



# Resettlement Policy Framework

May  
2015

**Environmental Impact Assessment and Social  
Impact Assessment Studies for the Proposed  
Metro Manila BRT Line - 1 Project**



Ref. No.: CPI-BRT-RFP-0515-001

14 May 2015

**DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS**

The Columbia Tower  
Brgy. Wack Wack, Ortigas Ave.  
1555 Mandaluyong City

Attention: Zayra Domini P. Abraham  
Technical Staff, Planning and Finance

Subject: **Submission of Resettlement Policy Framework**  
**Re: Environmental Impact and Social Impact**  
**Assessment Studies of the Proposed Metro Manila BRT**  
**Line - 1 Project**

Dear Sirs/Madams:

In connection with our engagement as Project Consultant for the above mentioned subject, we are pleased to submit this Resettlement Policy Framework (RPF) for your review and perusal. This is being submitted in lieu of the Resettlement Plan as recommended by the World Bank.

We wish to ask for your comments, suggestions and guidance in the finalization of this report.

Thank you.

Very truly yours,



**Delfin C. San Pedro, Ph.D.**

Managing Director for Consultant and  
Engineer Services

Title	<b>Resettlement Policy Framework</b> Environmental Impact Assessment and Social Impact Assessment Studies for the Proposed Metro Manila BRT Line -1 Project
-------	---

Author (s)	Delfin C. San Pedro, Ph.D. Team Leader	Date:05.14.2015
	Welesito M. Rombaua Dennis R. Sadama Aris B. Marilao	
Authorized	Catalino T. Taclibon Jr. President, CPI Total Corporation	Date: 05.14.2015

**Document Revision Table**

Version Number	Date of Issue	Author(s)	Brief Description of Change(s)
1	21 April 2015	Delfin San Pedro + Team	
2	14 May 2015	Delfin San Pedro + Team	Revised per request for improvement by WB and DOTC dated 13 May 2014

The content of this report constitutes technical assistance provided solely for the project purpose and its terms of reference and is the sole responsibility of **CPI Total Corporation**. The views expressed herein cannot be taken to be the opinion of the Department of Transportation and Communications (DOTC) or the World Bank (WB).

The authors welcome further discussion of issues raised in this report.

This report, and other project reports, should not be distributed without the written authorization of **DOTC**.

**TABLE OF CONTENTS**

<b>EXECUTIVE SUMMARY</b>	<b>1</b>
<b>1.0 INTRODUCTION</b>	<b>6</b>
<b>2.0 OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK</b>	<b>6</b>
<b>3.0 DESCRIPTION OF THE PROJECT</b>	<b>8</b>
3.1 General	8
3.2 Bus Stations	8
3.3 Bus Depots	8
3.3.1 Land Area Requirement	8
3.3.2 Features Of The Depot	9
3.3.3 Depot Location Considerations	10
<b>4.0 POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK</b>	<b>10</b>
4.1 Land Acquisition and Resettlement Policies	10
4.2 Comparison Between Philippine Government and World Bank Policies on Land Acquisition and Resettlement	15
<b>5.0 DEPOT SITE LAND ACQUISITIONS</b>	<b>18</b>
5.1 Recommended Depot Sites in the Detailed Technical Study	18
5.2 Site Selection Criteria	18
5.3 North Depot Alternative Sites	19
5.4 South Depot Alternative Sites	31
<b>6.0 DEPOT DEVELOPMENT IMPACTS</b>	<b>36</b>
6.1 Environmental Impacts and Management Plan	36
6.2 Social Impacts	36
6.3 Environmental And Social Management Plan (ESMP)	37
<b>7.0 LAND ACQUISITION PLAN</b>	<b>38</b>
7.1 Steps in Land Acquisition	38
7.2 Determining Fair Market Value	38
7.3 World Bank's Protocol In Land Acquisition	39
<b>8.0 RESETTLEMENT POLICY FRAMEWORK</b>	<b>39</b>
8.1 Resettlement Principles	39
8.2 Process for Preparing and Approving Resettlement Plans	40
8.2.1 Disclosure of the Resettlement Policy Framework (RPF)	40

8.2.2	Identification of Project Impacts and Affected Populations .....	41
8.2.3	Detailed Measurement Survey (DMS) .....	41
8.2.4	Census and Tagging .....	41
8.2.5	Socioeconomic Survey .....	42
8.2.6	Replacement Cost Survey (RCS) .....	43
8.2.7	Preparation of Compensation and Entitlements .....	43
8.2.8	Submission and Approval .....	43
8.3	Estimated Population Displacement and likely Categories of DPs .....	43
8.4	Entitlement Eligibility .....	43
8.5	Guidelines on Entitlement .....	46
8.6	Methods of Valuing Affected Assets .....	47
8.6.1	Residential/commercial/Industrial/Institutional/ Agricultural land .....	47
8.6.2	Land Tax in Arrears .....	47
8.6.3	Compensation for Structures .....	48
8.6.4	Compensation for Crops and Trees .....	48
8.6.5	Other Types of Assistance or Entitlements .....	49
<b>9.0</b>	<b>IMPLEMENTATION PROCESS, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS .....</b>	<b>50</b>
9.1	Land Acquisition/Resettlement Plan Appraisal .....	50
9.2	Land Acquisition/Resettlement Plan Approval .....	51
9.3	Land Acquisition/Resettlement Implementation .....	51
9.3.1	RP Review and Finalization of Legal Documents .....	51
9.3.2	Payments Processing .....	52
9.3.3	Acquisition and Clearing of Land and Consolidation of Title .....	53
9.3.4	Funding Resettlement .....	53
<b>10.0</b>	<b>ORGANIZATIONAL PROCEDURES TO DELIVER ENTITLEMENTS .....</b>	<b>54</b>
<b>11.0</b>	<b>CONSULTATION AND PARTICIPATION OF DISPLACED PERSONS .....</b>	<b>56</b>
11.1	Plans for Participation .....	56
11.2	Planning phase .....	56
11.3	Implementation Phase .....	57
<b>12.0</b>	<b>GRIEVANCE REDRESS MECHANISM .....</b>	<b>57</b>
<b>13.0</b>	<b>MONITORING MECHANISM .....</b>	<b>58</b>
13.1	Monitoring Plan .....	58
13.2	Updating .....	59

**LIST OF TABLES**

Table ES 1	Entitlement Matrix .....	3
Table 3.3.1	Depot Area Requirements .....	9
Table 4.2.1	Comparative Analysis Between Philippine Policies and Laws on Entitlements to Project Affected Persons (PAPS) With WB'S Social Safeguard Policies .....	16
Table 5.3.1	Site Assessment Matrix for Candidate North Depot Locations .....	26
Table 5.4.1	Site Assessment Matrix for Candidate South Depot Locations .....	33
Table 6.2.1	DENR Standards for Noise by Area Classification of Receptors.....	37
Table 8.4.1	Eligibility Entitlement Matrix and Involuntary Resettlement for Metro Manila BRT Line -1 Project.....	44
Table 10.0.1	Agencies And Institutions Involved in the Implementation of Involuntary Resettlement .....	54

**LIST OF FIGURES**

Figure 1.1.1 Metro Manila BRT Line-1 Project Running Way,  
Services and Stations ..... 7

Figure 3.3.1. Operationally Efficient Depot Arrangement ..... 9

Table 4.2.1: Comparative Analysis between Philippine policies and laws on  
entitlements to project affected persons (PAPs) with WB's  
social safeguard policies..... 16

Figure 5.1.1 Proposed North Depot 1 (Silva Property) ..... 20

Figure 5.1.2 Proposed North Depot 2 (Maligaya Farm) ..... 21

Figure 5.1.3 Proposed South Depot (PVAO Property) ..... 22

Figure 5.3.1 Canillo / Delos Santos Property ..... 24

Figure 5.3.2 SM Fairview Rear Parking Lot ..... 25

Figure 5.4.1 Ace Citi Development Corporation Property ..... 32

## **ABBREVIATIONS AND ACRONYMS**

Approx.	Approximate
AUVs	Asian Utility Vehicles
BRT	Bus Rapid Transit
CIP	Corridor Improvement Project
DOTC	Department of Transportation and Communications
ESIA	Environmental and Social Impact Assessment
FS	Feasibility Study
Ha. / ha.	Hectare
IRR	Implementing Rules and Regulations
ITP	Integrated Transport Planning Ltd.
Km	Kilometer
LAP	Land Acquisition Plan
LGUs	Local Government Units
LOI	Letter of Interest
M	Meter
m <sup>2</sup>	Square meter
OP	Operational Policies
PUB	Public Utility Buses
PUJs	Public Utility Jeepneys
PVAO	Philippine Veterans Affairs Office
RA	Republic Act
RAP	Resettlement Action Plan
ROW	Right-of-way
RPF	Resettlement Policy Framework
sq. m.	Square meter
Stn.	Station
TCTs	Transfer Certificate of Titles
WB	World Bank



## **EXECUTIVE SUMMARY**

1. This Resettlement Policy Framework (RPF) is prepared specifically for the north and the south depot components of the Proposed Metro Manila Bus Rapid Transit (BRT) Line 1 Project (Metro Manila BRT Line – 1). This is submitted as a subcomponent of the Environmental and Social Impact Assessment Studies for the project.
2. It has been determined that no land taking is going to take place along the Metro Manila BRT Line – 1 corridor or around the proposed BRT stations. Land will however be acquired for the depot components of the project. The sites for the depots are yet to be identified by the project proponent and therefore the need for involuntary resettlement is yet to be established. In view of this, the World Bank (WB) representatives recommended the formulation of RPF as an appropriate involuntary resettlement instrument. The RPF is prepared in accordance with WB's social safeguards requirement as provided for under its Operational Policy (OP) 4.12, Involuntary Resettlement, and applicable policies of the Philippine government.
3. The primary objective of Metro Manila BRT Line – 1 Resettlement Policy Framework (RPF) is – to guide the acquisition of land required in project implementation and serve as a policy framework in case of the need for involuntary resettlement.
4. The proposed project will include investments in bus ways, terminals, stations, depots, control systems, and fare collection equipment and software, development of a feeder route system and pedestrian access including sidewalks, footbridges and street lighting. BRT stations are placed at locations where demand is concentrated and that they can be built without land purchase. There are 14 pairs of stations and three (3) separate stations between Manila City Hall and Philcoa and 14 pairs of stations between Philcoa and Fairview. The Manila BRT is proposed to have two depots. Based on the Detailed Technical Study, an area of approximately 3.2 hectares (ha) will be required to cover the vehicle requirement (148 buses) for the Manila - Fairview service (North Depot); and an area of approximately 1.9 ha to cover the vehicle requirement (90 buses) for the Manila - Philcoa service (South Depot). The depot will be the bus system operating base. It will provide parking accommodation, servicing and maintenance facilities for vehicles, an administrative function, and facilities for staff.
5. Land acquisitions for the depots shall be in accordance with applicable national and local government legislations and ordinances, applicable administrative orders of the Implementing Agency for the Manila BRT - the DOTC, and pertinent operating policies of the World Bank, as the

donor or source of financing in project preparation studies and project implementation. These include, among others: (1) Republic Act (RA 8974) and its Implementing Rules and Regulations (IRR) dated July 3, 2001 - an act to facilitate the acquisition of right-of-way, site or location for national government infrastructure projects and for other purposes; (2) DOTC Department Order No. 2009-18 – Guidelines and Procedures in the Acquisition of Right-of-Way, Site or Location for DOTC Infrastructure Projects - this department order provides guidelines in land acquisition for DOTC projects taking into consideration the IRR for RA 8974; (3) DOTC Department Order No. 2013-05 – Creation of a Technical Working Committee for the Acquisition of Sites/Right-of-Way for the Department's Infrastructure Projects; and (4) OP 4.12 of the World Bank.

6. The depot locations stated in the Detailed Technical Study are no longer available. The recommended location in the DTS for the north depot site is now undergoing development for residential condominiums and commercial complexes. The other alternative site, Maligaya Farm, which is approximately 1.5 kilometers away from the nearest BRT station, was found to be not a viable option because the access road is a narrow, one-lane street passing through a busy commercial and densely populated residential areas with more than five (5) sharp turns. On the hand, initial investigation by the Project Team on the DTS' recommended south depot site which is owned by the Philippine Veterans Affairs Office (PVAO), is not for sale since it is a donated property under a Presidential Proclamation. As such, PVAO is therefore not in a position to sell the land. It was also gathered that the property has no Transfer Certificate of Title (TCT). In the absence of definite locations for the depots, the Project Team is therefore advised to prepare this Resettlement Policy Framework (RPF) in lieu of the Resettlement Plan (RP) that is on the TOR.

7. The next steps in the land acquisition of the depots shall be based on applicable operating policies of the World Bank and government policies set forth in DOTC Administrative Order 2009-18 dated May 18, 2009 or the Guidelines and Procedures in the Acquisition of Rights-of-Way and Site or Location for DOTC Infrastructure Projects and DOTC Administrative Order 2013-05 dated March 5, 2013 or the Creation of Technical Working Committee for the Acquisition of Sites/Rights-of-Way for DOTC Infrastructure Projects.

8. The depot site acquisition must be fully compliant with RA 8974 and its IRR as well as with the World Bank's WB's specific requirements, among others, (1) The land acquired will be free from any disputes on ownership and encumbrances; (2) The Implementing Agency (DOTC) will ensure that the subproject will not cause adverse impacts on sources of incomes and livelihood of community; (3) Negotiation is done in a transparent manner. Negotiation proceedings will be documented and final agreement would be

witnessed by barangay officers; (4) Negotiated amount will be paid within one (1) month from the date of finalization and civil works can be initiated one (1) month after compensation is paid; (5) Negotiated agreements including maps will be disclosed in DOTC's website; and (6) DOTC will submit completed documents to the BRT-National Project Management Office (BRT-NPMO) and copy furnished the WB to show the process used for obtaining the required land.

9. Project Affected Persons (PAPs) or Displace Persons (DPs) are entitled to social safeguards under applicable Philippine laws and WB safeguard standards. The following entitlement matrix (Table ES 1) will serve as a guideline for entitlement eligibility.

**Table ES 1: Entitlement Matrix**

TYPE OF LOSS	MAGNITUDE AND CHARACTERISTIC	ELIGIBLE PERSONS	ENTITLEMENT
<b>A. Land</b>	Full	Owner	Full cash compensation at replacement cost without deduction for capital gains, documentary stamp, transfer taxes, and other directly related transaction costs
	Partial	Owner	Full cash compensation at replacement cost for the affected portion without deduction for capital gains, documentary stamp, transfer taxes, survey costs, cost of new subdivision plan, and other transaction costs.
<b>B. Structure</b>	Full	Owner-Occupant	Full cash compensation at replacement cost for the affected structure without deduction for (i) salvaged/salvageable materials; (ii) depreciation. Replacement cost includes not only the cost of materials but also the cost of (i) architectural services; (ii) hauling cost of materials; (iii) labor cost; (iv) cost of reinstalling utilities; (v) contractor's profits; and (vi) cost of processing or securing the necessary government permits. Cost of transferring to the new structure, including any loss of wages or income incurred in the process.
		Renters	Full cash compensation at replacement cost for any fixed improvements introduced. Cost of transferring to the new structure, including any loss of wages or income incurred in the process.

TYPE OF LOSS	MAGNITUDE AND CHARACTERISTIC	ELIGIBLE PERSONS	ENTITLEMENT
	Partial	Owner-Occupant	Full cash compensation at replacement cost for the affected portion of the structure without deduction for (i) salvaged/salvageable materials; (ii) depreciation. Replacement cost includes not only the cost of materials but also the cost of (i) architectural services; (ii) hauling cost of materials; (iii) labor cost; (iv) cost of reinstalling utilities; (v) contractor's profits; and (vi) cost of processing or securing the necessary government permits. If owner occupant requires a separate dwelling, while repair is ongoing, a rental subsidy equivalent to the estimated time it will take to repair the structure. Cost of transferring to the provisional structure and returning to the repaired structure, including any loss of wages or income incurred in the process.
		Renter	Full cash compensation at replacement cost for the fixed improvements introduced by the renter. In consultation with the owner, guarantee to continue renting the facility upon completion of repair. Rental period will be equivalent to the unutilized portion of the contract and same rental rates will apply. If renter requires a separate dwelling, while repair is ongoing, a rental subsidy equivalent to the estimated time it will take to repair the structure. Cost of transferring to the provisional structure and returning to the repaired structure, including any loss of wages or income incurred in the process. If renter does not opt to return, the project will shoulder the cost of transferring to the new structure, including any loss of wages or income incurred in the process.
	Informal (Commercial)	Encroachers on public ROW	No compensation for structures; loss of business income capped at a maximum of five (5) days while structure is reorganized or transferred; Retention of ownership of salvaged materials.
	Informal Settlements (Residential and Mixed Residential and Commercial)	Owner-Occupants	First priority to receive a house and lot with security of tenure in a government relocation site. Free transportation to the relocation site. Free food or food allowance. Retention of ownership of salvaged materials. Loss of business income during the transfer capped at a maximum of five (5) days

TYPE OF LOSS	MAGNITUDE AND CHARACTERISTIC	ELIGIBLE PERSONS	ENTITLEMENT
		Renters	Second priority to receive house and lot with security of tenure in government relocation. If not awarded, explore moving in with original household. If moving in is impossible, cost of transferring to new rental housing. Food allowance.
		Sharers	Third priority to receive house and lot with security of tenure in a government relocation site. If not awarded, explore moving in with original household. If moving in is impossible, cost of transferring to new rental housing. Food allowance.
		Absentee Structure Owners	Considered professional squatters under R.A. 7279; no compensation
	Utilities	Private Utility Company	If facilities are located in public ROW, utility company usually shoulders the cost of relocation to a new site or reconstruction in the new site. If facilities are located in private land, the project shoulders the cost of transferring or reconstruction, if the facility needs to be demolished.
<b>C. Income</b>	Temporary closure as business is relocated off-site.	Workers	Lost wages for days without work due to closure and transfer of the enterprise to new site. The maximum is one (1) month.
		Enterprise Owners-Renters	Lost net income for days of business closure due to transfer of the enterprise to the new site. The maximum is one (1) month.
		Land and/or Structure - Owner	Rental contracts usually stipulate forfeiture of deposit (1 or two months) if contract is pre-terminated; therefore no compensation for lost rental income is given.
	Permanent Closure	Workers (Temporary; Daily Wage)	Compensation for lost wages equivalent to the remaining days in the contract (usually less than six months).
Workers (Permanent or Tenured)		The entitlements for permanent workers found in the Labor Code or the Collective Bargaining Agreement (if the establishment has one) will be followed	

10. Complaints about land acquisition for the implementation of the Manila BRT project during the construction and operation phases shall be handled by (1) the Resident Ombudsman who is a designated Observer in the Technical Working Committee (TWC) for Acquisition of Sites/Rights-of-Way for DOTC's Infrastructure Projects per DOTC Department Order No. 2013-05; (2) the TWC; and (3) the concerned Local Government Unit's Office of Legal Affairs, in particular the Quezon City LGU and the City Manila LGU Offices of Legal Affairs. Grievance and complaints will be handled through expeditious consultations between the DOTC's Legal Services Division and the project affected people (PAP) or entity with the goal of arriving at a mutually agreeable solution or consensus.

## 1. INTRODUCTION

11. This Resettlement Policy Framework (RPF) is prepared as a component of the Environmental Impact Assessment and Social Impact Assessment (ESIA) Studies for the Proposed Metro Manila Bus Rapid Transit (BRT) Line 1 Project (Metro Manila BRT Line – 1). Land will be acquired for the depot components of the project while it has been determined that no land taking is going to take place along the Metro Manila BRT Line – 1 corridor or around the proposed BRT stations. The site has not yet been identified by the project proponent and therefore the need for involuntary resettlement is yet to be established. In view of this, the RPF is recommended by World Bank (WB) representatives as the appropriate involuntary resettlement instrument to be produced by the ESIA Consultant. The RPF is prepared in accordance with WB's social safeguards requirement as provided for under its Operational Policy (OP) 4.12, Involuntary Resettlement<sup>1</sup>, and applicable policies of the Philippine government.

12. The Metro Manila BRT Line – 1 project is based on the WB-funded 2013 Detailed Technical Study submitted to the Department of Transportation and Communication (DOTC) by Integrated Transport Planning Ltd. (ITP). DOTC in association with Manila City and Quezon City local government units (LGUs) intends to develop a BRT Corridor between Manila City Hall in the South West and Commonwealth Avenue in the North East of Metro Manila (**See Figure 1.1.1**).

## 2. OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK

13. The primary objective of Metro Manila BRT Line – 1 Resettlement Policy Framework (RPF) is – to guide the acquisition of land required in project implementation and to serve as a policy framework in case of the need for involuntary resettlement. Specifically, this RPF aims to:

- a) Present a land acquisition plan for the proposed depot locations;
- b) Assessment social impact of land acquisition and development and provide mitigating measures and a social management plan;
- c) Present the policy framework for involuntary resettlement of Displaced Persons (DPs) that may be required in the project implementation;
- d) Articulate policies such that DPs and other stakeholders are meaningfully consulted in all phases of project implementation in order

---

<sup>1</sup> See World Bank's Operational Policy 4.12, December 2001 rev. April 2013, p. 9, paragraph 28.

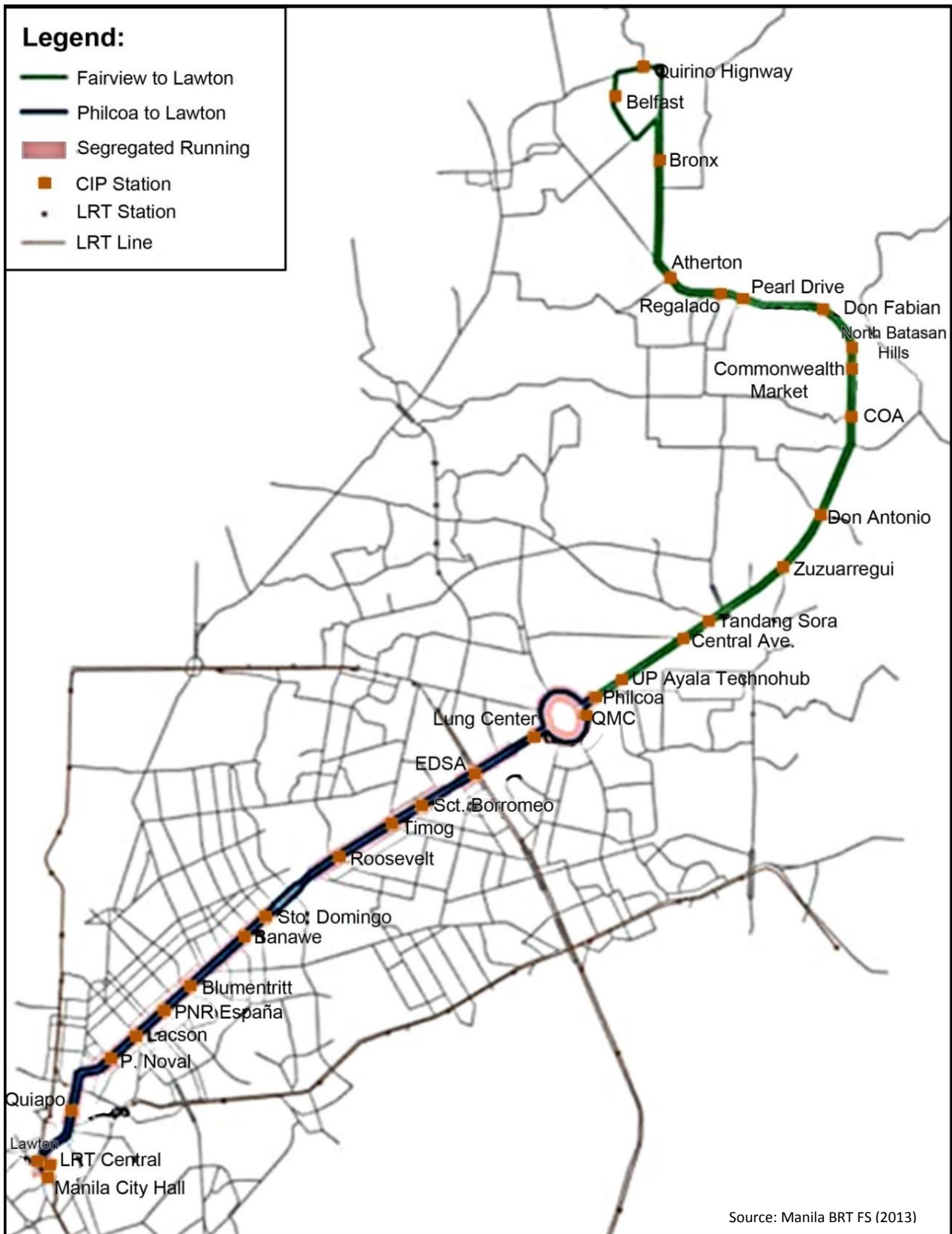


Figure 1.1.1: Metro Manila BRT Line-1 Project Running Way, Services and Stations

to give them every opportunity to participate in matters that impacts on their lives and their community; and,

- e) Present a proposed institutional arrangement for land acquisition and resettlement within the context of Philippine laws and jurisprudence and in keeping with World Bank policy standards prior to the actual project implementation.

### **3. DESCRIPTION OF THE PROJECT**

#### **3.1. General**

14. The proposed project will include investments in bus ways, terminals, stations, depot(s), control systems, and fare collection equipment and software, development of a feeder route system and pedestrian access including sidewalks, footbridges and street lighting. The project will also finance investments in side streets to manage traffic diversion during the construction period. Buses are tagged and receive priority through signalized intersections en-route. This provides interface with an Intelligent Traffic System (ITS) enabling buses to be tracked through the system for the purposes of operational management and to give real time passenger information at stations.

#### **3.2. Bus Stations**

15. Stations are placed at locations where demand is concentrated and that they can be built without land purchase. Enclosed stations are proposed between Manila City Hall and Philcoa whereby passengers pay on entry via Smartcard (if DOTC smart ticketing has been procured) or other form of payment. Between Philcoa and Fairview stations are similar in design, but open, with ticket sales in station and verified on-board the bus. There are 14 pairs of stations and 3 separate stations between Manila City Hall and Philcoa and 14 pairs of stations between Philcoa and Fairview.

#### **3.3. Bus Depots**

##### **3.3.1. Land Area Requirement**

16. The Manila BRT is proposed to have two depots. Based on the Detailed Technical Study, an area of approximately 3.2 hectares (ha) will be required to cover the vehicle requirement (148 buses) for the Manila - Fairview service (North Depot); and an area of approximately 1.9 ha to cover the vehicle requirement (90 buses) for the Manila - Philcoa service (South Depot). **Table 3.3.1** summarizes the depot area requirements.



**Table 3.3.1: Depot area requirements**

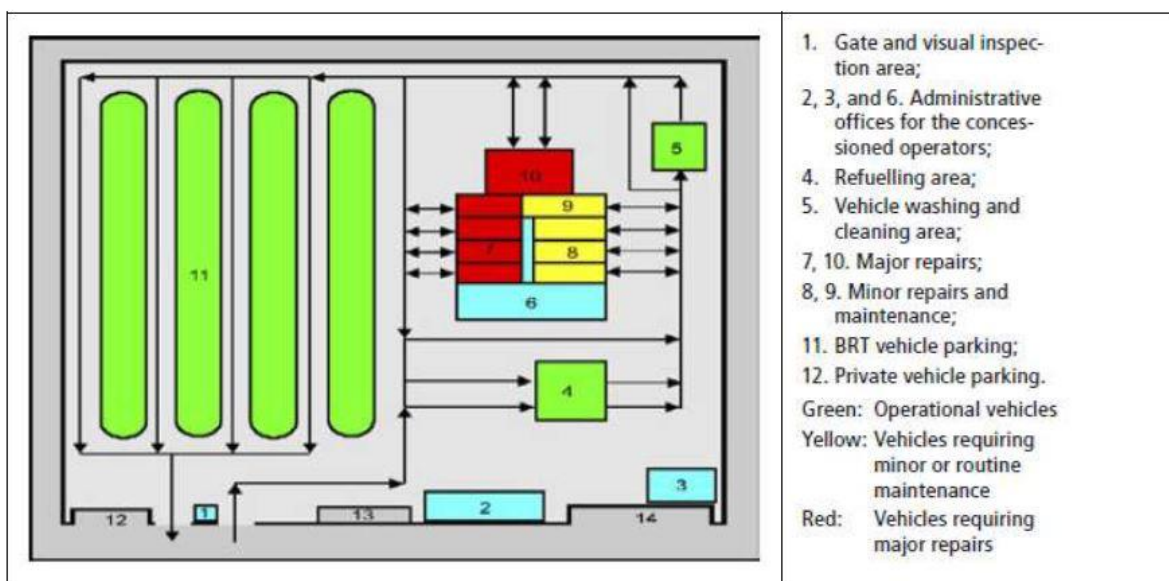
Location	Service Area	No. of Buses Served	Area Required
North Depot	Manila - Fairview Service	148	3.2 hectares
South Depot	Manila - Philcoa Service	90	1.9 hectares

**3.3.2. Features of the Depot**

17. The depot will be the bus system operating base. It will provide parking accommodation, servicing and maintenance facilities for vehicles, an administrative function, and facilities for staff. The Detailed Technical Study cited that as a pre-requisite, the depot must provide the following features required to operate efficiently:

1. Direct and secure access of highway through suitable and efficient intersection design;
2. Bus parking area, based on saw tooth arrangement; thus allowing independent movement of vehicles;
3. Employee/visitor parking;
4. Taxi/PUJ drop off/pick up area;
5. Administration offices, canteen and rest areas for staff;
6. Bus fuelling/wash area;
7. Fuel storage area; and
8. Inspection and maintenance area.

18. **Figure 3.3.1** shows the standard depot layout.



**Figure 3.3.1. Operationally Efficient Depot Arrangement**

### **3.3.3. Depot Location Considerations**

19. The Detailed Technical Study suggested the following considerations in locating the depots:

1. Proximity to system terminal (close proximity maximizes efficiency by minimizing 'dead running' – operation without collecting revenue);
2. Environmental impact – depots are noisy, are lit at night (for maintenance) and aesthetically unattractive. They involve contaminated materials which need to be managed effectively;
3. Social impact – depots can have a negative impact upon the lives of those living and working nearby. Social impact and appropriate mitigating measures must be considered including improved access to the site;
4. Appropriate land use – depots are more compatible with light industry uses than residential and commercial due to the impacts described above; and
5. Cost – high value land may be inappropriate for a depot as the income gained from bus operation is far less than that of commercial uses.

## **4. POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK**

### **4.1. Land Acquisition and Resettlement Policies**

20. Land acquisitions for the depots shall be in accordance with applicable national and local government legislations and ordinances, applicable administrative orders of the Implementing Agency - the DOTC, and pertinent operating policies of the World Bank. These legislations, ordinances, and policies form the operating policy framework or guidelines under which land acquisition and involuntary resettlement shall be undertaken. Of particular importance are the following:

- a) 1987 Constitution of the Republic of the Philippines

The following provisions in the 1987 Philippine Constitution serves as the basic legal foundation for land acquisition and resettlement policies:

- i. Article II, Section 10: The State shall promote social justice in all phases of development;

- ii. Article III, Section 9: Private property shall not be taken for public use without just compensation;
- iii. Article III, Section 11: Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty; and,
- iv. Article XIII, Section 10: Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with the law and in a just 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.

b) Republic Act 7160 s. 1991- Local Government Code

21. The passage of the Local Government Code has greatly empowered the local government units (LGUs) while at the same time increase its accountability to its constituents. These powers, as it applies to the Metro Manila BRT Line - 1, are in terms of eminent domain, land use, fiscal authorities, enhanced local legislation, special land transport franchising and enhanced authority over project implementation of national government agencies.

c) Republic Act 7279 s. 1992- Urban Development and Housing Act of 1992

- i. Based on Section 28 (b), eviction or demolition as a practice are discouraged, however, it may be allowed when government infrastructure projects with available funding are about to be implemented;
- ii. Section 29. Within two (2) years from the effectivity of this Act (RA7279), the local government units, in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the National Housing Authority, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families;
- iii. Section 22. To the extent feasible, socialized housing and resettlement projects shall be located near areas where employment opportunities are accessible. The government

agencies dealing with the development of livelihood programs and grant of livelihood loans shall give priority to the beneficiaries of the Program; and,

- iv. Section 23. The local government units, in coordination with the Presidential Commission for the Urban Poor and concerned government agencies, shall afford Program beneficiaries or their duly designated representatives an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion of their legitimate collective interest which shall include appropriate documentation and feedback mechanisms.

d) RA 8974 s. 2000 - An Act to Facilitate the Acquisition of Right-Of-Way (ROW), Site or Location for National Government Infrastructure Projects

22. This particular enabling law translates the constitutional provision of Article III Section 9, among others, pertaining to the use of or acquisition of private properties for government projects. The specific pertinent provisions, quoted here verbatim for emphasis and clarity, are as follows:

- i. Section 1 states that private property shall not be taken for public use without just compensation. Towards this end, the State shall ensure that owners of real property acquired for national government infrastructure project are promptly paid just compensation;
- ii. Section 2 states that the term —national government project<sup>II</sup> shall referred to all national infrastructure, engineering works and service contracts, including projects undertaken by government thus owned and controlled corporation, all projects covered by R.A. no. 6957, as amended by R.A. no. 7718, otherwise known as the Build-Operate-and-Transfer Law, and other related and necessary activities, such as site acquisition, supply and/or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair, and rehabilitation, regardless of the source of funding;
- iii. Section 3 states that the government may acquire real property needed as right-of-way, site or relocation for any national government infrastructure project through donation, negotiated sales, expropriation or any other mode of acquisition as provided by law;

iv. Section 5. Standard for the Assessment of the Value of Land Subject of Expropriation Proceedings or Negotiated Sale – In order to facilitate the determination of just compensation, the court may consider, among other well-established factors, the following relevant standards:

- 1) The classification and use for which the property is suited;
- 2) The development costs for improving the land;
- 3) The value declared by the owners;
- 4) The current selling price of similar lands in the vicinity;
- 5) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value for improvements thereon;
- 6) The size, shape and location, tax declaration and zonal valuation of the land by Bureau of Internal Revenue;
- 7) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
- 8) 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.

23. On the other hand, the Standard Bases in determining the assessment value of affected structures of displaced persons who are considered as informal settlers are as follows:

- 1) Classification of the type of the structure;
- 2) Size (area) of the affected structure; and,
- 3) Prevailing cost of type of materials used on the affected structure.

e) DOTC Department Order No. 2009-18 – Guidelines and Procedures in the Acquisition of Right-of-Way, Site or Location for DOTC Infrastructure Projects. This department order provides guidelines in land acquisition for DOTC projects taking into consideration the IRR for RA 8974.

f) DOTC Department Order No. 2013-05 – Creation of a Working Committee for the Acquisition of Sites/Right-of-Way for the Department's Infrastructure Projects. This department order names the composition of the Working Committee for site and R-O-W acquisition. It states that no infrastructure project shall be bid and/or commence unless the acquisition of site and/or right-of-way of lots affected by the project are determined/settled as certified by the Committee.

- g) Policy (LARRIPP) (2007): DPWH Policy and Guideline on Resettlement. Policy and guidelines of DPWH on resettlement are expressed in the Infrastructure Right of Way (IROW) Procedural Manual (April, 2003) and the Land Acquisition, Resettlement, Rehabilitation and Indigenous People's Policy (LARRIPP) (3rd edition in April, 2007).

24. On September 2012, the DPWH issued Department Order No. 66 to amend Section 2.12 of the IROW Procedural Manual Expropriation Proceedings. This new DO supersedes DPWH DO No. 5. Essentially, the new Department Order delved into the details of the expropriation procedure which DO No. 5 merely mentioned as the last mode of land acquisition. Department Order No. 66 also streamlined the current expropriation procedure. The Metro Manila BRT Line -1 Project is a road-based mass transport system and is located on a road that is considered to be within the jurisdiction of the DPWH. Considered alone, that would require the application of LARRIP as the over-riding guideline for land acquisition and resettlement. However, Metro Manila BRT Line -1 is also a new and different transportation infrastructure system that goes beyond the confines of the LARRIP. Where local standards are absent or unclear, the best option for consideration is the adoption of international best practices, and the bias should be for the best advantage of the DPs/displaced persons.

- h) RA 9285 s. 2004 - Alternative Dispute Resolution Act of 2004

25. The law, which was passed in 2004, was meant to promote alternative mechanisms to resolve disputes outside of judicial litigation, and to provide the means for using ADR as an effective tool. ADR system adopts such measures as mediation, conciliation, arbitration, or any combination of it to achieve speedy and efficient means of resolving cases pending before all courts. ADR is meant to be cost-efficient and effective. For the Metro Manila BRT Line -1 Project involving land acquisition and resettlement, especially when there are grievances to be addressed, it may be preferable to apply ADR to resolves such grievance when it does occur.

- i) World Bank - OP 4.12 Involuntary Resettlement (Revised April 2013)

26. The institution recognizes that involuntary resettlement can cause severe long-term hardship, impoverishment and environmental damage and thus, appropriate measures must be carefully planned and implemented to address these adverse impacts. For these reasons, the Bank through its policy on involuntary resettlement provided the following operating guidelines, to wit:

- i. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- ii. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs; and,
- iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

27. OP 4.12 requires that a resettlement plan or a resettlement policy framework be prepared. Particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children. Upon identification of the need for involuntary resettlement, OP 4.12 requires a census to be carried out to identify the persons who will be affected by the project, to determine who will be eligible for assistance, and to discourage the inflow of people ineligible for assistance.

#### **4.2. Comparison between Philippine Government and World Bank Policies on Land Acquisition and Resettlement**

28. Gaps between Philippine government policies and laws on entitlements to project affected persons (PAPs) and the WB's social safeguard policies contained in OP 4.12, Involuntary Resettlement were identified by comparative analysis. Measures to fill the gaps were proposed based on the principle that whichever applicable policy is best for the overall welfare of the PAP shall govern and shall be adopted. The comparisons of these policies are described in **Table 4.2.1**.

**Table 4.2.1: Comparative Analysis between Philippine policies and laws on entitlements to project affected persons (PAPs) with WB's social safeguard policies<sup>2</sup>**

<b>KEY ISSUES</b>	<b>PHILIPPINE POLICY</b>	<b>WORLD BANK POLICY</b>	<b>MEASURES TO FILL GAPS</b>
<b>Persons Considered as Project-Affected Persons (PAPs)</b>	PAPs consist of all members of a household who will be adversely affected by the project because their real property shall be acquired for government infrastructure projects	Persons/People impacted by Involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.	Everyone who occupies land or structure and those that conduct livelihood activities at cut-off date within the ROW limits shall be identified and properly recorded including their condition in life, and their personal circumstances.  Each person so identified shall be considered PAP and shall be classified accordingly to determine eligibility for any compensation or support towards a sustainable living condition.
<b>Loss of Income or Sources of Livelihood</b>	Silent regarding loss of income directly resulting from land acquisition.	Loss of income and transfer costs to a new site will be part of the entitlement of displaced persons.	The project should pay for any loss of income and transfer costs directly resulting from project-related or induced land acquisition.
<b>Treatment of Informal Settlers</b>	R.A. 7279 states that eligible homeless and poor informal settlers in urban areas are entitled to resettlement if they are affected by development projects. However, R.A. 7279 limits this to residential informal settlers and is silent on informal structures on public or private land used for commercial purposes.	For informal settlers, the payment of replacement cost for affected structures plus transfer costs, and costs of rehabilitation in the new site.	The project should implement a beneficiary award criteria system which prioritizes the award of lots and replacement housing to informal settlers who are actual occupants of affected land/structures. The project should announce a cut-off date to prevent further entry into the project area.  For structures that encroach on public lands and used for purely commercial purposes, compensation will be equivalent to the loss of business income only.

<sup>2</sup> Key discussions were gathered from Cebu Bus Rapid Transit Resettlement Action Plan, Department of Transportation and Communications, November 2012.



<b>KEY ISSUES</b>	<b>PHILIPPINE POLICY</b>	<b>WORLD BANK POLICY</b>	<b>MEASURES TO FILL GAPS</b>
<b>Taxes and Transaction Costs involved in the Transfer of Real Property</b>	Current practice is to deduct capital gains tax, documentary stamp tax, transfer tax, registration fees and administrative expenses from compensation of affected land and structures	Taxes, administrative fees, and other transaction costs are not to be deducted from the total compensation due the affected person/s	Since this is not a willing seller- willing buyer transaction type, the project should cover the cost of taxes, administrative fees, and other transaction costs.
<b>Valuation of Affected Land</b>	Philippine Constitution states that private lands expropriated or taken for the public interest shall be paid just compensation. The Supreme Court defines –just compensation as current market value less the cost of any future benefits the landowner may derive from residual land. In negotiated settlements, government offers compensation based on the schedule of market values of the LGU or BIR zonal valuation before proceeding with expropriation.	Uses replacement cost without deduction of any future benefits the landowner may derive from the residual land	The project should use replacement cost for the valuation of land, which for urban land is defined as – the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

KEY ISSUES	PHILIPPINE POLICY	WORLD BANK POLICY	MEASURES TO FILL GAPS
<b>Treatment of Residential and Business Renters</b>	Fixed improvements introduced by renters on the land or structures automatically belongs to the land owner, unless there is a specific provision that the owner will compensate the renter for any fixed improvements introduced by the latter. The practice is to ask the landowner to sign a waiver, allowing the renter to be paid compensation for any fixed improvements.	Renters do not receive compensation for fixed structures; however, assistance will be provided to them for transfer of residence and/ or business and lost income due to temporary closure while transfer is ongoing.	Compensation for fixed improvements introduced by the renter will be paid to the renter. Renter will be provided compensation for transfer costs and disturbance compensation for temporary closure of the business establishment while transfer is ongoing.

29. Based on the analysis of the respective policy provisions, the major gaps were found in the treatment of informal settlers. WB policies require that the internationally accepted best practice should be adopted. Where the gap exists, the policy that best protect and promote the rights and welfare of the PAPs shall be adopted. It is also recognized that in the event the Philippine government enters into agreement with World Bank to provide financing for the Metro Manila BRT Line -1, the provisions of WB's applicable operating policies would prevail over Philippine law where there are conflicts or where gaps exist.

## 5. DEPOT SITES LAND ACQUISITION

### 5.1. Recommended Depot Sites in the Detailed Technical Study

30. The proposed North Depot location stated in the Detailed Technical Study is no longer available as it is now a location of residential condominiums and commercial complexes that are undergoing development (**Figure 5.1.1**). Another site that was being considered is Maligaya Farm located about two (2) kilometers from the nearest proposed BRT proposed station (**Figure 5.1.2**). This location is only accessible through a narrow (one-lane) road with sharp curves and passes through built-up commercial and residential areas. On the proposed South Depot site, on the other hand, initial investigation by the Project Team revealed that the property of the Philippine Veterans Affairs Office (PVAO), which was originally

chosen in the previous study, is not for sale (**Figure 5.1.3**). According to a PVAO representative, it is a donated property under a Presidential Proclamation and PVAO is therefore not in a position to sell the land. It was also gathered that the property has no Transfer Certificate of Title.

## **5.2. Site Selection Criteria**

31. In the absence of definite locations for the depots, the Project Team identified alternative depot locations for both North and South and used a set of criteria in the site selection process while taking into account the depot location considerations that were given in the Detailed Technical Study. These criteria are as follows:

- (1) Lot size and potential for expandability;
- (2) Lot control (i.e., can be secured with proper fencing, number of access gates, and no security threat);
- (3) Site dimensional suitability (i.e., the lot plan is suitable for a depot plan or the lot can be configured to layout into an efficient depot/mixed land use/intermodal facility);
- (4) Current site uses and conditions/suitability to adjoining and nearby land uses;
- (5) Environmental considerations including conflicts on land use, presence of sensitive ecology, and expected water, biologic or historic resource impact;
- (6) Proximity to BRT stations and suitable/major road networks;
- (7) Potential for mixed-used development (i.e., can be used for commercial development to support the BRT, can be used as an integrated terminal/intermodal transport facility for PUJs and PUBs, and can provide parking areas for commuters owning cars); and
- (8) Legal and financial considerations including titles/TCTs, perceived legal problems, feasibility of land acquisition under OP 4.12 of WB, and relative price of the land.

32. Each alternative site is rated for each criterion as E or excellent, G or good, and P or poor. The site that rated well over the others is recommended for land acquisition as the depot location and for which this Land Acquisition Plan is being prepared.

## **5.3. North Depot Alternative Sites**

33. Four sites were considered for the location of the North Depot, such as:

34. *Depot Site 1: Silva Property (0.8 hectare), on the north side along Quirino Highway, located about 300 east of SM Fairview (See Figure 5.1.1).*

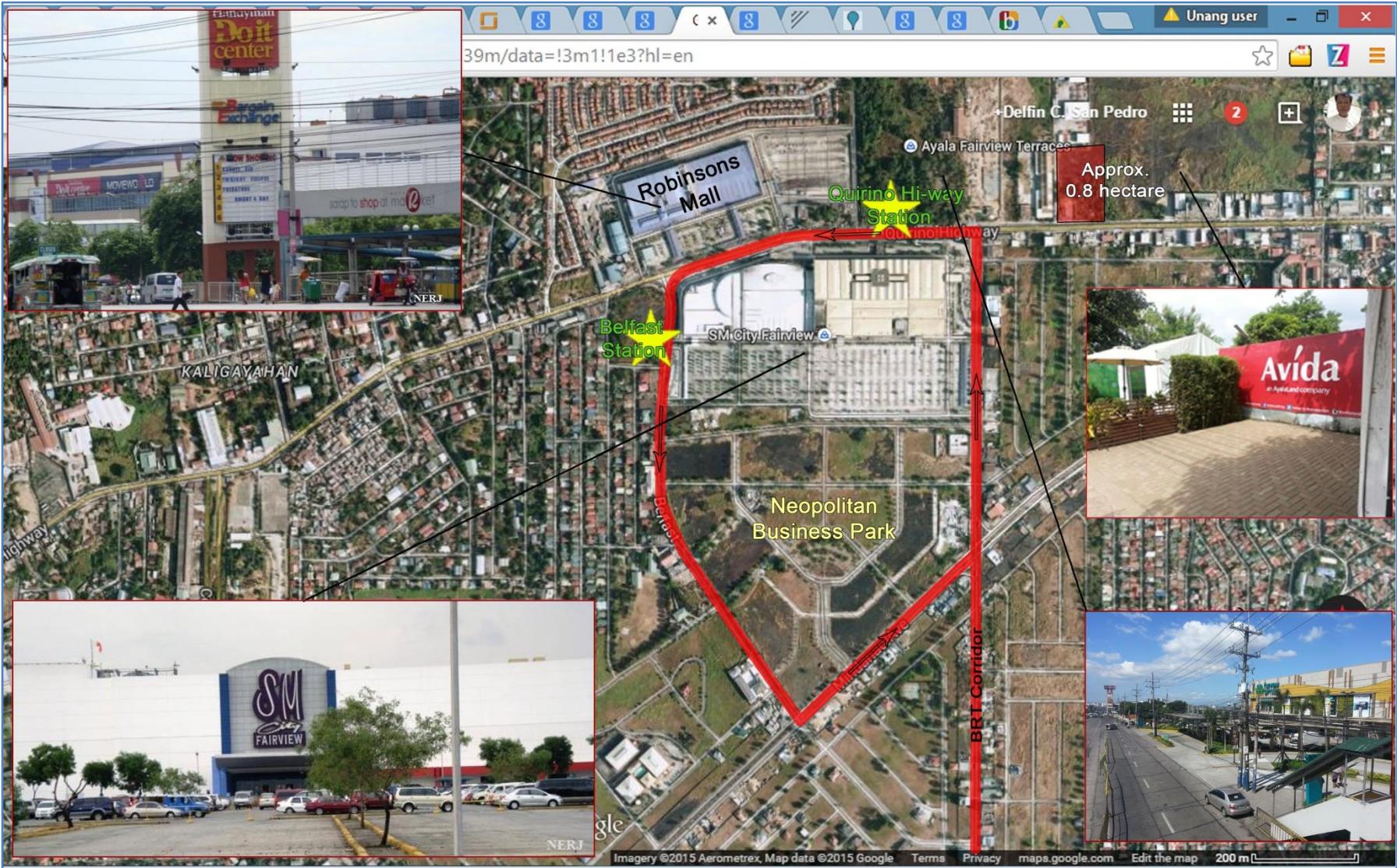


Figure 5.1.1: Proposed North Depot 1 (Silva Property)

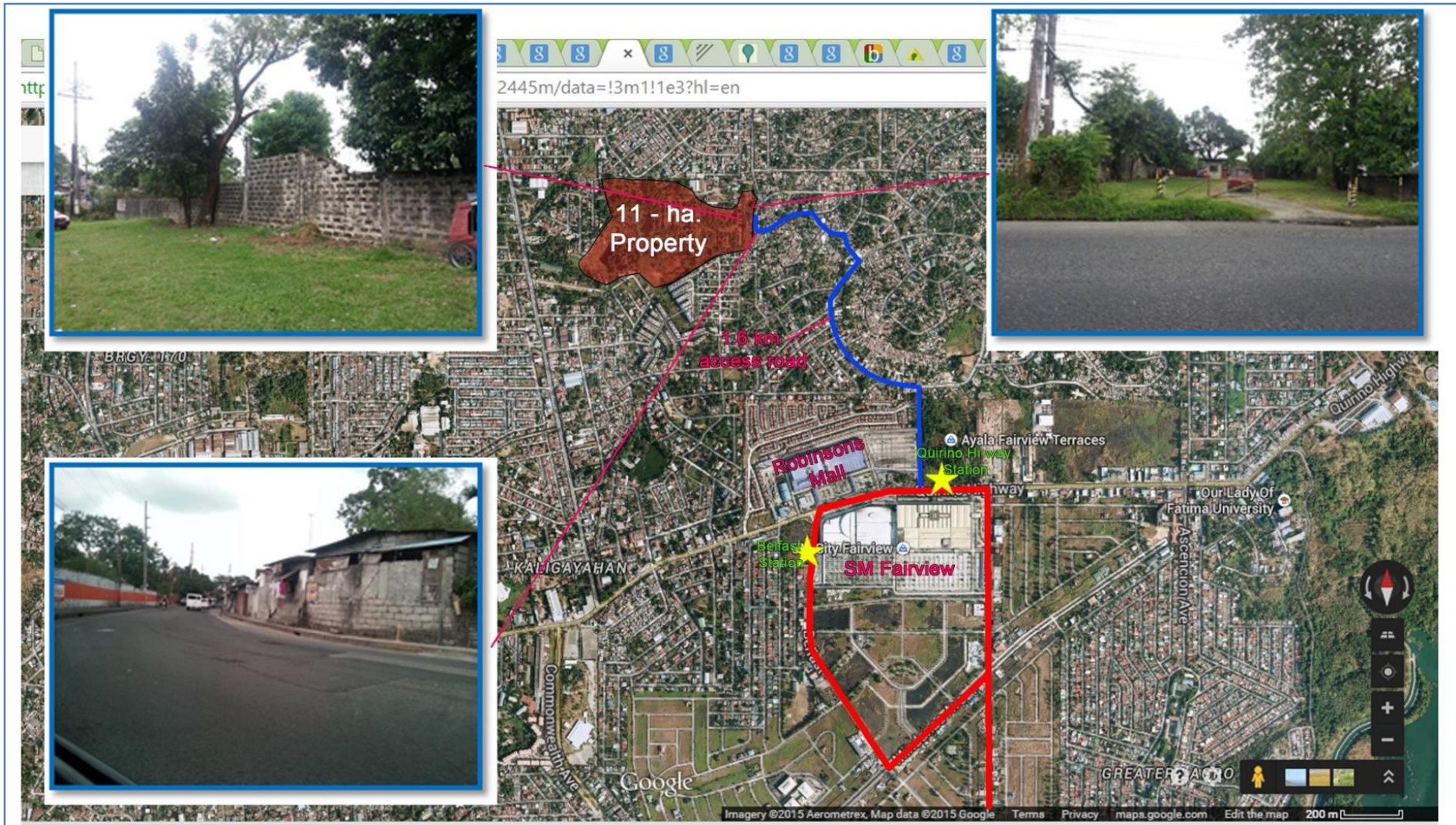


Figure 5.1.2: Proposed North Depot 2 (Maligaya Farm)

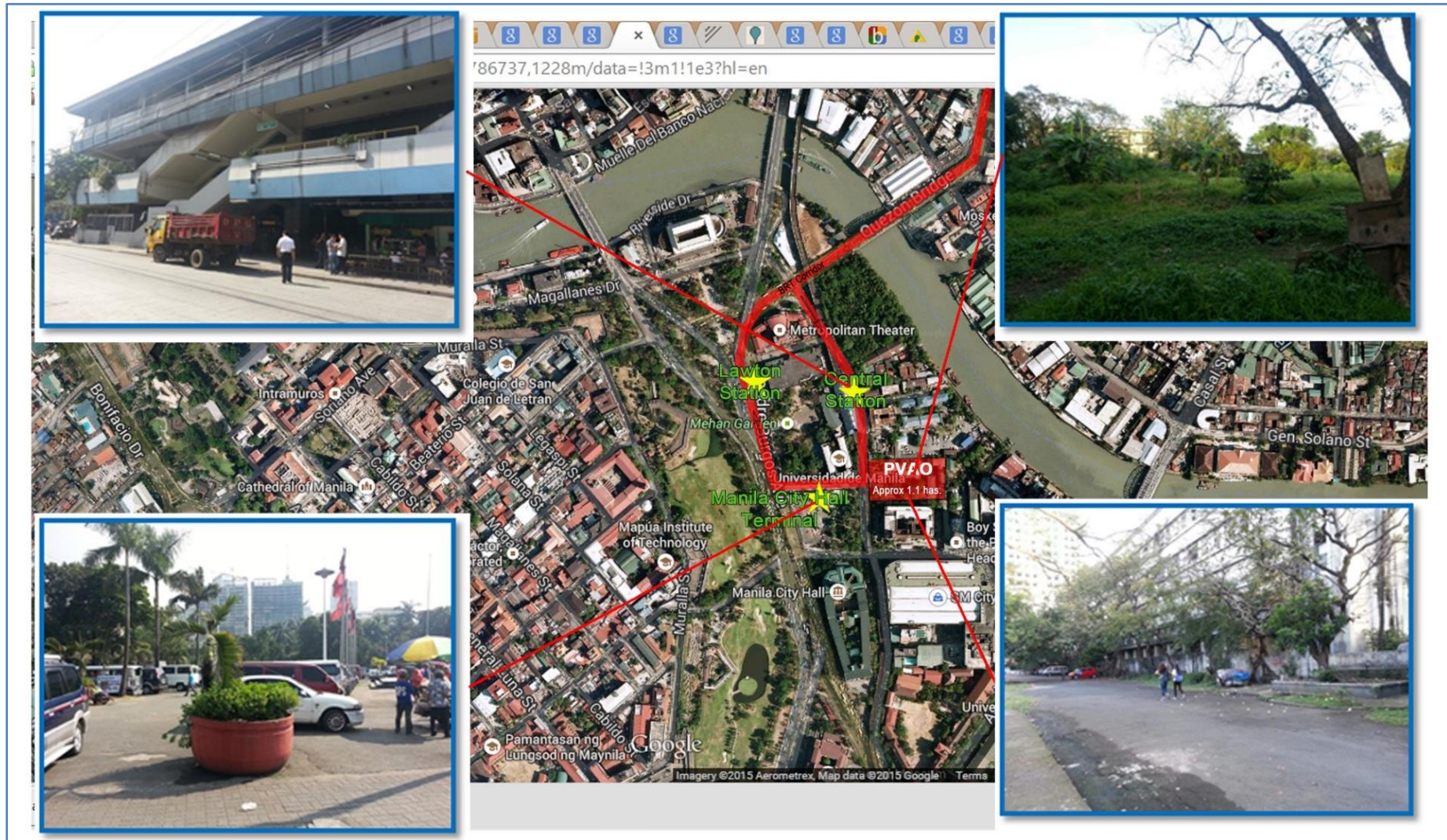


Figure 5.1.3: Proposed South Depot (PVAO Property)

35. The property is surrounded by commercial and high-end residential establishments. A BRT depot in the area is inconsistent with the general land use of its vicinity. In addition, it is way too small compared to the 3.2-ha requirement mentioned in the Detailed Technical Study. The site is only about 250m from the intersection of Regalado Avenue and Quirino Highway. The BRT buses might potentially clogged Quirino Highway up to the intersection once they exit and enter the site more too often during the BRT operation.

36. The Project Team made several attempts to contact the landowner but had been unsuccessful. Apparently, the owner is not interested to sell the property for BRT project purposes.

37. *Depot Site 2: Maligaya Farm (11 ha) situated approximately two kilometers northwest of SM Fairview (See Figure 5.1.2).*

38. There is no access road suitable to the BRT buses that lead to the site. The only access road from the closest BRT Station is a busy one-lane road with at least six (6) seemingly sharp curves that passes through a public market or a built-up commercial area and residential houses.

39. *Depot Site 3: Canillo/Delos Santos Property (4.4 ha), situated around the southeast corner of Regalado Avenue and Mindanao Avenue (Figure 5.3.1).*

40. The site is currently without a Transfer Certificate of Title (TCT). The owners had just won a legal dispute in the Court of Appeals naming them true owners of the property. The area has three access gates and subdivided as a residential subdivision. The proposed site has six houses that are of lavish in style of construction and therefore apparently of affluent residents. A vacant section of the property of 4.4 hectares may however be cropped from the area while avoiding these big residences. The area meets the basic requirements in siting the depot and may be considered as an ideal BRT depot location.

41. *Depot Site 4: SM Fairview parking lot situated in the south side customer parking spaces of the SM Fairview mall (Figure 5.3.2).*

42. There had been no attempt yet by the Project Team to discuss land acquisition with SM Fairview management if SM would be willing to lease out or sell its *property* for BRT depot purposes. A BRT depot within the vicinity of the mall might be inconsistent with the commercial land use of the area.

43. **Table 5.3.1** presents the site selection criteria and the relative rating points for each alternative.

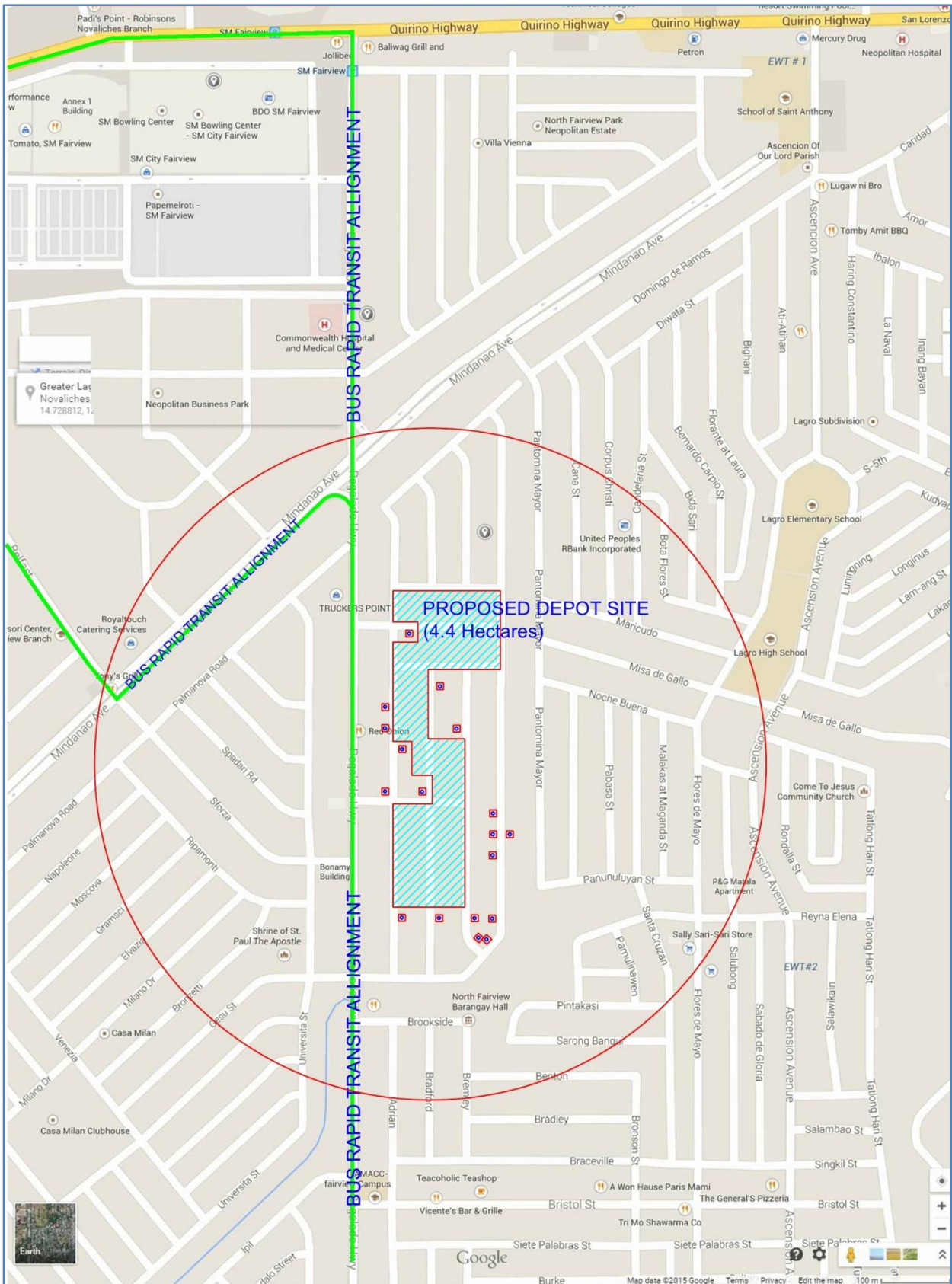


Figure 5.3.1: Canillo / Delos Santos Property



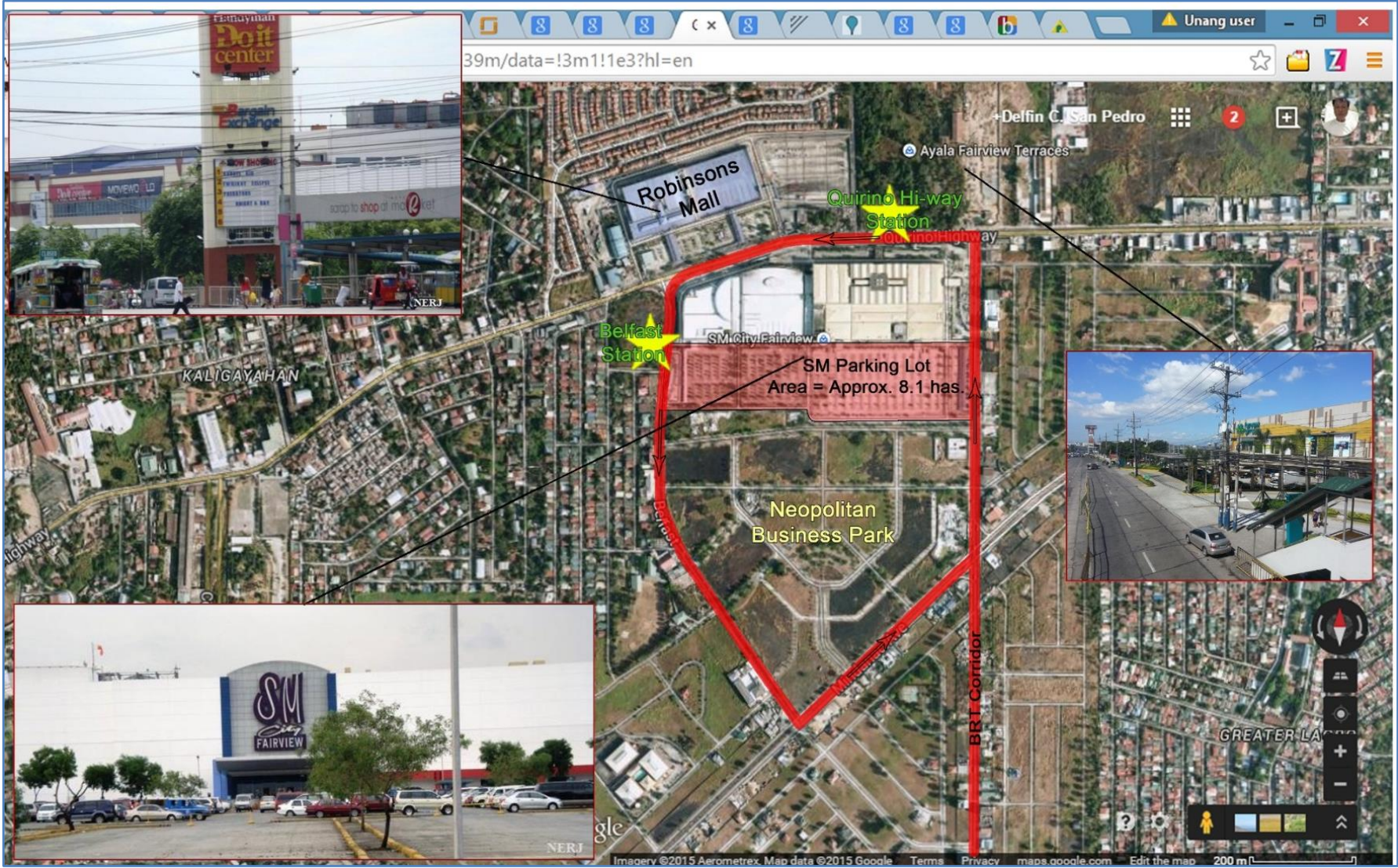


Figure 5.3.2: SM Fairview Rear Parking Lot

Table 5.3.1: Site Assessment Matrix for Candidate North Depot Locations

Parameters	Ground Condition	Details				Remarks	Site Rating (E=excellent; G=Good; P-Poor)			
		Depot site 1 (0.8-ha near Avida)	Depot site 2: (Canillo/del os Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)		Depot site 1 (Silva Property)	Depot site 2: (Canillo/ delos Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)
1. Lot Size and Potential for site expandability	• Total available lot size:	0.8 ha.	12.84 has.	11 has	No assurance from SM	• Depot #2 is recommended	P	E	E	P
	• Phase 1 acquisition:	0.8 ha.	3.2 to 6.6 has.	11 has.	3.2 has.					
	• Phase 2 Acquisition:	None available	Lots available	Available	None Available					
	• Required lot (per FS):	3.2 has.								
2. Lot Control	• Can be secured with proper fencing;	Yes	Yes	Yes	Yes		G	E	G	G
	• No. of access gates	1	3	1	1					
	• No security treat	No	No	No	No					
3. Site dimensional suitability	• The lot can be configured to layout into an efficient depots/mixed land use/intermodal facility	No	Yes	Yes	Yes		P	E	G	G

Parameters	Ground Condition	Details				Remarks	Site Rating (E=excellent; G=Good; P-Poor)			
		Depot site 1 (0.8-ha near Avida)	Depot site 2: (Canillo/del os Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)		Depot site 1 (Silva Property)	Depot site 2: (Canillo/ delos Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)
	<ul style="list-style-type: none"> <li>Lot plan is very suitable for a depot plan</li> </ul>	No	Yes	Yes	No					
4. Current site uses and conditions / Suitability of adjoining and nearby land uses	<ul style="list-style-type: none"> <li>Suitable for the purpose</li> </ul>	Yes	No	No	Yes		P	E	P	P
	<ul style="list-style-type: none"> <li>Presence of informal settlers:</li> </ul>	1 temporary house of the caretaker	8 affluent informal settlers but may be avoided when area is reduced to minimum depot requirement (3.2 – 4.4 ha)	No	No					
	<ul style="list-style-type: none"> <li>Presence vegetation/trees: very minimal</li> </ul>	Very minimal	Very minimal	Very minimal	Very few					
5. Environmental consideration	<ul style="list-style-type: none"> <li>Mixed land use development (Conflict on land use)</li> </ul>	No	Compatible with the jeepney repair shops but incompatibl	Conflict on land use	Conflict on land use	G	G	G	P	

Parameters	Ground Condition	Details				Remarks	Site Rating (E=excellent; G=Good; P-Poor)			
		Depot site 1 (0.8-ha near Avida)	Depot site 2: (Canillo/del os Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)		Depot site 1 (Silva Property)	Depot site 2: (Canillo/ delos Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)
			e with the residential land use							
	<ul style="list-style-type: none"> <li>• Presence of sensitive ecology</li> </ul>	No	No	No	No					
	<ul style="list-style-type: none"> <li>• Expected water, biologic or historic resource impacts;</li> </ul>	No	No	No	No					
	<ul style="list-style-type: none"> <li>• Air pollution impact</li> </ul>	Minimal but manageable	Minimal but manageable	Minimal but manageable	Minimal but manageable					
6. Project proximity to BRT Stations and suitable/ major road networks	<ul style="list-style-type: none"> <li>• Nearest proposed BRT stations:</li> </ul>	Belfast Stn. = 850m	Bronx Stn. = 350m	Quirino Hi-way Stn. = 1.6 km	Belfast Stn. < 50m		G	E (Along BRT Corridor)	P	E
7. Potential for mixed used	<ul style="list-style-type: none"> <li>• Can be used for commercial development to support the BRT</li> </ul>	No	Yes	Yes	No		P	G	G	P

Parameters	Ground Condition	Details				Remarks	Site Rating (E=excellent; G=Good; P-Poor)			
		Depot site 1 (0.8-ha near Avida)	Depot site 2: (Canillo/del os Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)		Depot site 1 (Silva Property)	Depot site 2: (Canillo/ delos Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)
	<ul style="list-style-type: none"> <li>Can be used as integrated terminal / intermodal transport facility (for PUJs, AUVs and PUBs)</li> </ul>	No	Yes	No	No (but there are existing)					
	<ul style="list-style-type: none"> <li>Can provide parking areas for commuters owning private cars</li> </ul>	No	Yes	Yes	No					
8. Legal and financial feasibility	- Titling: no perceived legal problem	No	Potential	No	Potential		E	G	G	P
	- Feasibility of Land acquisition under OP 4.12 of WB	Yes	Yes	Yes	No					
	- Market price (Approx.):	40,000-45,000 / m <sup>2</sup>	25,000-30,000 / m <sup>2</sup>	2,000/ m <sup>2</sup>	80,000 m <sup>2</sup>					
	- Willing selling price:	Uncertain	26,000 / m <sup>2</sup>	Uncertain	Uncertain					
	- Zonal price:	21,000 / m <sup>2</sup>	20,800 / m <sup>2</sup>	Uncertain	Uncertain					
9. Contact Information	Depot Site 1 : Contact is thru caretaker Jo Aveles on site Depot Site 2 : Tess M. Jason (09288064638)									

Parameters	Ground Condition	Details				Remarks	Site Rating (E=excellent; G=Good; P-Poor)			
		Depot site 1 (0.8-ha near Avida)	Depot site 2: (Canillo/del os Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)		Depot site 1 (Silva Property)	Depot site 2: (Canillo/ delos Santos)	Depot site 3 (Malgaya Farm)	Site Depot 4 (SM parking area)
	Depot Site 3 : not available Depot Site 4 : SM (to be researched when necessary)									

Notes: N/A not applicable; NA not available; ha=hectare; km=kilometer; m=meter; stn = station

#### **5.4. South Depot Alternative Sites**

44. Depot Site 1: PVAO property (1.1 ha) located close to Manila City Hall (See Figure 5.1.3).

45. The property is a good location for the South Depot. However, the property is not for sale according to a PVAO representative as it is a donated property under a Presidential Proclamation. PVAO shall however be open to a joint-venture commercial development of the property to generate income. The property currently has no TCT. DOTC, however, suggests investigating the possibility of leasing the property from PVAO. An Expression of Interest will be sent by DOTC to the PVAO administrator to initiate discussions on this possibility. Since the property has no clean title, acquiring or leasing the land can possibly be problematic.

46. Depot Site 2: ACE Citi Development Corporation property (1.5 ha) located along Palanca St. (**Figure 5.4.1**).

47. The property is an ideal location for the South Depot and larger than the first alternative (PVAO). The property has a TCT and is for sale. It is situated in a light industrial and residential area and therefore a depot in the location will be consistent with the general land use in the vicinity. Palanca Street is a two-lane street and can accommodate frequent use by BRT buses. The lot is close to the BRT corridor and the southernmost stations.

48. The site is 1.5 ha owned by ACE Citi Development Corporation. It is bounded by Palanca St. on the south by a waterway or a creek on the north, by a Moslem mosque and a Muslim community on the east, and a warehouse of Tanduay Distillery on the west. Across the Palanca St. from the property on the south are high-rise condominium residential buildings. The vicinity is a mixed-used of residential, commercial and light industrial land ranging from low-end residential land use to high-end residential and commercial areas. It is approximately 1.2 km from a proposed BRT terminal.

49. The property is currently being used as a parking lot, with no parking fee currently being charged by the owners, and an access road by Muslim residents passing through back and forth from the residential areas on the western section to the Mosque on the east side of the property. Being it an informal right-of-way (ROW), an access road must be built on the south side of the property, once developed as a BRT depot, to allow the community to maintain easy access and pedestrian circulation around the vicinity.

50. **Table 5.4.1** presents the site selection criteria and the relative rating points for each alternative.



Figure 5.4.1: Ace Citi Development Corporation



**Table 5.4.1: Site Assessment Matrix for Candidate South Depot Locations**

Parameters	Ground Condition	Details of the Depot Site (PVAO Property)		Remarks	Site Rating (E=excellent; G=Good; P-Poor)	
		PVAO	ACE Citi Development Corporation Property		PVAO	ACE Citi Development Corporation Property
1. Lot Size and Potential for site expandability	• Total available lot size:	1.1 has.	1.5 has.		P	G
	• Phase 1 acquisition:	1.1 has.	1.5 has.			
	• Phase 2 Acquisition:	NA	NA			
	• Required lot (per FS):	1.9 has.	1.9 has.			
2. Lot Control	• Can be secured with proper fencing;	Yes	Yes		E	E
	• No. of access gates	1	1			
	• No security treat	No	No			
3. Site dimensional suitability	• The lot can be configured to layout into an efficient depots/mixed land use/intermodal facility	No	No		E	E
	• Lot plan is very suitable for a depot	Yes, Propose multi-level parking	Yes			
4. Current site uses and conditions / Suitability	• Suitable for the purpose	Yes	Yes		E	E

Parameters	Ground Condition	Details of the Depot Site (PVAO Property)		Remarks	Site Rating (E=excellent; G=Good; P-Poor)	
		PVAO	ACE Citi Development Corporation Property		PVAO	ACE Citi Development Corporation Property
of adjoining and nearby land uses	• Presence of informal settlers	No	No			
	• Presence vegetation/trees	very minimal	Very minimal			
5. Environmental consideration	• Mixed land use development (Conflict on land use)	Yes	No		E	E
	• No sensitive ecology	No	No			
	• Expected water, biologic or historic resource impacts;	Pasig River, about 75 m	Pasig River, <50 m			
	• Air pollution impact	Minimal but manageable	Minimal but manageable			
6. Project proximity to BRT Stations and suitable/major road networks	• Nearest proposed BRT stations:	Manila City Hall Terminal = 75m	Central Stn. = 1.2 km		E	G
7. Potential for mixed used	• Can be used for commercial development to support the BRT	Yes	Yes		P	P

Parameters	Ground Condition	Details of the Depot Site (PVAO Property)		Remarks	Site Rating (E=excellent; G=Good; P-Poor)	
		PVAO	ACE Citi Development Corporation Property		PVAO	ACE Citi Development Corporation Property
	<ul style="list-style-type: none"> <li>• Can be used as integrated terminal / intermodal transport facility (for PUJs, AUVs and PUBs)</li> </ul>	No, Limited area of 1.1 has.	No			
	<ul style="list-style-type: none"> <li>- Can provide parking areas for commuters owning private cars</li> </ul>	No	No			
8. Legal and financial feasibility	- Titling: no perceived legal problem	NOT FOR SALE (NO TITLE)	FOR SALE (TCT AVAILABLE)		P	E
	- Feasibility of Land acquisition under OP 4.12 of WB	YES	YES			
	- Market price:	NO DATA	PhP27k to PhP50k per sq.m.			
	- Willing selling price:	NO DATA	NO DATA			
	- Zonal price:	NO DATA	NO DATA			
9. Contact Information:	Depot 1: PVAO Administrator Depot 2: : Tess M. Jason (09288064638)					

## **6. DEPOT DEVELOPMENT IMPACTS**

### **6.1. Environmental Impacts and Management Plan**

51. Impacts to environment of the project will be focused on the affected vegetation, air quality and water quality. Some trees affected by the project will be relocated and replaced. On the other hand, the project will generate adverse impact to air quality due to increase in emission brought by traffic congestion during construction phase of the project. However, positive impact may be observed during operation and maintenance phase due to increase in mobilization and use of lower emission vehicles along the corridor. At the depot sites, wastewater might contaminate ground water and surface water resources with oil and grease and other contaminants coming from wash bays of BRT buses, liquid effluents from associated depot facilities, and from human activities, if no adequate mitigation measures are instituted. A provision for a wastewater treatment facility, drainage, and solid and hazardous waste handling that meet policy standards of DENR must be made. Water quality must be regularly monitored through water quality sampling and reporting to ensure that standards are met during construction and operational phases of the depots.

52. Environmental impacts and environmental management plan for the depots are presented in more detail in the main ESIA report.

### **6.2. Social Impacts**

53. The positive impacts in the development of the depots are in general the overall improvement in public transportation in Metro Manila which is cited as the primary objective of the project once the Manila BRT becomes operational. During the construction and operational stages, it is anticipated that positive socioeconomic impacts will include increased employment and increased patronage on goods and services around the depot site brought about by the daily demands of workers and personnel during construction. A minor obstruction in traffic during both construction and operational stages of the depot is anticipated. Increased volume of vehicles, primarily trucks and that will be delivering materials and construction supplies to the project site might cause occasional traffic obstruction during the construction stage. Traffic impact mitigating measures shall however be instituted during both the construction and operating phases of the project.

54. On one of the alternative sites, particularly, the ACE Citi Development Corporation property along Palanca Street, a Moslem mosque may be affected by noise from the depot operation.

55. The mosque is situated around 45 meters from the property perimeter but around 150 meters from the property center. **Table 6.2.1** shows DENR standards for maximum allowable noise by classification of noise receptors. Places of worships may be grouped together with hospitals and schools in terms of DENR noise standards. Maximum noise allowed for daytime, morning/evening, and nighttime periods are 50, 45, and 40 dB(A), respectively. Expected noise from buses are 91, 85, 79, 73, and 67 dB(A) from distances of 15, 30, 60, 120, and 240 meters away from receptors, correspondingly<sup>3</sup>. These figures therefore imply that the depot might generate noise that is beyond the acceptable DENR standards. Adequate noise barriers or provision of noise absorbing materials in between the mosque and the depot must be incorporated as mitigating measures. Noisy depot activities may be situated on the opposite end of the property farthest from the mosque.

**Table 6.2.1: DENR Standards for Noise by Area Classification of Receptors**

Area	Maximum Allowable Noise Level, dB(A)		
	Daytime	Morning/Evening	Nighttime
Schools, Hospitals	50	45	40
Residential	55	50	45
Commercial	65	60	55
Light Industrial	70	65	60
Heavy Industrial	75	70	65

Source: National Pollution Control Commission Memorandum Circular No. 002 Series of 1980: "Ambient Noise Quality and Emission Standard"

### 6.3. Environmental and Social Management Plan (ESMP)

56. The integration of a well thought out architectural and engineering design in project development and proper environmental management (i.e., waste disposal and site sanitation) will mitigate impacts on the land prices. The implementation of proper landscaping measures by planting of appropriate vegetative cover and properly maintaining the landscaping of the property might in fact improve the overall aesthetics in the vicinity of the depot site and possibly contribute in the enhancement of the surrounding physical landscape. Land prices may in fact improve when the areas greeneries and aesthetics are maintained properly.

57. A traffic management plan will be instituted during the construction and operational stages of the project to mitigate impacts on traffic. The traffic management plan is included in the Environmental Management Plan contained in another volume of the ESIA report.

58. For the pedestrian access on the South depot location, a new R-O-W is to be developed on one end of the property. Vehicles parking on the site will

<sup>3</sup> Assuming that BRT buses noise generation approximates that of a truck. Source of data is USEPA, 1971: "Noise From Construction Equipment and Operations, Building Equipment, and Home Appliances".

be directed to other available parking spaces that will be identified during the construction stage of the depot.

## **7. LAND ACQUISITION PLAN**

### **7.1. Steps in Land Acquisition**

59. Steps in the land acquisition of the depot shall be based on applicable operating policies of the World Bank and government policies set forth in DOTC Administrative Order 2009-18 dated May 18, 2009 or the Guidelines and Procedures in the Acquisition of Rights-of-Way and Site or Location for DOTC Infrastructure Projects and DOTC Administrative Order 2013-05 dated March 5, 2013 or the Creation of Technical Working Committee for the Acquisition of Sites/Rights-of-Way for DOTC Infrastructure Projects.

### **7.2. Determining Fair Market Value**

60. Section 7 of the IRR of RA 8974 provides the following in determining the fair market value of the properties to be acquired.<sup>4</sup>

1. The classification and use for which the property is suited. This shall be based on the approved land use plan and/or zoning ordinance, if any, of the city or municipality concerned.
2. The developmental costs for improving the land. This shall be based on the records and estimates of the City Assessor concerned.
3. The value declared by the property owners, as shown in their latest Tax Declaration Certificates or Sworn Statements.
4. The current selling price of similar properties in the vicinity. This shall be based on the records on Deeds of Sale in the office of the Register of Deeds concerned.
5. The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon.
6. The size, shape or location, tax declaration and zonal valuation of the land.
7. The price of the property as manifested in the ocular findings, oral as well as documentary evidence presented.
8. Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly situated lands whose areas and values approximate those required from them by the government, and thereby rehabilitate themselves as early as possible.

---

<sup>4</sup> When sellers disagree with the zonal valuation set by the Bureau of Internal Revenue.

61. Upon approval of DOTC of the valuation using the above-prescribed standards, the said valuation shall be offered in writing to the owner as the purchase price of the property. The owner shall be given fifteen (15) days within which to accept the amount offered as purchase price for his property.

### **7.3. World Bank's Protocol in Land Acquisition**

62. WB's protocol in open purchase of land is based on the willing buyer/willing seller scheme. This scheme is generally defined as a completely voluntary transaction between a seller and a buyer. WB's specific requirements, among others, are as follows:

1. The land acquired will be free from any disputes on ownership and encumbrances;
2. The Implementing Agency (DOTC) will ensure that the subproject will not cause adverse impacts on sources of incomes and livelihood of community;
3. Negotiation is done in a transparent manner. Negotiation proceedings will be documented and final agreement would be witnessed by barangay officers;
4. Negotiated amount will be paid within one (1) month from the date of finalization and civil works can be initiated one (1) month after compensation is paid;
5. Negotiated agreements including maps will be disclosed in DOTC's website; and
6. DOTC will submit completed documents to the BRT-National Project Management Office (BRT-NPMO) and copy furnished the WB to show the process used for obtaining the required land.

## **8. RESETTLEMENT POLICY FRAMEWORK**

### **8.1. Resettlement Principles**

63. In case there will be involuntary resettlement that would take place in the acquisition of the depot sites, the Project will adopt the following principles outlined in the World Bank's Operational Policy 4.12 to protect the rights of the Displaced Persons:

- 1) Acquisition of private land and other assets should be avoided, where feasible, and minimized as much as possible;
- 2) All DPs residing or cultivating land, working, doing business, or having rights of ownership for the land to be acquired and developed, as of the time of conduct of the baseline surveys, entitled to be provided with compensation sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels;
- 3) Lack of legal rights to the assets lost will not bar the DP from entitlement to such compensation or rehabilitation measures;
- 4) All replacement land for agriculture, residential and business use will be provided with secured tenure status and without any additional cost, taxes, and surcharges to the DPs at the time of transfer;
- 5) Planning and implementation for acquisition of land and provision of compensation will be carried out in consultation with the DPs, to ensure minimal disturbance and transparency in transactions between the Project implementers and the DPs;
- 6) Entitlements will be provided to DPs not later than one month prior to expected start-up of works at the respective subproject site. Construction work will not be initiated until DPs are compensated or adequately relocated;
- 7) Financial and physical resources for compensation will be made available as and when required;
- 8) Affected community infrastructure must be restored or replaced;
- 9) Institutional arrangements should be in place to ensure the effective and timely design, planning and implementation of the inventories;
- 10) Effective and timely implementation, supervision, monitoring and evaluation of the resettlement plan must be carried out.

## **8.2. Process for Preparing and Approving Resettlement Plans**

### **8.2.1. Disclosure of the Resettlement Policy Framework (RPF)**

64. The RPF will be disclosed to the PAPs through the Barangay to which they belong. Public Consultation/Meetings (PCMs) will be held with officials of the barangay together with the PAPs. Minutes of Meetings or other evidence



of PCM discussions will be required in accordance with World Bank Policy OP 4.12. The following topics will be discussed during the barangay level PCMs:

1. Brief project description
2. Entitlement and Compensation policies adapted by the project
3. Succeeding resettlement planning activities such as census validation and tagging socioeconomic survey
4. Detailed measurement survey (inventory of affected assets)
5. Establishing the cut-off date

65. The actual preparation of the Resettlement Plans may commence after the RPF disclosure process has been completed and engineering designs have been completed. The cut-off date will be announced in public consultations.

### **8.2.2. Identification of Project Impacts and Affected Populations**

66. The Project Consultants will deploy a Social Study Team to identify project affected persons (PAPs) and assess impacts on their livelihood. The Team will also assess: potential break up of communities and social support networks; loss of dwellings and other structures (wells, porch, fences); public structures; agricultural lands; trees and standing crops; loss of access to communal resources such as water source, forest and woodlands; loss of business; loss of access to public infrastructures and services; and reduced income resulting from these losses.

### **8.2.3. Detailed Measurement Survey (DMS)**

67. In determining the project impacts and the affected population, the Study Team will be undertaking a DMS. This is the process where all fixed assets such as land, structures, crops, communal facilities, etc., are measured and their owners are identified. The DMS will also include an assessment of the severity of impacts on income/source of livelihood due to loss of fixed assets.

### **8.2.4. Census and Tagging**

68. Census provides information on the scale and complexity of the required resettlement planning. The census will encompass all people who are physically or economically displaced by the project, regardless of their legal status (landowner, tenant, informal settler).

69. Locally hired enumerators, after undergoing training, will conduct actual interviews with all families residing or conducting livelihood activities within the project area who will be economically or physically displaced. The Census will compile the following information:

1. Summary data on household, by ethnicity; gender of head of household whether the household is headed by women, elderly, ethnic minority, person with disability (PWD); household size, primary and secondary source of livelihood, income level;
2. Tenurial status and duration of tenure; ownership of occupied structure;
3. Whether affected land or affected livelihood is primary source of income; and
4. PAPs knowledge on the project, preference for compensation, relocations sites and rehabilitation assistance.

70. Following the household interview, a tag sticker - containing control number, date when the interview was conducted and the name of enumerator - will be affixed to the affected structure. A photograph of the household and owners, wherever possible, will also be taken.

#### **8.2.5. Socioeconomic Survey**

71. To establish baseline information on the demography, income and expenditures, occupation and livelihood (including formal and informal economic activities), resource use patterns including use of common property, social organization and leadership, other cultural and ethnic parameters, a socio-economic survey or other appropriate methodology will be conducted among PAPs.

72. The sample size for the survey shall not be less than 20% of any significantly affected population of PAPs. The survey will be disaggregated by gender and income in order to determine whether PAPs that are significantly affected are poor or otherwise vulnerable and require additional measures to ensure they are left with at least the same standard of living as their pre-project status. Furthermore, household and economic activities (formal and informal) will be disaggregated by gender wherever possible in order not to create additional burden on men or women's current activity as a result of the project (e.g. relocating water supply does not significantly impact time spent by family members on water collection tasks each day). The survey will provide a local basis through appraisal of market prices and support recommendations on just compensation procedures and entitlement for all PAPs that will provide replacement cost at current market value.

73. Locally hired or LGU-referred interviewers, after undergoing training, will conduct actual interviews on selected households under close supervision of the Social Study Team.

### **8.2.6. Replacement Cost Survey (RCS)**

74. This will be done in parallel with the activities mentioned above. The survey involves collecting information from both secondary and primary sources (direct interviews with people living within the project area, material suppliers, and house contractors) and the PAPs. The results of the RCS will be used as a basis in estimating the compensation and entitlement of affected structures and other improvements. A Quantity Surveyor will be engaged to conduct the RCS.

### **8.2.7. Preparation of Compensation and Entitlements**

75. After determining the replacement costs of affected structures, crops and other improvements, compensation packages will be formulated based on the RPF. The compensation packages will cover the replacement cost of affected assets, disturbance compensation and rehabilitation cost for damaged public structures. The RP Report will be prepared in the World Bank acceptable format. It will also include any additional information and data requirements of DOTC.

### **8.2.8. Submission and Approval**

76. The RP Report will be submitted to WB and DOTC for review and comments. Revisions will be completed and approved, and WB will then forward the document to the DOTC for concurrence and endorsement.

## **8.3. Estimated Population Displacement and likely Categories of DPs**

77. No estimate of population displacement is available at this time since the proposed north depot location is yet to be identified by DOTC. Likely categories of DPs are however presented in 8.4 Entitlement Eligibility, below.

## **8.4. Entitlement Eligibility**

78. Project Affected Persons (PAPs) or Displace Persons (DPs) are entitled to social safeguards under applicable Philippine laws and WB safeguard standards. The following entitlement matrix will serve as a guideline for entitlement eligibility.

**Table 8.4.1: Eligibility Entitlement Matrix, Involuntary Resettlement for Metro  
Manila BRT Line -1 Project**

TYPE OF LOSS	MAGNITUDE AND CHARACTERISTIC	ELIGIBLE PERSONS	ENTITLEMENT
<b>A. Land</b>	Full	Owner	Full cash compensation at replacement cost without deduction for capital gains, documentary stamp, transfer taxes, and other directly related transaction costs
	Partial	Owner	Full cash compensation at replacement cost for the affected portion without deduction for capital gains, documentary stamp, transfer taxes, survey costs, cost of new subdivision plan, and other transaction costs.
<b>B. Structure</b>	Full	Owner-Occupant	Full cash compensation at replacement cost for the affected structure without deduction for (i) salvaged/salvageable materials; (ii) depreciation. Replacement cost includes not only the cost of materials but also the cost of (i) architectural services; (ii) hauling cost of materials; (iii) labor cost; (iv) cost of reinstalling utilities; (v) contractor's profits; and (vi) cost of processing or securing the necessary government permits. Cost of transferring to the new structure, including any loss of wages or income incurred in the process.
		Renters	Full cash compensation at replacement cost for any fixed improvements introduced. Cost of transferring to the new structure, including any loss of wages or income incurred in the process.
	Partial	Owner-Occupant	Full cash compensation at replacement cost for the affected portion of the structure without deduction for (i) salvaged/salvageable materials; (ii) depreciation. Replacement cost includes not only the cost of materials but also the cost of (i) architectural services; (ii) hauling cost of materials; (iii) labor cost; (iv) cost of reinstalling utilities; (v) contractor's profits; and (vi) cost of processing or securing the necessary government permits. If owner occupant requires a separate dwelling, while repair is ongoing, a rental subsidy equivalent to the estimated time it will take to repair the structure. Cost of transferring to the provisional structure and returning to the repaired structure, including any loss of wages or income incurred in the process.

<b>TYPE OF LOSS</b>	<b>MAGNITUDE AND CHARACTERISTIC</b>	<b>ELIGIBLE PERSONS</b>	<b>ENTITLEMENT</b>
		Renter	Full cash compensation at replacement cost for the fixed improvements introduced by the renter. In consultation with the owner, guarantee to continue renting the facility upon completion of repair. Rental period will be equivalent to the unutilized portion of the contract and same rental rates will apply. If renter requires a separate dwelling, while repair is ongoing, a rental subsidy equivalent to the estimated time it will take to repair the structure. Cost of transferring to the provisional structure and returning to the repaired structure, including any loss of wages or income incurred in the process. If renter does not opt to return, the project will shoulder the cost of transferring to the new structure, including any loss of wages or income incurred in the process.
	Informal (Commercial)	Encroachers on public ROW	No compensation for structures; loss of business income capped at a maximum of five (5) days while structure is reorganized or transferred; Retention of ownership of salvaged materials.
	Informal Settlements (Residential and Mixed Residential and Commercial)	Owner-Occupants	First priority to receive a house and lot with security of tenure in a government relocation site;  Free transportation to the relocation site; Free food or food allowance Retention of ownership of salvaged materials. Loss of business income during the transfer capped at a maximum of five (5) days
		Renters	Second priority to receive house and lot with security of tenure in government relocation. If not awarded, explore moving in with original household. If moving in is impossible, cost of transferring to new rental housing. Food allowance.
		Sharers	Third priority to receive house and lot with security of tenure in a government relocation site. If not awarded, explore moving in with original household. If moving in is impossible, cost of transferring to new rental housing. Food allowance.
		Absentee Structure Owners	Considered professional squatters under R.A. 7279; no compensation
	Utilities	Private Utility Company	If facilities are located in public ROW, utility company usually shoulders the cost of relocation to a new site or reconstruction in the new site. If facilities are located in private land, the project shoulders the cost of transferring or reconstruction, if the facility needs to be demolished.

TYPE OF LOSS	MAGNITUDE AND CHARACTERISTIC	ELIGIBLE PERSONS	ENTITLEMENT
<b>C. Income</b>	Temporary closure as business is relocated off-site.	Workers	Lost wages for days without work due to closure and transfer of the enterprise to new site. The maximum is one (1) month.
		Enterprise Owners- Renters	Lost net income for days of business closure due to transfer of the enterprise to the new site. The maximum is one (1) month.
		Land and/or Structure - Owner	Rental contracts usually stipulate forfeiture of deposit (1 or two months) if contract is pre-terminated; therefore no compensation for lost rental income is given.
	Permanent Closure	Workers (Temporary; Daily Wage)	Compensation for lost wages equivalent to the remaining days in the contract (usually less than six months).
		Workers (Permanent or Tenured)	The entitlements for permanent workers found in the Labor Code or the Collective Bargaining Agreement (if the establishment has one) will be followed

### 8.5. Guidelines on Entitlement

79. Entitlements to DPs shall also be based on the following guidelines:

1. DPs losing more than 20 percent or all of their productive assets (agricultural land, house or business), or in cases when the remaining assets are not economically viable, are entitled to:
  - a) Full compensation at replacement cost of the entire asset or at direct land/asset replacement; and
  - b) Rehabilitation assistance that allows them to enhance or at least maintain their standard of living.
2. DPs losing less than 20 percent of their productive assets, and where the remaining assets remain viable for continued use, are entitled to cash the compensation at replacement cost for the affected asset.
3. Agricultural land will be replaced by:
  - a) Land of equal productive capacity, which is acceptable to the DP; or
  - b) Full compensation at replacement cost, where land is not available.
4. Commercial/residential land (or other real property) will be replaced by:

- a) Land of equal market value or business potential (as the case may be), which is acceptable to the DP; or
  - b) Full compensation at current market value, where suitable replacement land is not available or at the informed request of the DP.
5. Replacement of damaged or lost crops will be based on full market value for one year's harvest and will be paid in cash.
  6. DPs whose land is temporarily taken will be compensated at full replacement cost for their net loss of income and/or damaged assets, including a reasonable amount for opportunity cost/s.
  7. Appropriate transfer and subsistence allowances will be given during the transition phase as part of the rehabilitation assistance package to allow DPs to enhance or at least maintain their standards of living.
  8. Verification of titles and tax payments shall be undertaken before land replacement or cash compensation.

## **8.6. Methods of Valuing Affected Assets**

80. The classification or categories of assets to be compensated include land, structures, other improvements and crops, trees and perennials. Described below are the compensation and entitlements provision for which the PAPs are eligible, per the classification of assets affected. Valuation will be carried out, in conformance with, at a minimum, World Bank policy and Philippine Government standards.

### **8.6.1. Residential/commercial/Industrial/Institutional/ Agricultural land**

81. Eligible PAPs shall be compensated at market value at the time of the RP preparation. The initial offer to the PAPs shall be based on the current zonal valuation of the Bureau of Internal Revenue for the area where the property is located. If not acceptable to the PAPs, the second offer shall be based on the current market value.

### **8.6.2. Land Tax in Arrears**

82. In the case of PAPs with liabilities for land tax in arrears, these arrears are payable by the PAP as these are not an impact caused by the project. Payment of tax arrears is required under Philippines Law. In compliance with Philippines Laws and WB policy 4.12, ensuring PAPs are not worse-off after land acquisition and resettlement, the following will apply:

1. PAPs will still be liable for any tax in arrears;
2. PAPs who cannot afford to pay land tax in arrears, and would likely be worse off after compensation and RP implementation, should be identified and eligible under the "Vulnerability" definition of PAPs of the project/RP;
3. If the PAP is relocated to another piece of land (replacement land), they will still be liable for land tax in arrears, on the property taken, but only for the first quarter of land tax for the "host site"; and
4. The grievance system, internal and external monitoring described under this RPF, an effective census/and inventory of losses, and a consultation process should enable the identification of those made worse off by the land tax payment. If monitoring observes a PAP as worse off, then WB requires that the Government (being liable for tax and fees aspects of the RP) must make provisions, even during RP implementation, to mitigate the situation.

### **8.6.3. Compensation for Structures**

83. Options for compensation of structures are (1) compensation in cash at replacement cost or (2) dwelling reconstruction. Replacement cost compensation for the affected portion of the structure includes the cost of restoring the remaining structure, as determined by the Appraiser with no deduction for salvaged building materials and depreciation shall be made.

84. The choice of dwelling reconstruction, if this option exists, or cash compensation will be offered. Dwelling reconstruction will be at the same values of that lost/or taken by the project only. The conditions for dwelling reconstruction, while ideal, might be hard to carry out and end up impractical.

85. Compensation for other structures in cash at replacement cost for the affected portion of public structures to non-government agencies or to the community in case of a donated structure by agencies that constructed the structure may be necessary.

86. Impact to Government structures and the cost of reconnecting the facilities such as water, power and telephone will be covered by the Government, using the normal inter-governmental procedures and practices.

### **8.6.4. Compensation for Crops and Trees**

87. Cash compensation for perennials of commercial value as determined by the DENR or the concerned Appraiser shall be given under the RP. PAPs



will be given sufficient time to harvest crops on the subject land. Compensation for damaged crops at market value at the time of taking will be given. The compensation will be based on the cost of production per hectare.

88. Apart from the following, the DENR no-tree cutting (and replacement) policy will be followed.

1. Entitlement for fruit-bearing trees will be based on the assessment of the LGU where the project is located plus one year of yield times a period of 5 years;
2. Young trees will be compensated at a replacement cost for tree loss. For timber trees, cash compensation will be provided based on value of wood volume times the market value of the wood; and
3. DOTC will be responsible for obtaining appropriate licenses/and permits and tax fees for removal of the trees from the various respective authorities.

#### **8.6.5. Other Types of Assistance or Entitlements**

89. **Disturbance Compensation.** For agricultural land, affected lessees are entitled to disturbance compensation equivalent to five times the average of gross harvest for the past 3 years but not less than PhP 15,000.

90. **Income Loss.** Temporary losses of business will be compensated with a lump sum equal to the value of income loss based upon the previous yearly income. Permanent loss of business will be compensated based on the replacement costs of the structure and land.

91. **Transitional Allowance.** With severely affected structures which require relocation and new construction, a transitional sum for three (3) months temporary rental and relocation expenses shall be given to the affected persons.

92. **Rehabilitation Assistance.** Skills training and other development activities will be provided in coordination with other government agencies if the present means of livelihood is no longer viable for individual PAPs.

93. **Rental Subsidy.** This subsidy is provided to PAPs without sufficient additional land to allow the reconstruction of their lost house under the following circumstances:

1. The affected properties are for residential use only;

2. The PAPs were physically residing in the affected structures and land at the time of the cut-off date; and
3. The amount given will be for the period between the delivery of house compensation and the delivery of land compensation.

94. **Transportation Allowance or Assistance.** Informal settlers in urban centers who opt to go back to their place of origin or be shifted to resettlement sites will be provided with a free transportation allowance.

95. **Vulnerable.** Affected poor, elderly, disabled, female-headed households and those whose impacts will induce them to fall on or below the poverty line, as defined by NEDA and deemed that they will be worse off after RAP implementation, may be provided an additional allowance.

## **9. IMPLEMENTATION PROCESS, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS;**

### **9.1. Land Acquisition/Resettlement Plan Appraisal**

96. Land acquisition shall be governed by applicable policies of DOTC and the World Bank. When involuntary resettlement is necessary, the following guidelines in project appraisal shall be adopted:

1. The Social Safeguards Specialist of the Project Implementation Unit (PIU) will conduct an inventory of displaced persons (DPs) on the site to be acquired and developed;
2. Once the inventory of DPs has been completed, consultations/meetings with the DPs shall be conducted. During these meetings, the Social Safeguard Specialist will explain the project's benefits and adverse impacts and mitigating measures to be adopted and the resettlement compensation packages, valuation and payment schemes prescribed under the project;
3. All consultation meetings including issues raised and agreements reached and other related activities must be properly documented copies of which shall be submitted to the PIU as basis for validation;
4. Compensation for lands shall be based on applicable government policies and guidelines as identified in Section 4.0, above.
5. The PIU must also prepare a full resettlement plan for the depot for approval if the displaced persons are more than 200 or an abbreviated resettlement plan if the DPs are less than 200 based on OP 4.12 guidelines;

6. Funds for implementing the resettlement plan shall be provided by the PIU based on the budgetary requirements established by DOTC in consultation with the DPs; and
7. All arrangements and agreements indicated in the resettlement plan shall be subject to review and concurrence/approval of the PIU.

## **9.2. Land Acquisition/Resettlement Plan Approval**

97. The following guidelines shall govern in the approval of the land acquisition when involuntary resettlement is necessary:

98. The Project shall not proceed with the endorsement of the land acquisition for approval unless a compensation package in accordance with this framework, satisfactory to all concerned, is agreed upon between the DOTC, the owners of land/asset affected and those who stand to lose their crops, jobs or sources of income.

99. Land acquisition for approval that involves resettlement must be supported by the following documentary requirements:

- a) Resettlement Plan;
- b) Master list of DPs;
- c) Summary of Affected Lands and Improvement/Livelihood; and
- d) Legal documents signed by all the concerned DPs.

## **9.3. Land Acquisition/Resettlement Implementation**

100. The Project shall not allow any land development activities to commence until the compensation has been paid and resettlement, when necessary, is completed in accordance with this document and to the satisfaction of the DPs. Payments of compensation and provision of other entitlements (in cash or in-kind) must be satisfactorily completed prior to the World Bank issuance of “no objection” for award of contract for civil works.

101. Similarly, in cases where DPs voluntarily contribute any part of their lands and/or assets for the subproject, all deeds of donations and other relevant legal documents must be satisfactorily completed prior to the World Bank issuance of “no objection” for award of contract for civil works.

### **9.3.1. RP Review and Finalization of Legal Documents**

102. After complete mobilization, the PIU or equivalent organization will review the RP and all its supporting documentation. This activity aims to:

- a) familiarize the PIU with the document and the processes that need to be followed;
- b) determine the commitments of the LGU with the project affected persons (PAPs);
- c) assess the status of all legal documents related to the transfer of ownership of assets to be affected and determine the remaining works to be done; and
- d) update the RP if necessary if there is delay in the implementation and prepare the resettlement monitoring instruments for use of the internal and external monitoring agents.

103. Guided by the updated RP, the PIU shall complete all necessary documentation within the prescribed time period. The documentary evidence needs to be reviewed to determine if:

- a) the census of PAP's is complete,
- b) the inventory of affected land, crops/trees and structures are complete;
- c) supporting documents are complete and in-order (i.e. lot survey plan, deed of sale/donation, engineering drawings and cost estimates, title to replacement land, etc.); and
- d) remaining work needs to be done.

104. Deficiencies are to be noted and a work plan put in place with the goal of completing all documentary requirements necessary to effect the transfer of affected assets to the DOTC, and payment of compensation and delivery of benefits no less than a month prior to the start of civil works.

### **9.3.2. Payments Processing**

105. Once all of the documentation is determined to be complete, the requests for payment shall be submitted to DOTC for processing using the usual government procedures. One of the essential supporting documents for processing of lot payments is the Transfer Certificate of Title (TCT) drawn in favor of the government. The process of transferring ownership of the affected lot from its original owner to the government takes time to complete, resulting in the possible delay of payment and delivery of benefits to the PAP's. As a mitigating measure, the DOTC may allow the use of a certification that the TCT for the affected lot is being processed in lieu of a

TCT. However, it should be clear that the TCT and consolidation process should be completed prior to compliance monitoring. Otherwise the payment may be held in abeyance or shall be held in escrow.

106. Upon the completion of the required legal documentation, and processing of all claims and RP related expenditures, the PIU and DOTC will proceed to pay the agreed entitlement compensation and deliver the other benefits to all of the PAPs. A record of all payments received by the PAPs, as well as certificate of acceptance from the concerned PAPs for all received entitlements shall be kept for future review and audit. The PIU and other concerned groups may be invited to witness the activity. All records of compensation will be gender disaggregated and monitoring of compensation delivery and subsequent impacts post-RP implementation will be gender disaggregated to ensure men, women and children are not disadvantaged by the RP process.

### **9.3.3. Acquisition and Clearing of Land and Consolidation of Title**

107. PAPs are allowed to clear the affected area for all obstructions. In exchange, the PAPs can retain the dismantled materials/spoils without being charged a salvage fee. After delivery of the entitlements to the PAPs, an order will be issued by DOTC to take possession of the land and clear it of all structures, vegetation and other obstructions (only if the PAPs have not done the clearing themselves).

108. PAPs will be given a total of 30 days notice after entitlement is provided before DOTC will take possession of the land. Clearing operation should be scheduled prior to the start of civil works and should be properly relayed to the PAPs at least a week prior to demolition work. If there are PAPs to be relocated, then the PIU should ensure that these households be transferred to the relocation site prior to clearing operations. All resettlement acquisition and compensation must be satisfactorily completed one (1) month prior to the commencement of civil works. If the replacement site is not yet available at the time of clearing, the PIU should provide for a suitable temporary shelter for the affected household while waiting for the intended facility to be completed.

### **9.3.4. Funding Resettlement**

109. Funding for the resettlement shall be from DOTC. Funds for the RP will be separated from the land acquisition cost. DOTC shall be responsible in clearing the lands of informal settlers in accordance with the social safeguards stated in this RPF and in the RP document. The allocated budget for the RP shall be charged to the Project's mobilization funds.

## 10. ORGANIZATIONAL PROCEDURES TO DELIVER ENTITLEMENTS

110. **Table 10.0.1** below, outlines the Philippine agencies and institutions involved in involuntary resettlement activities for the project. The DOTC PIU will be required to liaise with the various agencies and, if necessary, prepare a formal agreement with the agencies to provide their services in a timely manner as per the project schedule and/or the implementation schedule provided in the RP documents.

**Table 10.0.1: Agencies and Institutions Involved in the Implementation of Involuntary Resettlement**

<b>Agency</b>	<b>Involuntary Resettlement Function</b>
<b>DOTC-Technical Working Committee (TWC) for Land Acquisition</b>	Responsible in the site/land acquisition necessary for the BRT project. Responsible for implementation, management and obtaining budget allocation from the National Government for payment of land acquisition. Review and approve RAP and associated budgets on behalf of Philippines Government.
<b>BRT-NPMO</b>	Overall responsibility for ensuring that the RP is prepared and implemented in accordance with RPF. It shall directly manage and supervise the project, including land acquisition and resettlement activities with the direction for the DOTC-TWC for Land Acquisition. It shall ensure that funds for the timely implementation of the RP are available and that expenses are properly accounted for.
<b>Project Implementation Unit (PIU)</b>	At the City/LGU level, a PIU will be established to undertake the supervision of the BRT project. It will be staffed by personnel coming both from the LGUs (Quezon City and City of Manila) and DOTC. The specific responsibilities of the PIU are, among others: <ol style="list-style-type: none"> <li>1. Ensure that bidding and contract documents include the SEMP and RP, when necessary;</li> <li>2. Submit monthly and semi-annual monitoring reports on SEMP and RP implementation to PMO;</li> <li>3. Ensure that Project implementation complies with WB's safeguard;</li> <li>4. For project duration, commit and retain a Safeguard Specialist within PIU and Contractors to oversee SEMP/RP implementation;</li> <li>5. Check that environmental protection and mitigation measures in the SEMP/RP are incorporated in the detailed designs;</li> <li>6. Participate in an environmental grievance redress mechanism, as described in the ESIA, to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the Project's environmental performance;</li> <li>7. Report to WB and DENR on all aspects of environmental management and monitoring at six month intervals, based on the results of SEMP/RP monitoring;</li> <li>8. With support from in-house Safeguard Specialist, prepare semi-annual monitoring reports for submission to PMO, DENR and WB; and</li> </ol>

<b>Agency</b>	<b>Involuntary Resettlement Function</b>
	9. Based on the results of SEMP/RP monitoring, identify environmental corrective actions and prepare a corrective action plan.
<b>The World Bank</b>	The Project's source of financing. Provides project appraisal ensuring that social safeguards are met in project implementation.
<b>Independent Property Appraiser</b>	To be commissioned by the PIU to undertake appraisal of the affected structures and to provide estimates of appropriate compensation values to PAPs based on the RPF.
<b>Project Consultant (Resettlement Expert(s))</b>	In coordination with PIU, the Project Consultant will have the following functions: <ol style="list-style-type: none"> <li>1. Prepare RP;</li> <li>2. Assist PIU in identifying affected persons and assets;</li> <li>3. Conduct necessary surveys to gather information on the PAPs and affected assets;</li> <li>4. Assist PIU and other relevant agencies in community meetings and other related disclosure activities; and</li> <li>5. Provide PMO with updated information on resettlement and related activities.</li> </ol>
<b>Barangay/LGUs</b>	To provide assistance to the PIU during public consultation meetings and in identifying resettlement sites for PAPs, when necessary.
<b>Presidential Commission for the Urban Poor (PCUP)</b>	<ol style="list-style-type: none"> <li>1. Issue clearances for demolition and eviction activities in national government projects; and</li> <li>2. Monitor all evictions and demolitions involving homeless and underprivileged citizens.</li> </ol>
<b>Bureau of Internal Revenue (BIR)</b>	Provides zonal valuation as basis for determination of just compensation
<b>National Housing Authority</b>	Acquires, develops and establishes relocation sites in anticipation of informal settlers potential displacement from future projects (RA 8974 IRR Sec 17)
<b>Courts</b>	<ol style="list-style-type: none"> <li>1. Issue Writ of Demolition to informal settlers (RA 8974 IRR Sec. 17);</li> <li>2. Issue Writ of Possession of expropriated lands (RA 974); and</li> <li>3. Determine "just compensation" to land/property owners (RA 8974 IRR Sec 13)</li> </ol>
<b>DILG</b>	Extend full cooperation and assistance to the Implementing Agency (RA 8974 IRR Sec 17)
<b>PNP</b>	Extend full cooperation and assistance to the Implementing Agency (RA 8974 IRR Sec 17)
<b>HUDCC</b>	Overall coordination of agencies in the resettlement of informal settlers (RA 8974 IRR Sec 17)
<b>Housing and Land Use Regulatory Board</b>	Provides development permits and regulates private housing developers which includes resettlement areas
<b>City Register of Deeds</b>	Records any ROW agreement, grant, sale or expropriation decisions on the property (RA 8974 IRR Sec 15)
<b>Government Banks</b>	<ol style="list-style-type: none"> <li>1. Depository of initial payments of just compensation;</li> <li>2. Undertakes appraisal of affected properties at the request of DOTC; and</li> <li>3. Accredits private sector appraisers that government agencies can tap to value affected properties.</li> </ol>

## **11. CONSULTATION AND PARTICIPATION OF DISPLACED PERSONS**

111. Consultation with PAPS and their participation will occur throughout the resettlement process. The following describes the ways in which PAPS will be involved with different phases of the project.

### **11.1. Plans for Participation**

112. WB policy requires that all PAPS and stakeholders be meaningfully consulted from beginning to end of resettlement planning and implementation processes. The information campaign will be carried out by the PIU and will be implemented through community meetings and distribution of leaflets and other information materials. Leaflets will be preferably prepared in the local dialect. The leaflet shall contain the statement of purpose, project details and other useful information and shall be distributed by DOTC to each PAP. Aside from community meetings, the PIU shall post posters with the same information contained in the leaflet in conspicuous locations such as the municipal, city and barangay halls where the project will be located.

113. Community meetings shall be organized in accessible locations and at convenient times to allow the participation of all PAPS. Specific and separate gender meetings will also be held in order to ensure gender specific needs and views are obtained and acted upon through the RP. If necessary, DOTC should provide the PAPS with transportation. These meetings will provide the venue for DOTC and the PAPS to exchange information and concerns about the project. Documentation in the form of attendance lists and minutes of the meeting shall be the responsibility of DOTC with assistance from the project consultants.

### **11.2. Planning phase**

114. During preparation of the RP, initial consultation meetings will be held with affected barangay officials, PAPS and other stakeholders, prior to conduct of census and surveys. The consultation meetings will have the following objectives:

1. To inform the public on the status of the project;
2. To disclose the RPF;
3. To agree with the stakeholders on the cut-off date for PAPS eligibility to compensation and entitlement as provided in the RPF;
4. To generate an agreement on the schedule and procedures for the conduct of census, the inventory of assets affected by the project and the conduct of the socio-economic survey; and



5. To generate consensus on the role of local officials and stakeholders in data gathering and in information campaign.

115. Consultation meetings prior to drafting the RP report will also be held, the objectives of these meetings are:

1. To disclose the major findings of the census and socio-economic survey and inventory of impacts;
2. To explain to PAPs the compensation and entitlements available to them;
3. To confirm the names of PAPs covered in the census and survey; and
4. To discuss the role of the public, especially the PAPs and LGUs in RP implementation, information exchange and to explain the mechanism in redressing grievance.

### **11.3. Implementation Phase**

116. The involvement of PAPs and LGUs during RP implementation will be through the PIU. The PIU will be involved in verifying the identities of PAPs, project impacts and in finalizing the compensation and entitlement packages for the PAPs. The PIU will also be one of the first venues for grievance redress.

## **12. GRIEVANCE REDRESS MECHANISM**

117. The depot site acquisition must be fully compliant with RA 8974 and its IRR as well as with the World Bank's safeguards requirement on grievance redress mechanism. Complaints about land acquisition and resettlement for the implementation of the Metro Manila BRT Line – 1 project during the construction and operation phases shall be handled by the following:

1. The Social Safeguards Specialist of the PIU;
2. Resident Ombudsman who is a designated Observer in the Technical Working Committee (TWC) for Acquisition of Sites/Rights-of-Way for DOTC's Infrastructure Projects per DOTC Department Order No. 2013-05;
3. TWC as mentioned in number 2, above; and
4. The concerned Local Government Unit's Office of Legal Affairs, in particular the Quezon City LGU and the City Manila LGU Offices of Legal Affairs for the North and South Depot locations, respectively.

118. Grievance and complaints will be handled through expeditious consultations between the DOTC's Legal Services Division and the project affected people (PAP) or entity with the goal of arriving at a mutually

agreeable solution or consensus. The following general procedures in addressing grievance and redress shall be observed:

- a) Grievance or complaints shall be filed by the project affected people or entity with the Resident Ombudsman who will forward the complaint to the TWC including its recommendations for redress. TWC shall act within 15 days upon receipt of the complaint/grievance;
- b) If no understanding or amicable solution can be reached from the TWC within 15 days of registry of the complaint, he/she can file the complaint to the Office for Legal Affairs, which should act on the complaint/grievance within 15 days from the day of its filing; and
- c) Submission of grievance or complaints to other entities, as may be necessary.

119. Project affected people or entity will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures. All complaints received in writing (or written when received verbally) from the project affected people or entity will be documented and shall be acted upon immediately according to the above outlined procedures.

120. Names and contact numbers of responsible persons in this grievance mechanism shall be included in the RP report.

### **13. MONITORING MECHANISM**

#### **13.1. Monitoring Plan**

121. The primary requirement for the monitoring of the implementation of the RP is to ensure it is being carried out in accordance with applicable government policies and social safeguard requirements of the World Bank. The land acquisition, payment of compensation, resettlement of people severely impacted by the project and release of funds must be monitored.

122. DOTC BRT-NPMO shall serve as the Internal Monitoring Agent (IMA) for the project. In addition, the BRT-NPMO will commission an External Monitoring Agent (EMA). The EMA will be a qualified individual, Non-Government Organization (NGO) or consultancy firm. The EMA will be required to actively involve a women's NGO and/or the City Social Welfare Development (CSWD) Office (with the understanding that the CSWD Office will be independent from/not be involved with other RP activities) in the monitoring activities performed on the site. The monitoring responsibilities of the IMA and the EMA, as well as the monitoring indicators, frequency of monitoring, and

final and post evaluations will be conducted in accordance with monitoring plan to be set out in the RP. A detailed scope of works and monitoring requirement will be documented in the RP.

### **13.2. Updating**

123. If during project implementation or in case of changes in project design or alignment, additional adverse social impacts are identified and/or additional affected households are found, they are entitled to receive project entitlements as provided for in this RPF and associated legal instruments.

124. Updating of RP information and costs should be undertaken if the implementation will be delayed by twelve months, there is a significant scope change to the project and/or there is material evidence of inflation significant enough to influence increase of the resettlement budget.

125. In the case that there are variations made to the land acquisition and resettlement related legislation of the Philippines or of the World Bank, a review of, and amendments to the RP may also be triggered.