

Program Safeguard Systems Assessment

October 2014

PHI: Senior High School Support Program

PROGRAM SAFEGUARD SYSTEMS ASSESSMENT

EXECUTIVE SUMMARY

1. This Program Safeguards System Assessment (PSSA) has been prepared for the Senior High School Support Program (SHSSP), which is proposed for funding using a Results-Based Lending for Programs (RBL) methodology. The delivery of school infrastructure under the RBL program may trigger environment, involuntary resettlement, and indigenous peoples (IP) safeguards policies of the Asian Development Bank (ADB), while curriculum development may trigger ADB's IP safeguard.¹ The PSSA analyzed safeguards systems of the Government of the Philippines (the government) and those of the program executing agency – the Department of Education (DepEd) – vis-à-vis ADB's safeguards requirements. There are good practices in the Philippines' safeguards system, including preparation of mitigation plans for development partner-funded projects, and consultations with affected communities. There are also some gaps with ADB's Safeguard Policy Statement (SPS) principles, and a need to strengthen institutional capacity and human resources. Safeguards related program actions have been proposed to help address these issues, and will be monitored during program implementation.

A. Introduction

2. The PSSA builds on the existing knowledge of ADB, its development partners, concerned government agencies, and ADB staff and consultants who were involved in the preparation of the SHSSP. This PSSA was prepared through (i) document reviews of existing reports, equivalence assessments, and relevant government laws and regulations; (ii) interviews with representatives of government agencies, namely, DepEd and the Department of Public Works and Highways (DPWH); and (iii) site visits.²

B. Summary Program Description

3. The SHSSP will support the establishment and implementation of the senior high school (SHS) component of the government's kindergarten to grade 12 (K to 12) basic education program. It will cover activities from 2014 to 2019 in four results areas: (i) quality of DepEd senior high school program upgraded, (ii) minimum service standard for school facilities in DepEd senior high schools (SHSs) achieved, (iii) SHS education voucher program developed and implemented, and (iv) basic education management, fiduciary and safeguards systems strengthened. As the executing agency, DepEd will implement the SHSSP through its central, regional and division offices. A program steering committee will be formed to oversee program implementation, as well as set policy guidelines and strategic directions for the SHSSP.

C. Program Environmental and Social Impacts and Risks

4. **Environment.** The delivery of school infrastructure under results area (ii) above, will likely trigger an environmental assessment. Physical infrastructure development will likely involve delivery of new SHSs, rehabilitation of existing schools, delivery of new buildings and classrooms within existing school compounds, and upgrading of technical and vocational

¹ As discussed in the Safeguard Policy Statement (SPS) (2009).

² DepEd's Physical Facilities & Schools Engineering Division (PFSED) has an Educational Physical Facilities Manual that guides the construction of DepEd educational facilities. Responsibility for school construction has alternated between DepEd and DPWH.

education and training school infrastructure. These activities could result in moderate adverse environmental impacts such as short-term construction-related site-specific impacts that, in most cases, can be mitigated through standard operational procedures and good construction management practices. As such, the program is categorized as B for environment.

5. **Involuntary resettlement.** Although DepEd has indicated it does not intend to build SHS infrastructure on new land, results area (ii) above may have resettlement impacts since the actual location of new facilities is still being determined and affected persons (APs) may be present even on public properties targeted for new construction. Due to the relatively small areas needed for these activities, the program is categorized B for involuntary resettlement (IR).

6. **Indigenous peoples.** Results areas (i) and (ii) above may have impacts on indigenous peoples (IPs).³ IP communities will not be specifically targeted under the SHSSP and no differential impacts are expected. However, enrolments and the actual location of new facilities are still being determined. Thus, the delivery of new facilities in exclusive IP habituated areas or ancestral territories cannot be ruled out at this stage, and the program is categorized B for IP.

D. Safeguard Policy Principles Triggered

Table 1: Safeguard Policy Principles Triggered

Safeguard Policy Statement Principles ⁴	Description
Environment	
Principle 3. Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts.	Identification of subproject locations will be determined later but will be mostly on existing school campuses and public land. The education facilities manual provides standards and guidance on the construction of facilities and site selection with little room for alteration of design or location.
Principle 6. Disclose the environmental assessment report in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders.	No internet disclosure of IEE with EMP is undertaken by DepEd and DENR. However, hard copies are provided at regional offices for public viewing including affected people.
Principle 11. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.	There is no specific provision in the national EIA regulations that refer to protection of physical cultural resources such as churches or heritage sites.
Involuntary Resettlement	
Principle 3: Improve, or at least restore, the livelihoods of all displaced persons	Several policies of the Government of the Philippines prioritize/give precedence to compensation based on BIR zonal value for land, which may not be equivalent to full replacement cost. Improvement of livelihoods of project displaced persons is not explicitly required in Philippine laws and regulations. Apart from national infrastructure projects, the compensation policies that apply use the values declared by the owner/administrator or as determined by the Assessor pursuant to the Real Property Tax Code, whichever is lower, as basis for compensation. These values are way below market rates. The government has no resettlement policy that would define just compensation for socio economic and income losses (small businesses and commercial

³ The IP education policy framework of DepEd provides that IP organizations and communities shall be involved in preparing IP content of the SHS curriculum in IP areas

⁴ Principles based on pages 16-18 of the Safeguard Policy Statement (2009) of ADB.

Safeguard Policy Statement Principles ⁴	Description
	establishments) arising from public expropriation proceedings.
Principle 4: Provide physically and economically displaced persons with needed assistance	Laws are silent on integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities.
Principle 6: Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement	Procedures for negotiated settlement are provided through RA 8974 but silent on transparency
Principle 11: Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation	The Philippine Civil Code states that private property can only be acquired upon payment of just compensation. Other laws, however, including the Constitution and RA 8974 are vague on timing of compensation. Additionally, Section 19 (Eminent Domain) of the RA 7160 states that “the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated”
Indigenous Peoples	
Principle 6. Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected IP communities.	Preparation of IPP not specifically required by Philippine law although (i) departmental policies include development of mitigation measures, (ii) MOA that approximates IPP requirements is prepared only for projects requiring FPIC; (iii) IPAP is prepared for projects with adverse IP impacts. Apart from this, government laws and regulations on IPs, particularly the IPRA of 1997, are strong and in some aspects, go beyond ADB’s SPS requirements.

ADB = Asian Development Bank, BIR = Bureau of Internal Revenue, DENR = Department of Environment and Natural Resources, DepEd = Department of Education, DOLE = Department of Labor and Employment, DP = displaced person, EMP = environmental management plan, FPIC = Free, Prior, Informed Consent, IEE = initial environmental examination, IP = indigenous peoples, IPAP = Indigenous Peoples Action Plan, IPP = indigenous peoples plan, IPRA = Indigenous Peoples Rights Act of 1997, IR = involuntary resettlement, MOA = memorandum of agreement, RA = Republic Act, RP = resettlement plan, SPS = safeguard policy statement

E. Diagnostic Assessment

1. Assessment Methodology and Resources

7. **Environment.** The diagnostic assessment was carried out by ADB staff and program preparatory technical assistance (PPTA) consultants through a desk review of existing reports, national policies and safeguards systems, and through meetings and interviews with key personnel of the DepEd central office, selected division offices, and DPWH, to discuss their current environmental assessment and management system, the institutional capacity of DepEd and DPWH, and institutional linkages in the implementation of the environmental management plan. The PPTA consultant met with a number of offices and visited selected sites.⁵ Information about the environmental legal framework, rules and regulations in the Philippines was obtained from the Department of Environment and Natural Resources. Equivalence assessment reports of Philippine country safeguards system from World Bank- and ADB-supported technical assistance projects were also reviewed.

⁵ DepEd Physical Facilities and Schools Engineering Division (PFSED), DepEd-Disaster Risk Reduction Management Office, DepEd Division Office–Pasig City, DepEd Division Office – Lipa City, Gaudencio Lontok Elementary School, Bulakhin High School, DPWH-Office of USEC Alfredo Tolentino, DPWH-Environment and Social Safeguards Office, DPWH-Bureau of Construction, and DPWH-Bureau of Design.

8. **Involuntary resettlement.** In order to assess and validate existing land acquisition and resettlement (LAR) safeguards systems and determine potential IR impacts and institutional capacity for safeguards implementation, the PPTA consultants, together with ADB staff and a staff consultant carried out document reviews of existing relevant laws, policies, reports on land sector governance and IR in the Philippines,⁶ and drew on experience from existing projects with LAR impacts,⁷ supplemented by meetings and interviews conducted with (i) key personnel of DepEd central office; (ii) the Undersecretary of DPWH in charge of the Environment and Social Safeguards Office; (iii) the acting director of PFSED; (iv) the head of the DepEd Legal/Titling division; and (v) the DepEd Undersecretary for Legal Affairs. The existing LAR legal and regulatory framework was assessed against ADB Involuntary Resettlement Policy Principles to identify existing good practice and critical gaps in the applicable SPS principles and the safeguards system, identify institutional capacity-building needs, and propose safeguards-related actions to be applied under the program.⁸

9. **Indigenous peoples.** The IP safeguards diagnostic assessment was carried out by PPTA consultants, ADB staff and a staff consultant through document reviews of existing relevant laws, policies and reports, drawing on consultants' previous experience with IPs and development projects in the Philippines, and supplemented by meetings and interviews.^{9,10} Findings were analyzed to determine (i) the program's potential IP impacts; (ii) existing good practice in the IP safeguards system; (iii) critical gaps between the existing system and ADB SPS policy principles; (iv) institutional capacity-building needs; and (v) IP safeguards actions to be applied under the program.

2. Environment Systems Assessment

10. **Environmental assessment.** A comprehensive Environmental Systems Assessment (ESA) was undertaken to understand the current national environmental impact assessment (EIA) procedures as well as the safeguards practices of DepEd during the planning and construction of physical facilities. The ESA covered (i) environmental policies and regulations in the Philippines, (ii) overview of ADB safeguards requirements, (iii) anticipated environmental impacts and mitigation measures, (iv) management of risks, and (v) capacity improvement. DepEd has an educational facilities manual (EFM) of 2010, which provides guidance and standards including environmental assessment procedures. The EFM contains the DepEd school mapping exercise that includes environmental mapping to recognize disaster risk reduction measures in school planning. School planning and design also ensure consistency with the requirements of Philippine laws and regulations such as the national building code,

⁶ World Bank. 2008. *Philippines Involuntary Resettlement: Policy and Institutional Frameworks, Practices and Challenges*. Discussion papers, East Asia and Pacific Region. Social Development, and Rural Development, Natural Resources and Environment Sectors. Washington DC.; Eleazar, F. C., et al. 2013. *Improving Land Sector Governance in the Philippines: Implementation of Land Governance Assessment Framework (LGAF)*.

⁷ ADB. 2012. *Integrated Natural Resources and Environmental Management Project*. Manila. ADB and International Fund for Agricultural Development. 1996. *Cordillera Highland Agricultural Resource Management Project*. Manila; ADB and International Fund for Agricultural Development. 2008. *Second Cordillera Highland Agricultural Resource Management Project*. Manila; World Bank. 2008. *National Roads Improvement and Management Program*. Manila; World Bank. 2010. *Pasig River Rehabilitation Program*. Manila; Millennium Challenge Corporation. 2010. *Secondary National Roads Development Project*. Manila.

⁸ As per ADB Safeguard Policy Statement (2009).

⁹ Gesellschaft für Internationale Zusammenarbeit GmbH. 2013. *Assessing Free and Prior Informed Consent (FPIC) Implementation in the Philippines*. Manila.

¹⁰ Program Director of Indigenous Peoples Education Office, IP point person for education in the National Commission on Indigenous Peoples, former chairperson of NCIP.

sanitation code, national structural code, occupational safety and health standards, among others. The responsibility for securing the Environmental Compliance Certificate (ECC) for projects covered by the Philippine Environmental Impact Statement (EIS) system rests with PFSED and the contractor. Under the current DepEd arrangements, the ECC is secured by the school and facilitated by the contractor, alongside other permits and clearances such as those for building, electrical, sanitary, and other required permits.

11. **Institutional arrangements.** PFSED is located at DepEd's central office. It plays the vital role in administering the design and construction of school facilities. PFSED operates under the Office of Planning Service – Office of the Assistant Secretary for Planning of DepEd. As the current function of PFSED is focused on construction of school buildings and facilities, the human resource complement is principally composed of engineers and architects with limited knowledge of EIA. The facilities coordinator at the DepEd division office and the school principal supervise contractors and overall project implementation. The DepEd regional and division offices have one facilities coordinator each who is assigned concurrent with existing assignments as education supervisors or teachers. PFSED assigns a project engineer from the central office to work with the facilities coordinator. Project implementation arrangements provide a good starting point to incorporate the environmental management plan (EMP) monitoring and reporting during the construction phase of a project by the PFSED project engineer and by the facilities coordinator. However, a full-time environment officer or safeguards focal person is needed to oversee the safeguards implementation of projects implemented by both DepEd and DPWH. DepEd, contractors and DPWH will need capacity building on environmental management and ADB's SPS.

3. Involuntary Resettlement

12. **Current involuntary resettlement policy and practice.** Existing laws and regulations govern land acquisition and resettlement in the Philippines, and the government has adopted resettlement policies of development partners on a project-by-project basis.¹¹ Strengths of the existing system include preparation of resettlement plans for development partner-funded projects,¹² consultation with affected communities, and aiming for “just compensation” for project-affected assets. These existing good practices will be adopted by the program, although some aspects need strengthening. Critical gaps identified include definition of just compensation for private property affected by land acquisition and resettlement – several GOP policies prioritize/give precedence to compensation based on Bureau of Internal Revenue zonal value for land, which may not be equivalent to full replacement cost (i.e., market value of the property without deduction for transaction costs and taxes). The use of market values and upfront payment in compensating owners of properties subject of expropriation is only guaranteed in

¹¹ These include the 1987 Constitution of the Republic of the Philippines; The 2007 Revised Procedural Manual For Department of Environment and Natural Resources (DENR) Administrative Order No. 30 Series Of 2003; DPWH Infrastructure Right of Way (IROW) Procedural Manual (2003); DPWH Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (LARRIP, 2007); Republic Act (RA) 386 – the Philippine Civil Code; Executive Order No. 152 Clearing House for Demolition and Eviction; and RA 7279 (Urban Development and Housing Act) and its Implementing Rules and Regulations.

¹² Aside from RPS prepared for ADB-funded projects, Resettlement Action Plans (RAPs) and/or frameworks have been prepared for World Bank-funded projects in the Philippines with involuntary resettlement impacts, including Second National Roads Improvement Project (2012), Participatory Irrigation Development Project (2014), Metro Manila Water and Wastewater Improvement Project (2014), The Cebu bus rapid transit demonstration project (2013), Laguna de bay institutional strengthening and community participation project (2012). RAPs have also prepared for JICA-funded projects, including New Bohol Airport Construction and Sustainable Environment Protection Project (2012), Flood Risk Management Project For Cagayan De Oro Project (2013), etc.

national infrastructure projects; thereby creating an uneven application of fairness in compensation.¹³ Other types of projects use only assessed values as basis for compensation, and need only to pay 15% of the total value to acquire the property.¹⁴ Furthermore, the government has no resettlement policy that would define just compensation for socio economic and income losses (small businesses and commercial establishments) arising from public expropriation proceedings and, although procedures for negotiated settlement are provided through RA 8974, these are silent on transparency. Variances in resettlement practices have also been identified across agencies.¹⁵ Specific to the program, PFSED has an EFM that guides the construction of DepEd education facilities. However, the manual does not contain a policy on resettlement. Responsibility for construction of school buildings has alternated between DepEd and DPWH, but recently returned to DepEd. While the acting head of the PFSED says the unit is capable of handling new facilities construction for the K to 12 program, neither she nor the legal department of DepEd is aware of a DepEd policy on IR.

13. At the local level, DepEd forwards proposals for school construction or expansion to its partner local government units (LGUs). LGUs and the National Housing Authority (NHA) are directly involved in land acquisition. Regardless of whether the required land is LGU-owned or must be acquired, the local chief executive, through a resolution by the local council, enters into a usufruct agreement with DepEd, most often on a perpetual basis. DepEd begins construction once all IR issues have been addressed between APs and the LGU–NHA. The safeguards gap-equivalence diagnosis has noted partial equivalence between Philippine laws and regulations and ADB's SPS principles. The following critical gaps have been identified (i) meaningful consultation across the project cycle; (ii) compensation for affected assets at full replacement cost; (iii) full provision of compensation and other forms of assistance prior to physical or economic displacement; (iv) improvement of standards of living of displaced poor and other vulnerable groups to at least national minimum standards, and provision of appropriate income sources and legal and affordable access to adequate housing; (v) integration of resettled persons with host communities; and (vi) the threshold used to determine eligibility of affected households for transitional support and participation in income restoration activities.

14. **Institutional capacity.** The institutional capacity assessment undertaken identified human resource gaps, particularly for undertaking field surveys and census during screening and scoping of impacts. However, the LGU through the Department of Interior and Local Government (DILG) and NHA have existing protocols for involuntary resettlement. NHA complements its own Republic Act (RA) 7279 with DPWH's land acquisition, resettlement, rehabilitation and indigenous peoples' policy (LARRIPP) and infrastructure right-of-way (IROW) procedural manual (anchored on RA 8974) which have very clear policies on acquisition of public and private land for infrastructure and structures through the preparation of the Land Acquisition Plan and Resettlement Action Plan (LAPRAP). Compensation for assets is already in place with the LARRIPP through a standard entitlement matrix based on specific impacts of project activities, along with a grievance mechanism and monitoring system.¹⁶ However, gaps have been observed in respect of interpretation of compensation at replacement cost and eligibility for additional entitlements (related to do threshold for identifying severely affected households). The DepEd Undersecretary for Legal Affairs is amenable to using the DPWH

¹³ Eleazar, F. C., et al. 2013. Improving Land Sector Governance in the Philippines: Implementation of Land Governance Assessment Framework. The LGAF was coordinated by Land Equity Technology Services, Inc. (LETS) in consultation with various stakeholders led by DENR and with support from the World Bank.

¹⁴ Footnote 13.

¹⁵ Footnote 5.

¹⁶ The LAPRAP has been in place since 2003 and the LARRIPP since 2007.

LARRIPP, if required, to provide training in the adoption and implementation of this policy. Given the above IR policy, capacity and implementation gaps, concrete actions have been recommended to ensure compliance of SHSSP activities with ADB IR policies as set out in the SPS.

4. Indigenous Peoples

15. **Current indigenous peoples policy and practice.** Government laws and regulations on IPs, particularly the Indigenous People's Rights Act of 1997 (IPRA), are strong and go beyond ADB's SPS requirements in some respects. For instance, while ADB policy requires only a collective expression by the affected IPs, through individuals and/or their recognized representatives, of broad community support for project activities and states that broad community support may exist even if some individuals or groups object to the project activities, IPRA requires consensus of all members of the concerned indigenous cultural communities (ICCs)/IPs. Furthermore, IPRA specifies that IPs can return to their ancestral territories when the reason for the relocation ceases to exist as determined by the ICCs/IPs. IPRA also requires project proponents to prepare and submit to the affected community a written commitment to full disclosure of records and information relevant to the policy, program, project or activity, and allow full access to records, documents, material information and facilities pertinent to the same.

16. These good practices can be adopted by the SHSSP for activities that trigger the IP safeguard. Specific to DepEd, the Implementing Rules and Regulations of the *Enhanced Basic Education Act of 2013* (the K to 12 law) support inclusiveness via the implementation of programs that address the physical, intellectual, psychosocial, and cultural needs of learners. Even before the law was passed, the DepEd Secretary issued Department Order (DO) 62, s. 2011, which created the National Indigenous Peoples Education Policy Framework. The policy builds upon provisions of the Philippine constitution, the IPRA, and the UN Declaration on the Rights on Indigenous Peoples (2007) that recognize the right to education of IPs. In the same year, the Secretary issued DO 103 s. 2011 – the Creation of the Indigenous Peoples Education Office (IPSEO) to operationalize DO 62. In 2013, the Secretary's office also issued DO 26, which establishes the Implementing Guidelines for the Allocation and Utilization of the Indigenous Peoples Education Program Support Fund. An initial PhP100 million was allocated from DepEd's budget to constitute the fund. The fund supports implementation of programs, projects and activities in support of the realization of the framework.

17. **Institutional capacity.** The institutional capacity assessment was undertaken. Identified gaps are mostly in terms of implementation effectiveness and human resources. In general, NCIP field personnel lack the technical skills required and/or the agency lacks the human resources to adequately perform their functions, specifically field-based investigations.¹⁷ Lack of reliable data may also contribute to poor social assessment. Difficulties have been encountered in implementing free, prior, and informed consent (FPIC) activities, obtaining community consent, disclosure of relevant documents, and effectively involving IPs in monitoring and evaluation. Limited understanding of indigenous cultures and value systems; implementing partners' occasional lack of transparency regarding a project's anticipated negative impacts and failure to provide timely and adequate information for IPs to review memoranda of agreement (MOA) are among the identified limitations of NCIP and government agencies implementing IP

¹⁷ The NCIP is the government institution mandated to administer and implement the Republic Act (RA) 8371, the *Indigenous Peoples Rights Act of 1997* (IPRA). It defines the role and extent of NCIP's jurisdiction in protecting IP rights

programs.¹⁸ In DepEd, the IPSEO oversees implementation of the IPED; however, primary responsibility for implementation rests with the regional and division levels of DepEd. IPSEO is currently staffed by four persons and is headed by a national coordinator. Despite having a dedicated secretariat, staff must compete with other programs and projects for the time and attention of field implementers. While the IPED policy of DepEd is proactive, it is a new program and field staff are only recently beginning to be sensitive towards IPs. Concrete actions have been recommended as part of the Program Action Plan (PAP) to address these gaps.

F. Safeguard Program Actions

18. Given the preceding discussion, the following safeguard related program actions are proposed to address the identified gaps. Progress in implementing these actions will be monitored by ADB during program implementation. These are presented in Annex 1.

G. Summary Proposed Safeguard Actions

1. Assessment and Documentation

19. The following key actions are proposed in respect of assessment and documentation across all three safeguard areas (environment, IP and IR):

- (i) Integrate continuing meaningful consultations with affected households (per ADB definition¹⁹) in the preparation and implementation of RPs for activities with LAR impacts;
- (ii) Where relocation is required, RPs will include measures to ensure integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities
- (iii) Negotiated land settlements to be monitored and documented by independent third party;
- (iv) All assets compensated at full replacement cost and non-titled holders compensated for non-land assets, including resettlement assistance provided prior to physical and/or economic displacement.

2. Capacity-building

20. The following key actions are proposed in respect of capacity-building across all three safeguard areas (environment, IP and IR):

- (i) Designate a safeguards unit with an assigned social and environment officer/specialist or safeguards focal person; and

¹⁸ Additional details, including information sources, are in the attached Gap-Equivalence Matrices

¹⁹ Meaningful consultation, as defined in the ADB SPS (2009), is: A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

- (ii) Build capacity of relevant field personnel at division level, including for impact assessment, continuing meaningful consultations with affected households (including IPs) and safeguards plan disclosure.

3. Public Consultation and Disclosure

- (i) Disclose IPPs and MOAs, where FPIC is required, in a timely and efficient manner. Include disclosure in project reports;
- (ii) Meaningful consultations conducted with all affected households during program implementation; and
- (iii) Disclose IEE, EMP, RP, IPP/MOA and all monitoring reports on DepEd website and to all affected households.

4. Grievance Redress Mechanism

- (i) Regularize the status of the Department of Education Text Action Center to maintain its core function as an independent office to administer the grievance redress mechanism; and
- (ii) Strengthen Department of Education Text Action Center's capacity to address environment related complaints, as well as LAR and IP related grievances through additional training.

Annex 1: Detailed Safeguards Program Actions

Gap	Proposed Action	Indicator/Targets	Responsibility	Timeframe	Budget
Environment					
Lack of environmental staff	Designate a safeguards unit with an assigned social and environment officer/specialist or safeguards focal person	Unit designated and safeguards officer/specialist or safeguards focal person appointed at PFSED	PFSED	Within 6 months	c/o PFSED-DepEd budget
Improve environmental assessment and monitoring procedure	Integrate environmental screening, assessment, consultations, preparation of IEE and EMP, environment monitoring and GRM in project planning	Disclosure of environmental documents to DepEd website	PFSED and consultant	Continuous prior to civil works for each subproject	c/o PFSED-DepEd budget
Improve compliance with Philippine EIS system	Secure ECC/CNC for subprojects	ECC/CNC for each subproject	PFSED	Continuous prior to civil works for each subproject	c/o PFSED-DepEd budget
Lack of knowledge/experience in environmental management	Capacity building in: (i) PFSED, (ii) regional/division offices; and schools	Training on EIA and environmental management and EMP implementation	PFSED and consultant	Within one – two years	c/o PFSED-DepEd budget
Involuntary resettlement					
Vague institutional role for IR implementation; need for capacity building in addressing IR concerns	Designate field personnel at LGU level/at DepEd to address social safeguards issues	Focal persons appointed at DepEd/LGU level to address social safeguards issues. Roles and responsibilities defined in PID and reflected in program/DepEd plantilla	Program Management Office and IPSEO	Within 6 months	c/o Program/DepEd budget
	Conduct orientation and capacity building of DepEd on IR safeguard program requirements	Orientation – training conducted at central office Regional orientation-training(s) conducted (Luzon, Visayas, and Mindanao) with participation of assigned LGU personnel	Program Management Office	Within 6 months	c/o Program/DepEd budget
Need to improve LAR screening and assessment, consultation process, and payment of compensation and assistance to AHs prior to displacement	Conduct safeguards due diligence and report on findings for each activity that involves infrastructure activities	Identification of sites for infrastructure activities includes safeguards due diligence, with the report integrated into program progress report	Program Management Office, DepEd district offices, and LGU	Program duration	c/o Program/DepEd budget
	All assets compensated at full replacement cost and non-titled holders compensated for non-land assets, including resettlement assistance provided prior to physical and/or economic displacement	Periodic monitoring reports reflect compensation of assets at full replacement cost and non-titled holders compensated for non-land assets including resettlement assistance provided prior to physical and/or economic displacement as per approved RPs	DepEd including district offices, PFSED, with NHA and LGU	Program duration Compensation and other entitlements paid/live-likelihood restoration activities in place prior to award of	c/o Program/DepEd budget

Gap	Proposed Action	Indicator/Targets	Responsibility	Timeframe	Budget
				civil works	
	Provide physically and economically displaced AHs with comparable access to employment and production opportunities, integration into host communities, and transitional support and assistance including timely delivery of required civic infrastructure and community services in relocation sites	Comparable access to employment and productive opportunities, integration into host communities, transitional support, and timely delivery of required civic infrastructure and community services in relocation sites provided to displaced AHs, and is reflected in periodic monitoring reports	DepEd including DOs, PFSED, LGU	Program duration Compensation and other entitlements paid/livelihood restoration activities in place prior to award of civil works	c/o Program/ DepEd budget
Procedures for negotiated settlement are silent on transparency	Negotiated land settlements to be monitored and documented by independent third party	Independent third party engaged Negotiated land settlements documented and included in Program monitoring reports	DepEd including DOs, PFSED, LGU	Prior to award of civil works	c/o Program/ DepEd budget
Limited public availability of expropriation data. Observed need for EMA	Hire EMA Prepare periodic monitoring reports for activities with physical and/or economic displacement Disclose monitoring reports on DepEd and ADB websites and provide to division offices	EMA hired Periodic external monitoring reports prepared and submitted to DepEd and ADB Monitoring reports disclosed on DepEd and ADB website, provided to division offices	DepEd	Prior to award of civil works	c/o Program/ DepEd budget
Indigenous Peoples					
Lack of capacity of field offices/staff to conduct IP impact screening, social impact assessment, meaningful consultation and FPIC	Ensure staff assigned have adequate technical skills Fully document FPIC process, consensus-building activities and community consultations, including dissenting opinions and concerns, and program response. Include in internal and external monitoring reports	Orientation – training(s) conducted at central office Regional orientation-training(s) conducted (Luzon, Visayas, and Mindanao) with participation of assigned district and division personnel EMA engaged Periodic Internal and external monitoring reports prepared and include full documentation of consensus-building activities, community consultations, process of adhering to FPIC requirements	DepEd, IPSEO, in coordination with NCIP	Within one to two years Program Duration	c/o Program/ DepEd budget
Capacity building for IPs to effectively participate in M&E is	Build capacity of affected IPs to actively participate in monitoring of IPP implementation and outcomes	Participatory M&E procedures included in IPP	IPSEO, in coordination with NCIP	Together with IPP	c/o Program/ DepEd budget

Gap	Proposed Action	Indicator/Targets	Responsibility	Timeframe	Budget
needed		Participation of IPs in M&E included in periodic monitoring reports			
Preparation of IPP not specifically required by Philippine law although (i) departmental policies include development of mitigation measures, (ii) MOA that approximates IPP requirements is prepared for projects requiring FPIC; (iii) IPAP is prepared for projects with adverse IP impacts	Prepare, implement and monitor IPP for activities with IP impacts. Prepare and implement MOA for activities that trigger FPIC as per IPRA and NCIP administrative orders.	IPPs prepared and implemented Periodic monitoring reports reflect IPP implementation and completion	PFSED, IPSEO in coordination with NCIP and LGU	Program duration	c/o Program/ DepEd budget
Disclosure of IPP to affected IP community	Disclose IPPs and MOAs, where FPIC is required, in a timely and efficient manner. Include disclosure in project reports	Documentation of community consultations where IPPs and MOAs have been formulated. Project reports reflect disclosure of IPPs and MOAs	IPSEO with LGU	Program duration	c/o Program/ DepEd budget

ADB = Asian Development Bank, AH = affected household, AP = affected person, DENR = Department of Environment and Natural Resources, DepEd = Department of Education, DOLE = Department of Labor and Employment, DP = displaced person, EMA = external monitoring agency, EMP = environmental management plan, FPIC = free, prior, and informed consent, GRM = grievance redress mechanism, IEE = initial environmental examination, IP = indigenous peoples, IPAP = indigenous peoples action plan, IPP = indigenous peoples plan, IPRA = Indigenous Peoples Rights Act, IPSEO = Indigenous Peoples Education Office, IR = involuntary resettlement, LAR = land acquisition and resettlement, MOA = memorandum of agreement, MSS = minimum service standard, NCIP = National Commission on Indigenous Peoples, RP = resettlement plan, SPS = safeguard policy statement