s from DOTr's Office of the Undersecretary for Railways will serve as the first contact point for APs. All complaints received in writing (or prepared in written form, when received verbally) from the APs 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 SCRP Project Management Office (PMO) (specifically within the Environment, Social and Right-of-Way Division [ESR Division]). The 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.

245. 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.

246. 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).

247. The third level in the grievance redress process is a review, investigation and decision by the Project Inter-Agency Committee (PIAC).

248. PAPs may also seek redress through the court system at any point as the law permits. If the PIAC decision is unsatisfactory, the matter can be taken to an appropriate court of the Republic of the Philippines for adjudication (**Error! Reference source not found.8**).

Table 8: Levels of Grievance Redress Mechanisms (Source: JICA Study Team)

| | For Legal Title Holders | For Informal Settler Families (ISFs) |
|--|--|--|
| 1st Level | Help/Grievance Desk | |
| 2nd Level | RAP Implementation and Management Committee (RIMC), to be headed by an existing MCR Project Management Office (MCR PMO) within DOTr, | Local Inter-Agency Committee (LIAC)/ Local Housing Office (LHO) |
| 3rd Level | Project Inter-Agency Committee (PIAC) | |
| PAPs may seek redress through the court system at any time | | |

249. **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 APs (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. Notwithstanding, the AP can at any time of the GRM process go to the relevant courts.

250. **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

251. **Level 1 – Help/Grievance Desk.** The Help/Grievance Desks will serve as the first formal contact point for legal APs 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 AP 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.

252. **Level 2 – RIMC for legal APs 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 AP who is not satisfied with the action or decision of the Grievance Desk Officer/s, and inform the AP of actions and decisions regarding the filed complaints. The LIAC shall be created at local levels where 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 APs. In the case where there are less than 50 APs in a LGU, the Local Housing Office or office designated by the LGU, will be mobilized in place of the LIAC.

253. **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.

254. **Court.** 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.

255. **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) Complaints 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.

256. **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.

257. 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.

258. **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>.

259. **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.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Institutional Arrangements

260. Main institutional stakeholders include Department of Transportation (DOTr), Philippines National Rail (PNR), Housing and Urban Development Coordinating Council (HUDCC), key shelter agencies and LGUs. PNR will participate in project design, including mitigation measures and social actions plans. KSAs are involved in resettlement of informal settlers and will be closely involved in resettlement action planning and livelihood restoration programs. People affected by land acquisition and land clearance, and communities along the alignment will be involved in assessing impacts, needs and mitigation measures.

1. Organizational Coordination

261. 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 APs, including ISFs 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 SCRP resettlement action plan is shown in Table 9.

2. Responsible Organizations

262. **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. **Error! Reference source not found.**⁷ provides an organizational chart of the implementation arrangements for the entire project, and **Error! Reference source not found.**⁸ provides the resettlement action plan implementation arrangements.

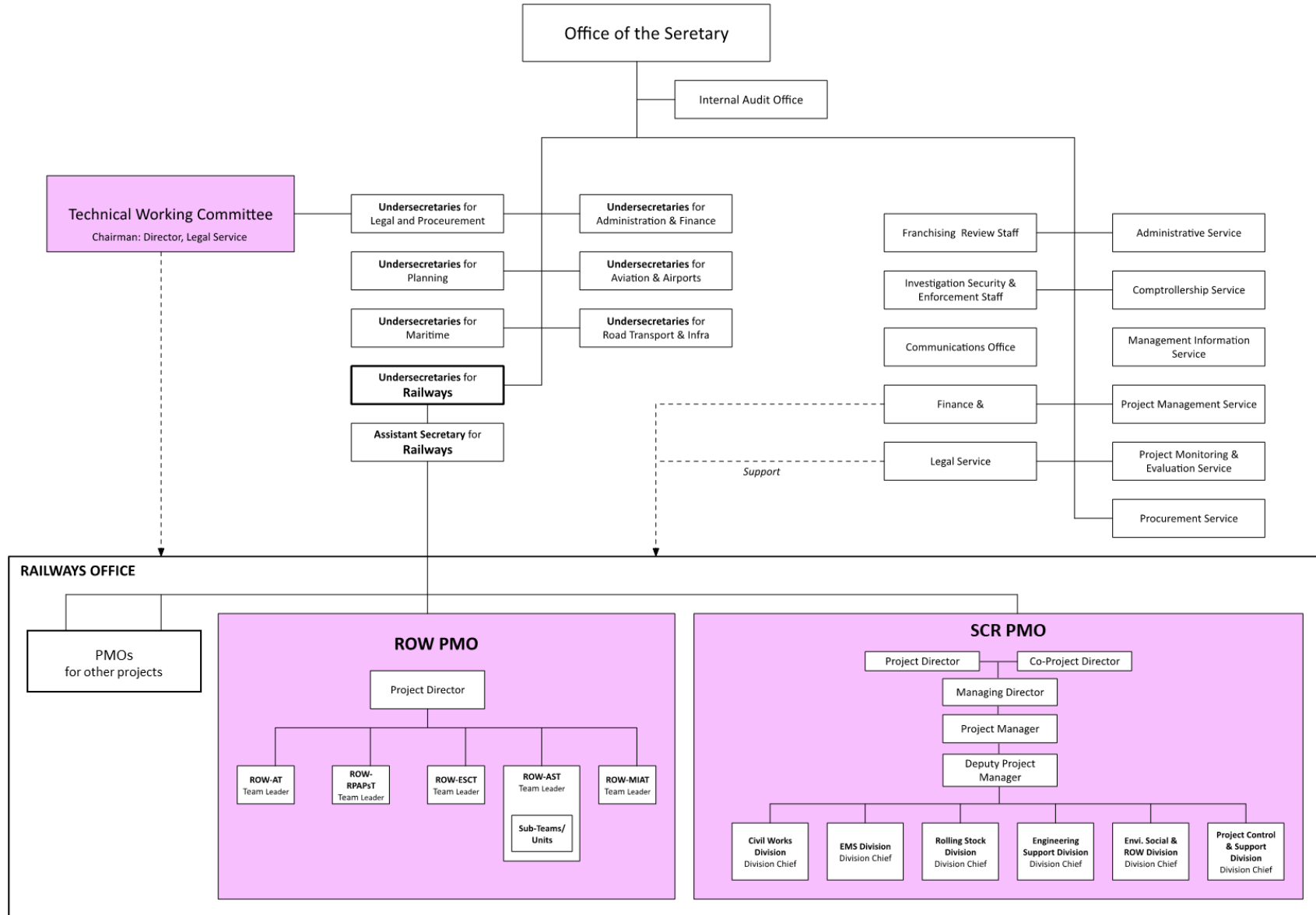


Figure 7: SCR Project Implementation Arrangements (Source: JICA Study Team)

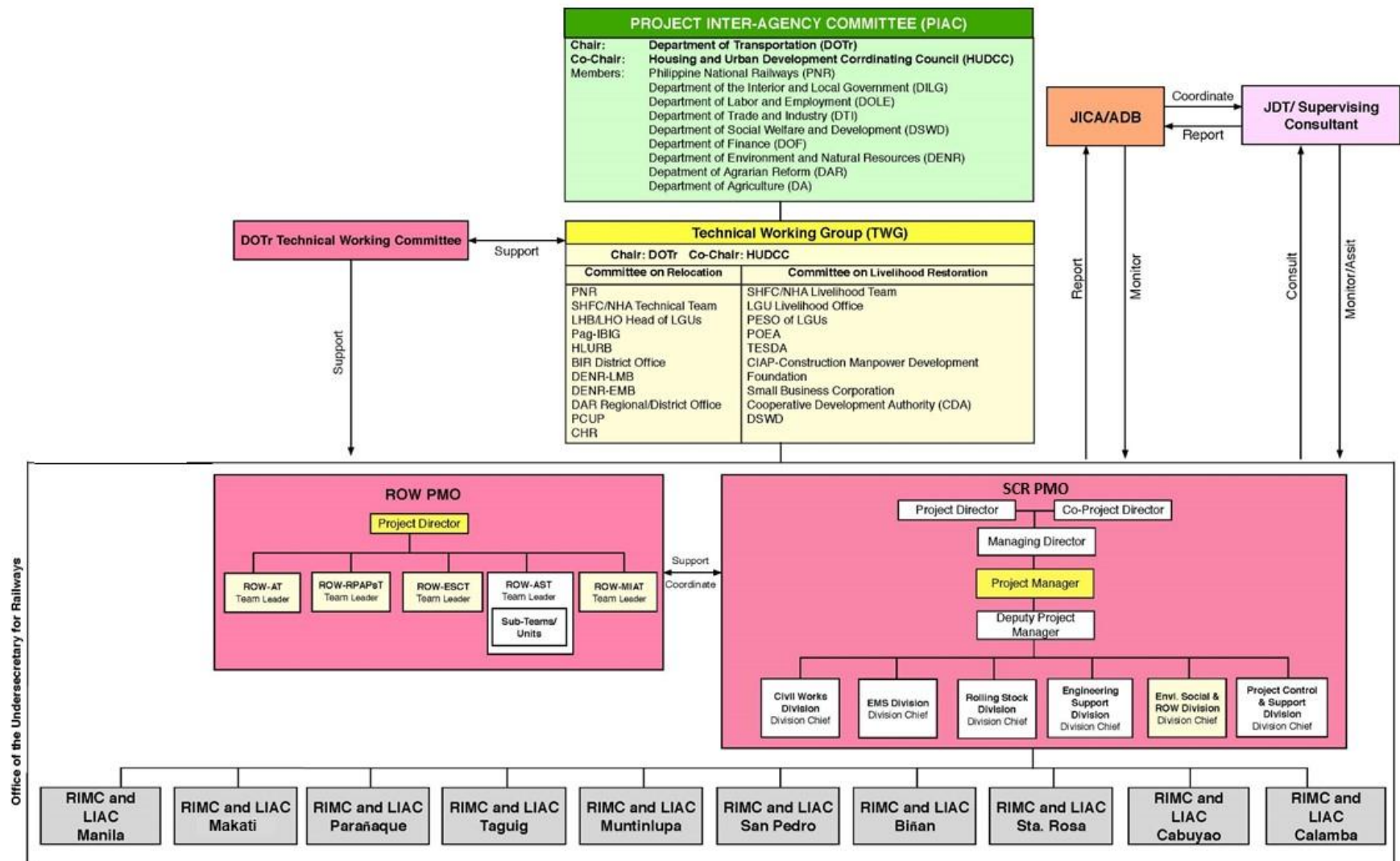


Figure 8: RAP Implementation Structure (Source: JICA Study Team)

263. The DOTr ROW-PMO is responsible for the focused execution of the DOTr's duties and responsibilities in ROW acquisitions and relocations of APs 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.

264. As per guidance in the DRAM, before the DOTr issues the Notice of Award for the construction contract, DOTr will obtain at least a Permit to Enter (PTE) the ROW from the owner, or a notarized DAS or Deed of Donation executed in favor of the government, or a Writ of Possession (WOP) from the concerned court, as the case may be. Given the nature of the investment as a large multi-year project, the Notice of Award may be immediately issued to cover the entire project, but the Notice to Proceed (NTP) may be issued by segment according to the phased implementation of the project with corresponding phased delivery of the required ROW. In such a case, the general practice is that each ROW phase should provide a land area free from obstructions with at least a PTE to enable the contractor to do at least six months of continuous construction.

265. Construction will not be allowed to commence until full compensation has been paid and relocation, when necessary, is completed in accordance with this framework. Before giving possession of a relevant site to the contractor, DOTr will confirm to ADB that the required RAP provisions have been satisfactorily completed and furnish details on compensation and entitlements provided and resettlement assistance provided. After ADB's acknowledgement, the notice to proceed will be issued by DOTr to the Contractor.

266. DOTr **SCR Project Management Office (MCR PMO)**. The SCR-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.

267. The SCR 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 SCR-PMO will be created focused on environment, social and ROW activities, as well as a SCR RAP Implementation and Management Committee (RIMC). This team will specifically be responsible for land acquisition and resettlement preparation activities, including validation of the APs, their assets and the implementation of the RAP, as well as all consultation and disclosure activities.

268. DOTr **Environment, Social and ROW Division (ESR Division)**. The ESR Division of the 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.

269. **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.

270. 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.

271. **RAP Implementation and Management Committee (RIMC)**. The RAP Implementation and Management Committee (RIMC) will be created through a Memorandum of Understanding between the 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 APs, throughout the duration of the RAP implementation; (ii) assist DOTr in validating the eligibility of APs 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 PMO.

272. **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 as it relates to informal settlers. In areas where there are less than 50 APs, 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, representing the APs will be invited in the LIAC 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 APs 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.

273. **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 APs, 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 APs and review and assess documentary requirements submitted.

274. **Social Housing Finance Corporation (SHFC).** SHFC coordinates social housing programs. Specifically, SHFC organizes the PAHs into community associations (CA) with no more than 200 member-families 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 by SHFC and will be trained to run their association, to implement livelihood projects and to manage their estate.

275. **National Housing Authority (NHA).** NHA supports the development of relocation or resettlement sites, ensuring basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.

276. **Home Development Fund or as it is known Pag-IBIG.** Pag-IBIG will support APs 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 APs through their respective LGUs.

277. **Department of Human Settlements and Urban Development (DHSUD) / Housing and Urban Development Coordinating Council (HUDCC).** A Memorandum of Understanding (MOU) was executed between DOTr and HUDCC to provide support for the project, including the implementation of the Livelihood Restoration and Improvement Plan. In July 2018 the DHSUD was formed through the consolidation of HUDCC and the Housing and Land Use Regulatory Board (HLURB). The Framework maintains reference to HUDCC given it was the signatory to the above mentioned MOU.

278. Other relevant government agencies may be tapped to provide livelihood rehabilitation program, including Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE), Department of Social Welfare and Development (DSWD), City Social Welfare and Development Office (CSWD), 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

279. 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 SCR 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. DOTr as the implementing 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

280. 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 the table below, which will be further developed with indicative time frames in the draft resettlement action plan. Civil works contracts will not be awarded until the updated RAPs covering the relevant works contract packages have been finalized and concurred by ADB. 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 9: Indicative Implementation Schedule (Source: JICA Study Team)

| | 2018 | | | | 2019 | | | | 2020 | | | | 2021 | | | | 2022 | | | | | 2023 | | | |
|--|------|---|---|---|------|---|---|---|------|---|---|---|------|---|---|---|------|---|---|---|---|------|---|---|---|
| | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 |
| RAP Preparation, Updating and Implementation | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Draft RAP Preparation | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Briefing of Local Authorities and Orientation of DMS Team | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Census and DMS Activities | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Consultation and Disclosure | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Preliminary Assessment for Income Restoration | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Establishment of various committees | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Draft FS RAP Approval (ADB) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Detailed Design | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. RAP Updating / Finalization | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Mobilization of Resettlement and Social Specialists | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Recruitment of External Monitoring Agent | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Capacity Building for Relevant DOTr Staff | | | | | | | | | | | | | | | | | | | | | | | | | |
| - DMS, Replacement Cost Survey, Valuation of Assets | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Design of Income Restoration Program | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Identification and Design of Relocation Sites | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Updating of RAP Budgets | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Submission of Updated RAPs (in batches) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. Approval of the Updated RAPs | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Implementation of the Updated / Finalized RAPs | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Disbursement of Compensation and Allowances | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Development/preparation of Relocation Sites | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Income Restoration Program | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Relocation of APs | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Consultation and Disclosure Activities | | | | | | | | | | | | | | | | | | | | | | | | | |
| - Grievance Redress Mechanism (until completion of the project) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. Internal Monitoring (until completion of the project) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. External Monitoring (semi-annual and post-evaluation) (until completion of the project) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9. Civil Works (completion in 2026) | | | | | | | | | | | | | | | | | | | | | | | | | |

VIII. BUDGET AND FINANCING

281. 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.

282. 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.

283. 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 APs through the ESR-PMO. Allowable resettlement costs by category are presented in Table 10.³²

Table 10: Allowable Resettlement Costs and Budget Line Items

| CATEGORY | COST ITEM |
|---|--|
| Resettlement action plan preparation and compensation for acquired assets | Cost of census and survey of affected people and inventory of assets Compensation for assets lost (land, structures, etc.) at replacement cost Cost of preparation of replacement farmland |
| Relocation and transfer | Cost of moving and transporting movable items Cost of replacement housing Cost of site and infrastructure development and services Subsistence allowances during transition Cost of replacement businesses and downtime |
| Income/Livelihood programs | Cost estimates for income restoration plans (e.g., training, small business, community enterprise, livelihood specialist) Cost of incremental services (extension, health, education) Environmental enhancement packages (forestry, soil conservation, grazing land, etc.) |
| Administrative/ Services costs | Physical facilities (office space, staff housing, etc.) ^{[1][1]_{SEP}} Transport/vehicles, materials ^{[1][1]_{SEP}} Operation staff (managerial, technical), and support staff ^{[1][1]_{SEP}} Staff training for capacity development and monitoring ^{[1][1]_{SEP}} Information disclosure, consultations, and grievance redress mechanism ^{[1][1]_{SEP}} NGO services for resettlement action plan implementation |

³² ADB: A Planning and Implementation Good Practice Sourcebook – Draft Working Document, November 2012.

| | |
|--------------------------|--|
| Monitoring and reporting | Cost of monitoring the resettlement action plan implementation ^[11] Verification of monitoring by qualified and experienced external experts or qualified NGOs for projects with significant involuntary resettlement impacts Evaluation of resettlement action plan implementation and reporting |
| Contingency | 10 percent of the estimated resettlement project costs |

284. **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 APs.

IX. MONITORING AND REPORTING

285. 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 SCR 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 quarterly 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.

286. **Internal Monitoring.** Implementation of the resettlement action plan(s) will be regularly supervised and monitored by the SCR PMO of DOTr. The findings will be recorded in the internal monitoring reports (Appendix 4). Internal monitoring and supervision will:

- (i) Verify that the baseline information of all APs 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.

287. **External Monitoring.** A qualified external agency or a qualified and experienced external monitoring expert, acceptable to ADB and JICA, will be engaged by DOTr to carry out external monitoring and evaluation (Appendix 5). 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. The external monitor will be mobilized prior to the commencement of RAP implementation.

288. **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.

289. The EMA will verify DOTr's report of completion of disbursement of compensation and assistance. Said DOTr report will be required to be submitted to ADB for review for each section prior to notice to proceed being issued to the contractor.

290. Monitoring indicators typically come from the baseline data to address the specific contents of the activities and entitlements matrix. Indicative monitoring indicators, from which specific indicators can be developed and refined according to the circumstances, are set out in Table 11. The indicators for the internal monitoring will be finalized and agreed between DOTr, ADB and JICA through the Updated DED Stage RAP preparation and approval process. The indicators for the external monitoring will be finalized and agreed through the external monitor inception report preparation and approval process.

291. Methodologies for conduct of monitoring and evaluation will be set out in the respective RAPs.

Table 11: Indicative Monitoring Indicators

| Monitoring Aspects | Potential Indicators |
|------------------------------------|--|
| Delivery of Entitlements | <ul style="list-style-type: none"> • 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. • Verification of DOTr's report of completion of disbursement of compensation and assistance. |
| Consultation and Grievances | <ul style="list-style-type: none"> • 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 (as relevant). • Number of general meetings (for both men and women). • Percentage of women out of total participants. |

| Monitoring Aspects | Potential Indicators |
|--|---|
| Communications and Participation | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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. • 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 KSAs. |
| Livelihood and Income Restoration | <ul style="list-style-type: none"> • 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). |

| Monitoring Aspects | Potential Indicators |
|---------------------------|--|
| | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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. |

292. Temporary impacts due to construction will be monitored and reported as part of monitoring of the Environment Management Plan and also reflected in the internal and external social monitoring reports mentioned above.

Appendix 1: Outline of a Resettlement Plan

A. Executive Summary

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

B. Project Description

2. 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

3. 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

4. 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

5. This section:

- (i) reviews the legal and institutional framework applicable to project context.
- (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected persons;
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation at each stage of project preparation and implementation, taking the review and baseline information into account.

assesses, based on meaningful consultation with the affected persons, 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 persons.
- (iv) includes a gender-sensitive assessment of the perceptions about the project and its impact on their social, economic, and cultural status.
- (v) identifies and recommends, based on meaningful consultation with the affected persons, 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.

F. Information Disclosure, Consultation, and Participation

6. This section:

- (i) identifies project stakeholders, especially primary stakeholders;

describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (ii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iii) 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;
- (iv) confirms disclosure of the draft resettlement action plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (v) 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;

- (vi) summarizes the comments of the affected persons on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;

G. Grievance Redress Mechanisms

7. 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

8. 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

9. 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 to derive appropriate development benefits from the project that are culturally appropriate, and gender responsive.

J. Relocation of Housing and Settlements

10. 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,
 - (iii) environmental assessment of sites, and development needs;
 - (iv) provides timetables for site preparation and transfer;
 - (v) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
 - (vi) outlines measures to assist displaced persons with their transfer and establishment at new sites;
 - (vii) describes plans to provide civic infrastructure; and
 - (viii) explains how integration with host populations will be carried out.

K. Livelihood Restoration and Rehabilitation

11. 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

12. 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; and
- (iv) includes information about the source of funding for the resettlement action plan budget.

M. Institutional Arrangements

13. 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; and
- (iv) describes how women's groups will be involved in resettlement action planning and management.

N. Implementation Schedule

14. 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

15. 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 an example 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 South-Commuter Railway Project (SCRP)?

SCRP will construct a 57.3km commuter railway to complete the railway from Blumentritt to Calamba. The line will pass through Manila, Makati, Taguig, Parañaque and Muntinlupa in the National Capital Region and San Pedro, Biñan, Santa Rosa, Cabuyao and Calamba in the Province of Laguna.

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. SCRП is one of the Government's efforts to promote inclusive growth and improve the transport and logistics services. Starting from the center of Manila to the nearby areas in Laguna, SCRП 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 SCRП railway line will be constructed using a combination of viaducts and embankments, as well as sections which will be built at ground level. There will be 18 stations constructed, in addition to a depot and operations control centre, new bridge crossings, construction yards, a maintenance base and access/service roads.

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. In some sections, the clearance corridor will need to allow for the construction of the viaduct, as well as service road, drainage and relocation of some utilities.

SCRП 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.

There will be impacts on people and property associated with land acquisition as well as clearing of existing PNR ROW needed for the project. There will be displacement of informal settlers and other land users within the existing PNR-owned ROW.

Has the affected land and other properties been identified already?

The Detailed Designs for the railway project is being carried out. This involves determining 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 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. Three phases of public consultations were held during the feasibility study phase to provide information about the project policy, eligibility and entitlements.

A Resettlement Action Plan (RAP) has been prepared that sets out details of agreed entitlements, assistance, strategies and implementation arrangements. The RAP is publicly disclosed on the JICA website.

After the project is approved, individual households will be provided detailed information on their specific entitlements.

When will the project take place? The Project is expected to be implemented over three years from 2020 to 2023.

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 SCRP 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 Implementation

and Management Committee (RIMC);

- For non-title holders, their grievances will be acted upon by the Local Inter-Agency Committee (LIAC) 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

PUBLIC INFORMATION BROCHURE

SOUTH COMMUTER RAILWAY PROJECT

[logo]

Department of Transportation

[date]

Appendix 3: Land Donation Process and Transfer of Title

1. 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 APs must be made 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 APs who are vulnerable or where the donation would represent a severe loss of productive resources or cause physical displacement.
2. 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.
3. 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.
4. 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.
5. A robust record-keeping and monitoring mechanism needs to be in place for the third-party validation.

Appendix 4: Sample Internal Monitoring Tools

Form M-1: Summary Monitoring Sheet

(as of end (month, year))

Province:

Barangay:

City / Town / Village:

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

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))****Province:****Barangay:****City / Town / Village:**

| S.No. | Name of the AP | Name of the AP | Sex | Category of AP (Titleholder, Tenant, squatter, etc.) | Vulnerable AP (Y/N) | Type of vulnerability | Plot No. | Type of affected Land | Type of affected Structure (Residential, Commercial, etc.) | Trees, CPR and other losses | Livelihood losses (Y/N) | Verified (Y/N) | Remarks |
|-------|----------------|----------------|-----|--|---------------------|-----------------------|----------|-----------------------|--|-----------------------------|-------------------------|----------------|---------|
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(as on (date, month, year))

Barangay:

City / Town / Village:

[illegible]

Appendix 5: DRAFT TERMS OF REFERENCE

CONSULTANCY SERVICE TO UNDERTAKE THE EXTERNAL MONITORING OF THE RESETTLEMENT ACTION PLAN IMPLEMENTATION UNDER THE NORTH-SOUTH COMMUTER RAILWAY EXTENSION PROJECT

A. Background

1. The Government of the Philippines (GOP) has requested the Japan International Cooperation Agency (JICA) and the Asian Development Bank (ADB) for assistance for the 109-kilometer North-South Railway Extension (NSCR-EX) Project, extending the NSCR Project (Tutuban-Malolos) north and south. The completion of the Project is expected to contribute to the sustainable development of Metro Manila and fast-growing urban areas in the north and south of the capital, while also improving its connectivity to international airports.
2. The Project consists of two components by and large. The north extension, the Clark Extension, is a 51-kilometer (km) railway from Malolos, Bulacan to Clark International Airport, Pampanga, featuring 49 km to run on a viaduct and 2 km underground with six stations and one depot. The south extension, the Calamba Extension, on the other hand, is a 56-kilometer railway from Solis, Manila to Calamba, Laguna, featuring 52.2 km to run on a viaduct, 2 km underground, and 1.2 km at-grade with 20 stations and one depot.
3. In the Project, the Department of Transportation (DOTr) serves as the implementing agency (IA). For project implementation, the DOTr needs to put in place a monitoring system that tracks (i) whether the planned resettlement activities for project-affected persons (PAPs) are delivered (i.e., whether compensation for lost assets is promptly paid) and (ii) whether the planned activities contained in the resettlement action plan (RAP) such as relocation and livelihood restoration produce desired outcomes.
4. The DOTr's Project Management Office (PMO) shall conduct internal monitoring to track the progress in the delivery of physical and financial targets, resettlement assistance, and other entitlements, whereas the External Monitoring Agency (EMA) shall carry out external monitoring to assess effects and impacts of the RAP implementation and the extent to which RAP objectives are being achieved.
5. Monitoring and evaluation measures are designed to ensure the resettlement plan complies with the ADB SPS safeguard requirements concerning involuntary resettlement. DOTr requires a qualified and experienced external monitoring agency or consultant to: (i) provide external monitoring of the RAP implementation, (ii) assess how effectively project and resettlement objectives are being met, and (iii) recommend necessary corrective measures when shortcomings are observed.

B. Objectives of the External Monitoring

6. The objectives of the external monitoring are to provide an independent periodic review and assessment of the RAP implementation, including resettlement and livelihood restoration and improvement program (LRIP) implementation. Specifically, the objectives include: (i) assess the extent to which the standards of living of PAPs are restored or improved; (ii) 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) assess if rehabilitation measures and

compensation are sufficient and comply with the policies and entitlements set out in the RAP; (iv) identify problems or potential problems; and (v) identify methods of responding timely to mitigate and resolve problems.

7. In order to achieve these objectives, the external resettlement monitoring expert will: (i) carry out an impact assessment of the resettlement plan implementation as a means to determine the extent to which it has achieved its goals, in addition to evaluating the livelihood and living standards of the physically displaced households both pre and post-relocation; (ii) document the perspectives of affected persons' view on resettlement, compensation, and grievance redress procedures; and (iii) in case of economic displacement, appraise the post-resettlement economic status of the displaced households, particularly vulnerable groups.

8. The external monitoring expert will identify best practices that will facilitate the successful implementation of the resettlement plan. The external monitoring report will also highlight challenges encountered that will be valuable in the formulation of corrective measures to enable effective implementation of the RAP. Lessons learned will guide the development of effective strategies useful in future resettlement policy formulation and planning.

C. Scope of Work

9. The key activities to be conducted during the external monitoring are:

- (i) Verify results of internal monitoring undertaken by the project implementing agency and assess adequacy of the process including replacement cost study and suggest any improvement measures as required;
- (ii) Assess the extent to which consultation and disclosure activities are inclusive, accessible and effective in conveying key information from the RAP as well as provide conditions for PAPs to contribute to decision-making, which affects them such resettlement and livelihood restoration;
- (iii) Verify that compensation and assistance has been provided in accordance with the requirements of the RAP through sample checking and consultation with stakeholders including PAPs;
- (iv) Verify whether DOTr explained restrictions pertaining to easement agreements including right of refusal and that the APs are able to exercise allowable usage of the land subject to the easement agreement;
- (v) Assess whether resettlement objectives are achieved; specifically, whether livelihood and living standards have been restored or enhanced;
- (vi) Assess adequacy of resettlement implementation, especially resettlement housing;
- (vii) Assess appropriateness and effectiveness of the livelihood restoration and improvement program, accessibility of eligible PAPs to LRIP program activities and the program's effectiveness in restoring incomes and livelihoods at the household level;
- (viii) Ascertain whether the social safeguards document/plan entitlements were appropriate to meet the objectives, and whether the objectives were suited to PAP conditions;
- (ix) Suggest modification in the implementation procedures of the social safeguards' document/plan, if necessary, to achieve the principles and objectives of the RAPs and resettlement frameworks;

- (x) Review method of calculation of compensation rates and assess whether it adequately meets the replacement cost and is in compliance with policies and entitlements set out in the RAP;
- (xi) Assess the extent to which consultation and disclosure activities are inclusive, accessible, and effective in conveying key information from the RAP as well as provide conditions for PAPs to contribute to decision making which affects them such as resettlement and livelihood restoration; and
- (xii) Review the effectiveness of the grievance redress mechanism, its accessibility and responsiveness to resolving complaints;
- (xiii) Review of the implementation arrangements for the RAP and Livelihood Restoration and Improvement Program (LRIP) as part of the RAP; and
- (xiv) To recommend actions needed to enable achievement of RAP objectives, resolve problems, including actions proposed for inclusion in a Corrective Action Plan, if required.
- (xv) Temporary impacts due construction will be monitored and reported as part of monitoring of the Environment Management Plan and reflected in the required EMA monitoring reports.

D. Methodology

10. The methods for external monitoring activities include, but not limited to, the following:
 - (i) **Review of the RAP prepared during the Detailed Design (DD) phase.**
 - (ii) **Review of detailed measurement survey (DMS) documents to be able to establish a baseline for monitoring and evaluating project benefits.** The EMA will check on a random basis the DMS process with PAPs from identification to agreement on DMS results. All survey data shall be disaggregated by gender.
 - (iii) **Review of the socio-economic survey (SES) baseline prepared during RAP preparation and updating (following DD).**³³ Sampling will include 20% of severely affected PAPs for the Project and 10% of all other PAPs. As much as possible, the same PAPs interviewed during RAP updating will be interviewed for each subsequent monitoring exercise.
 - (iv) **Conduct of participatory rapid appraisals (PRA).** The PRA will involve obtaining information, identifying existing or potential problems, and finding specific time-bound solutions through participatory means including (a) consultations with PAPs and various stakeholders such as a resettlement committee, the PMO, and community leaders; (b) key informant interviews; (c) FGD; (d) community public meetings;
 - (v) **Conduct direct field observations** to document the status of resettlement implementation from the perspectives of the PAPs and other key stakeholders involved in the RAP implementation.
 - (vi) **Conduct case studies** of displaced persons or communities of various socio-economic groups to assess impact of resettlement and effectiveness and RAP mitigation measures.

³³ SES was carried out by JICA Design Team in parallel with DMS during RAP updating.

- (vii) **Document lessons learned** in using international best practices for replacement cost valuation as stipulated in the project principles and implementation experiences of DOTr.
- (viii) **Verification of Replacement Cost Study (RCS).** The EMA will review the adequacy of methodologies and standards for determining compensation rates prior to RAP implementation as well as subsequently review the ability of APs to replace affected assets with the compensation received. The EMA will review Independent Property Appraiser's (IPA) reports, Government Financing Institution (GFI) reports, and internal monitoring reports to confirm if replacement cost values have been applied. The review of PAPs ability to replace affected assets will include: (a) the ability of PAPs for purchasing comparable land or assets by the compensation received; (b) the location of replacement land and distance from affected land; and (c) any assistance and inputs which PAPs need to find suitable replacement land.
- (ix) **Review the effectiveness of the GRM and the status of grievance resolution.** This will include interviews with PMO and organizations responsible for GRM implementation; review GRM documentation; and gathering information from interviews with PAPs on accessibility and effectiveness of the GRM³⁴.
- (x) **Review the effectiveness of the consultation processes conducted during project preparation and implementation.** The EMA will review the meaningful consultations conducted with the APs and review the completeness and timeliness of information provided and whether the process was inclusive or not. The EMA will also review the consultation process for determining housing and livelihood options including whether APs had adequate opportunity to present their ideas and suggestions.
- (xi) **Resettlement audit conducted during monitoring.** The EMA will carry out random checks of payment disbursed to PAPs during monitoring. The EMA will submit the Resettlement Audit Report upon completion of compensation payment to PAPs.

E. Deliverable, Time Schedule, and Reporting Requirement

11. The EMA shall produce the following deliverables and submit them simultaneously to the DOTr's PMO and JICA/ADB.

- (i) **Inception Report.** The report will describe the work plan, time frame, site visits, monitoring methodology, presentation of monitoring indicators, and proposed reporting template for quarterly reports. The report will be reviewed and revised to address comments by PMO, JICA and ADB prior to finalization.
- (ii) **Semi-annual Monitoring Report.**
 - The monitoring report will present monitoring results, recommendations, and records of consultations. The presented information shall relate to the agreed monitoring indicators and be disaggregated as appropriate.
 - The report shall detail (a) the assessment on the extent to which the RAP implementation is compliant with the requirements set out in the RAP, (b) the

³⁴ The EMA is not expected to purposely target for interview cases undergoing the GRM process from information obtained through review of GRM documentation unless specifically requested by DOTr.

progress in achieving RAP objectives, and (c) the recommended Corrective Action Plans (CAP) as appropriate.

- The EMA is required to describe any outstanding actions which are required to bring resettlement activities in line with the RAP and further mitigation measures to meet the needs of any PAPs recognized and/or self-perceived to be worse off in the aftermath of project implementation. When the living standards of the PAPs are not improved or become worse, or their present means of livelihood become unviable, the DOTr, in coordination with other appropriate institutions, will provide assistance.
- The report will verify information provided in the PMO's internal monitoring reports and RAP completion reports (including upon completion of disbursement and compensation and assistance of any given section to be handed over for civil works, following completion of resettlement sites and following completion of relocation).
- The evaluations in the report will assess progress on the extent to which living standards and livelihoods of PAPs are viable and meet at least national minimum standards in accordance with the agreed monitoring indicators and reporting formats. The assessments will indicate the appropriateness of the assistance provided and whether DOTr needs to modify the assistance to enable achievement of these objectives.
- The report will also feature case studies, and the results will be presented in meetings or workshops.

- (iii) **Resettlement Audit/Evaluation Report/Project Completion Report.** The post-completion report will be produced in 6 to 12 months following project completion or loan closing. The report will present an evaluation on the extent RAP implementation compliance with the RAP requirements and ADB and JICA policy requirements and the extent to which the objectives of the RAP have been achieved. It will feature the evaluation of the RAP and LRIP implementation for the Project. The report shall also describe any lessons learned that might be useful for future activities.

12. The deliverables and corresponding time schedule for external monitoring are summarized in Table 1.

Table 12: Table 1: Deliverable, Time Schedule, and Reporting Requirement

| Deliverable | Time Schedule | Reporting Requirement |
|--|--|---------------------------|
| Inception Report | One month after mobilization | EMA ⇒ DOTr, JICA, and ADB |
| Semi-annual Monitoring Report | Every six months until the end of loan closing | EMA ⇒ DOTr, JICA, and ADB |
| Resettlement Audit/Evaluation Report/Project Completion Report | 6-12 months after project completion or loan closing | EMA ⇒ DOTr, JICA, and ADB |

F. Team Composition and Qualification Requirement

13. The Consultant shall be an independent firm with proven capacity and experience in monitoring and evaluating RAP implementation and livelihood and income restoration programs, as well as conducting qualitative and quantitative research. The Consultant is required to have working experience in the Philippines.

14. The minimum key positions required will be one (1) Team Leader, four (4) Monitoring and Evaluation (M&E) Specialists, and two (2) Social Development Specialists, and one (1) licensed real estate appraiser as shown in Table 2. The Consultant, nevertheless, may propose a change in the composition of the team in order to successfully implement undertakings of external monitoring. If necessary, the Consultant can be assisted by trained social enumerators.

Table 13: Table 2: Team Composition

| Position | Number |
|---|----------|
| Team Leader/Senior Land Acquisition & Resettlement Specialist | 1 |
| Monitoring & Evaluation Specialist | 4 |
| Social Development Specialist | 2 |
| Licensed Real Estate Appraiser | 1 |
| Total | 8 |

15. The minimum qualifications and experience for the Team Leader is the following;
- (i) at least a Master's Degree in Anthropology, Sociology, or any other relevant degrees in social science or commensurate professional experience;
 - (ii) at least 10 years of working experience in land acquisition and resettlement activities, community development, or social safeguard compliance;
 - (iii) strong knowledge about safeguard policies of ADB and JICA;
 - (iv) must have the ability to hold discussions both with the decision-makers and at the grassroots; and
 - (v) good communication and reporting skills including fluency in English, Filipino, and a local language (if required) to the DOTr and JICA/ADB.
16. For the other specialists, the following are required qualifications and experience:
- (i) at least a university degree in Anthropology, Sociology, or any other relevant degrees in social science or commensurate professional experience;
 - (ii) for the real estate appraiser, the individual has to be licensed and have a relevant university degree such as in engineering, accounting, or other related fields. The individual should have at least five (5) years of relevant work experience in the Philippines.
 - (iii) at least five (5) years of working experience in M&E, participatory community development, and gender and development projects;
 - (iv) strong knowledge about qualitative and quantitative action-oriented research methods including consultation procedures, focus group discussion (FGD), data collection and structured interview techniques; and

- (iv) good communication and reporting skills including fluency in English, Filipino, and a local language (if required) to the DOTr and JICA/ADB.

Appendix 6: Example Grievance Claim Log Sheet

| Reference No. | Sex | Date and Place | Manner in which the claim was received | Name of person receiving the grievance claim | Topic | Name and contact details of claimant | Acknowledgement delivered | Reporting Form Completed |
|----------------------|------------|-----------------------|---|---|--------------|---|----------------------------------|---------------------------------|
| G001 | | | | | | | | |
| G002 | | | | | | | | |
| G003 | | | | | | | | |
| G004 | | | | | | | | |
| G005 | | | | | | | | |
| G006 | | | | | | | | |
| G007 | | | | | | | | |
| G008 | | | | | | | | |
| G009 | | | | | | | | |
| G010 | | | | | | | | |

Appendix 7: Example Grievance Action Form

| | |
|---|---|
| Reference number | |
| Claimant's name/s | |
| Claimant's sex | |
| Contact details* | <i>Telephone:</i> |
| <i>*Contact information, including names, to be kept confidential</i> | <i>Email:</i> |
| | <i>Address/location:</i> |
| Date of receipt | |
| Name of person receiving the claim | |
| Method of receipt | In person By telephone In writing |
| Summary | |
| Response (Date, status, action required, due date) | |
| Date claim closed | |
| Monitoring dates and outcomes | |