

# Resettlement Framework

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DRAFT

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PHI: Community-Driven Development Support Project

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## CURRENCY EQUIVALENTS

(as of 4 April 2013)

Currency unit	–	peso/s (P)
P1.00	=	\$0.0244
\$1.00	=	P40.99

## ABBREVIATIONS

ACT	–	area coordinating team
ADB	–	Asian Development Bank
BDC	–	barangay development council
BSPMC	–	barangay subproject monitoring committee
CBIS	–	capacity building and implementation support
CDD	–	community-driven development
CEAC	–	Community Empowerment Activity Cycle
CO	–	central office
DILG	–	Department of the Interior and Local Government
DSWD	–	Department of Social Welfare and Development
FO	–	field office
IOL	–	inventory of loss
IP	–	indigenous peoples
IR	–	involuntary resettlement
KALAHI-CIDSS	–	<i>Kapit-Bisig Laban sa Kahirapan</i> -Comprehensive Integrated Delivery of Social Services
KC	–	KALAHI-CIDSS
LCC	–	Local Counterpart Contributions
LGC	–	Local Government Code
LPRAT	–	Local Poverty Reduction Action Teams
M&E	–	monitoring and evaluation
MCC	–	Millennium Challenge Corporation
MCT	–	Municipal Coordinating Team
MDGs	–	millennium development goals
MIAC	–	Municipal Inter-Agency Committee
MIBF	–	Municipal Inter-Barangay Forum
NAPC	–	National Anti-Poverty Commission
NCIP	–	National Commission on Indigenous People
NEDA	–	National Economic and Development Authority
NPD	–	National Project Management Office
NSC	–	National Project Director
NSCB	–	National Steering Committee
NTWG	–	National Statistical Coordination Board
PDC	–	National Technical Working Group
PIAC	–	Provincial Development Council
PSA	–	Provincial inter-agency committee
RDC	–	Participatory situational analysis
RF	–	resettlement framework
RIAC	–	Regional inter-agency committee
RIE	–	Regional Infrastructure Engineer
RP	–	resettlement plan
RPMO	–	Regional Program Management Office

SDC	– Social Development Committee
SES	– socioeconomic survey
TOR	– terms of reference

## GLOSSARY

Affected person (AP)	Any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by <i>the</i> project or any of its components.
Ancestral Domain	All areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, <i>force majeure</i> or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals, corporations, and which are necessary to ensure their economic, social, and cultural welfare. It includes land, forests, pasture, residential, agricultural, and other lands individually owned whether in alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or who practice shifting cultivation. (Adopted from R.A. 8371 (IPRA))
Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)	A long-term community-based, comprehensive plan that contains the ICCs/IPs' collective vision, mission, general objectives, long-term goals, and priority concerns. The ADSDPP contains a list of development plans and projects that is used as reference in determining the fit between a proposed infrastructure project and the long-term development goals and priority concerns of the affected ICC/IP. Often interchanged with the ADB-IP Development Plan (IPDP), but where ADSDPP is all encompassing, planning for IPDP is limited to the ADB investment/project/subproject.
Ancestral Lands	Land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, <i>force majeure</i> or displacement by

force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots. (Adopted from R.A. 8371)

Certification Precondition (CP)	A document issued by the NCIP attesting that the applicant or project proponent has complied with the requirements for securing the consent of affected ICCs/IPs in accordance to the Free, Prior and Informed Consent Guidelines of 2006.
Compensation	Payment in cash or in kind for land, housing, income, and other assets <i>acquired or adversely affected</i> by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Customary Law	A body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by the IPs.
Cut-off date of eligibility	Date of commencement of the census of affected persons within the project boundaries. Persons not covered at the time of census taking will not be eligible for claims of compensation entitlements.
Entitlement	Range of measures comprising compensation, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature and severity of their losses, to restore their economic and social base.
Free and Prior Informed Consent	The consensus of all members of the affected IP group is to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable and appropriate to the community. Broad community support may exist even if some individuals or groups object to the project.
Income restoration	Re-establishing income sources and livelihoods of APs to approximate or exceed the level it was before the development project.
Indigenous People	A group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs will likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of

conquest or colonization, or at the time of inroads of non-indigenous religions or cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. (Adopted from R.A. 8371)

Land acquisition	The process whereby a person is compelled to relinquish ownership, possession, control or use of all or part of their land, structures or other assets to the Project in exchange for cash or in-kind compensation. This includes land or assets for which the possessor or user enjoys customary or uncontested access but lacks legal title. For this Project, compensation is based on replacement cost.
Relocation	Physical displacement of an AP from his/her pre-project place of residence and his/her transfer to another place.
Replacement cost	Amount of cash or kind needed to replace an asset (i.e., land, private structure, crops and trees, public structure and common resource) after an acceptable value is methodologically arrived at.
Resettlement	All measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Vulnerable groups	Distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women, elderly, or disabled, (ii) households falling under the generally accepted indicator for poverty, (iii) landless households, and (iv) ethnic minorities.

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## I. INTRODUCTION

### A. Project Description

1. The Community-Driven Development Support Project (“the Project” or “CDDSP”) will support the Government of the Philippines in implementing its National Community-Driven Development Program (NCDDP). The NCDDP is the government’s flagship program under the Philippine Development Plan (PDP) 2011–2016 and the National Anti-Poverty Framework (NAPF) to bring about more equitable access to basic services, reduce poverty, achieve inclusive growth, and improve human development outcomes in the poorest areas of the country.<sup>1</sup> It provides a platform for enhancing participatory planning and budgeting in national and local government systems as well as in harmonizing Community Driven Development (CDD) with efforts to strengthen public accountability mechanisms.

2. Building on the experiences of *Kapit-Bisig Laban sa Kahirapan* (Linking Arms against Poverty) – Comprehensive and Integrated Delivery of Social Services (KC) and other CDD programs, NCDDP will increase ongoing CDD operations from 364 municipalities in 49 provinces to 900 municipalities in 63 provinces, covering around 5 million households. NCDDP will provide (i) grants for planning and implementation of CDD subprojects, (ii) capacity building and implementation support (CBIS), and (iii) program management and monitoring and evaluation (M&E).<sup>2</sup>

3. The Department of Social Welfare and Development (DSWD) is the executing agency for CDDSP, which will be implemented from 2013 to 2018. The Asian Development Bank (ADB), the World Bank (WB), and other development partners have coordinated with the government in the design of NCDDP, including the conduct of preparatory and analytical work.<sup>3</sup>

4. The impact of the CDDSP will be reduced poverty in the poorest areas of the country. The outcome will be communities in targeted poor municipalities empowered to achieve improved access to services and to participate in more inclusive local planning, budgeting and implementation. The project will have the following outputs (i) CDD subprojects identified and completed, (ii) institutional and organizational capacity strengthened, and (iii) program management and M&E systems enhanced.

**5. Output 1: CDD subprojects identified and completed.** Planning and investment grants will be provided to participating barangays (villages) in poor municipalities. The planning grants will support participatory and gender inclusive planning processes and activities of barangay residents as well as technical assistance to ensure effective subproject selection and

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<sup>1</sup> The Asian Development Bank (ADB) provided a small-scale project preparatory technical assistance (S-PPTA) *Preparing Support for National Community-Driven Development Program* in the amount of US\$ 225,000 and a policy and advisory technical assistance (PATA) *TA 8106 PHI: Enhancing Social Protection through Community-Driven Development Approach* worth \$1,200,000. The S-PPTA aims to strengthen the due diligence and documentation requirements for ADB financing of the NCDDP while the PATA is intended to assist the government in the conduct of required analytical work including the pilot testing of the engagement of provincial LGUs in NCDDP.

<sup>2</sup> The National Economic and Development Agency (NEDA) Board approved the NCDDP in January 2013.

<sup>3</sup> ADB. 2012. *Policy and Advisory Technical Assistance to the Philippines for Enhancing Social Protection through Community-Driven Development Approach*. Manila; ADB. 2013. *Small-Scale Project Preparatory Technical Assistance to the Philippines for Preparing Support for National Community-Driven Development Program*. Manila. The WB and the Australian Agency for International Development also provided technical assistance support. The WB and the Japan International Cooperation Agency developed a framework on community-driven enterprise development to transition CDD beneficiaries into local economic activities.

implementation.<sup>4</sup> The investment grants will support subprojects and activities that respond to community-identified priorities.<sup>5</sup> Eligible subprojects will be based on an open menu, subject to a negative list.<sup>6</sup> The open menu will include community proposals on local disaster response and prevention. Investment grants will be released in three tranches, based on physical and financial accomplishment presented in a community assembly and verified by project staff.

6. **Output 2: Institutional and organizational capacity strengthened.** This output will support the CBIS component of NCDDP. It will support capacity development of DSWD project staff at the municipal level, who will take the lead and provide facilitation support, technical assistance, subproject oversight, and local-level coordination. Newly hired project staff and their local government unit (LGU) counterparts will be provided training in CDD, development planning and management, conflict resolution, intra-and-inter-barangay mediation, quality review, local poverty assessment, and M&E, among others.

7. **Output 3: Program management and M&E systems enhanced.** This output will help strengthen NCDDP's program management and M&E systems by supporting the development and maintenance of a management information system for tracking, measuring, and reporting accomplishments on key performance indicators. The system will include electronic file management at the national and regional levels of community requests for fund releases and supporting documentation. Special studies on NCDDP, third party M&E, pilot testing additional features and elements under NCDDP, and capital expenditure requirements for program management will also be supported. In addition, the draft NCDDP operations manuals will be reviewed and harmonized with ADB policies and procedures.

## **B. Anticipated Involuntary Resettlement**

8. CDDSP will support NCDDPs major activities under Component 1, providing for basic social services infrastructure, access and environmental protection structures using the CDD approach. Although resettlement issues are not foreseen to be significant, by the nature and size of subprojects, they may still affect people in terms of economic or physical displacement as properties may need to be acquired or damage to properties/crops occur to build facilities. These facilities usually take the form of multi-purpose buildings, tribal halls, school room units, day care centers, barangay health stations, small scale flood protection works and other rural infrastructures like irrigation facilities, roads and bridges, post-harvest facilities as well as domestic water supply systems.

9. The exact number of people that will be affected and the magnitude of adverse impact cannot be ascertained prior to the conduct and preparation of detailed proposal after the consultation process with beneficiary communities, although the project foresees these to be minimal. If land acquisition and involuntary resettlement are warranted, this Project will ensure, through this Resettlement Framework (RF) that any negative impacts are avoided, properly managed and minimized.

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<sup>4</sup> The planning grants are equivalent to about 15% of investment grants per participating municipality.

<sup>5</sup> Investment grants are based on a formula using population size and poverty incidence.

<sup>6</sup> The negative list includes activities that may be harmful to the environment or IPs such as: weapons, chainsaws, explosives, pesticides, insecticides, herbicides, asbestos, and other potentially dangerous materials and equipment, fishing boats and nets above the government prescribed size and weight, road construction into protected areas, purchase or compensation for land, political and religious activities, rallies, and materials, activities that employ children below the age of 16 years or that unfairly exploit women or men at any age.



## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

### A. Objectives of the Resettlement Framework

10. The magnitude of adverse project impacts is expected to be minimal and will only be known once the specific subprojects are selected and designed.
11. The principal objective of this document is to ensure that during the subproject concept development under the Community Empowerment Activity Cycle (CEAC), all displaced persons or affected persons (AP) are consulted, informed of the decisions regarding the proposed subprojects and their entitlements, and when necessary, compensated for their losses and provided with assistance to improve, or at least maintain, their pre-project living standards and income earning capacity.
12. The document lays down the principles and objectives, eligibility criteria for entitlements, legal and institutional framework, modes of compensation, people participation features and grievance procedures that will guide the implementation of compensation for APs.
13. The specific objectives of this document are to ensure that:
  - (i) All APs are informed and consulted on the proposed subprojects that will be implemented in their area using the different fora of the CEAC process,
  - (ii) Compensation has been provided and supporting legal documents have been executed prior to subproject implementation, and
  - (iii) Specific arrangements between the ADB/AP and the barangay/municipality and or the community have been documented and complied with.

### B. Resettlement Framework Principles

14. This resettlement framework adopts the principles of ADB's Safeguards Policy Statement 2009 (SPS 2009) and the existing Environment and Social Management Framework (ESMF)<sup>7</sup> of DSWD. The following principles will govern the Project implementation:
  - (i) Involuntary resettlement should be avoided where feasible;
  - (ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options as agreed upon during community assemblies or other fora;
  - (iii) People unavoidably displaced should be compensated and assisted so that their economic and social future would be as favorable as it would have been in the absence of the project;
  - (iv) People affected should be fully informed and consulted and have agreed on resettlement and compensation options;
  - (v) Existing social and cultural institutions of APs and their hosts should be supported and used to the greatest extent possible, and APs should be integrated economically and socially into host communities;
  - (vi) Lack of legal rights to the assets lost will not hinder APs from entitlement to such compensation or rehabilitation measures; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous

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<sup>7</sup> The existing Environmental and Social Management Framework (ESMF) of DSWD complies with the environmental safeguard requirements of the Department of Environment and Natural Resources and WB. Consistent with the unified safeguards approach of paragraph 70, page 26 of ADB's SPS 2009, the principles and contents of the Environmental Assessment and Review Framework (EARF), Indigenous Peoples Planning Framework (IPPF) and Resettlement Framework (RF) are being incorporated under appropriate sections of the revised and updated ESMF.

- peoples and appropriate assistance should be provided to help them get the rehabilitation or compensation package as agreed upon by the majority during barangay assembly;
- (vii) As far as possible, involuntary resettlement should be conceived and executed as part of the project; and
  - (viii) The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.

## **C. Legal Framework**

### **1. National Laws of the Government of the Philippines (GOP)**

15. The Philippine Constitution specifically provides for the following:
- (i) Article III, Section 9: "Private property shall not be taken for public use without just compensation."
  - (ii) Article XII, Section 5: "The State shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. By an act of Congress, customary laws governing property rights or relations can be applied in determining the ownership and extent of ancestral domains."
16. Republic Act (RA) 8974 - An Act to Facilitate the Acquisition of Right-Of-Way (ROW), Site or Location for National Government Infrastructure Projects. The Implementing Rules and Regulations (IRR) of this law stipulates that the Implementing Agency will negotiate with the owner for the purchase of the property by offering first the current zonal value issued by the Bureau of Internal Revenue (BIR) for the area where the private property is located. Further, that valuation of improvements and/or structures on land to be acquired will be based on the replacement cost, defined as the amount necessary to replace the structure or improvement based on the current market prices for materials, equipment, labor, contractor's profit and overhead, and all other attendant costs associated with the acquisition and installation in place of the affected improvements/installation.
17. Indigenous Peoples' Rights Act (IPRA) of 1997. Involuntary resettlement triggers may occur within ancestral domains. The IPRA sets conditions, requirements, and safeguards for plans, programs, and projects affecting IPs. A significant issuance for purposes of this RF is AO No. 3 Series of 2012. The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012.
18. Executive Order (EO) 1035 stipulates (i) the provision of financial assistance to displaced tenants, indigenous peoples, and settlers equivalent to the average annual gross harvest for the last 3 years and not less than PhP15, 000 per ha, (ii) disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest during the last 5 years, and (iii) Compensation for improvements on land acquired under Commonwealth Act 141.
19. Executive Order 132, Procedures to be followed in the Acquisition of Private Property for Public Use and Creating Appraisal Committee.

### **2. ADB Safeguards Policy Statement of 2009**

20. The following ADB-SPS principles on involuntary resettlement are stipulated and will also apply to the Project.

- (i) Develop procedures in a transparent, consistent, and equitable manner, if land acquisition is through negotiated settlement in order to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (ii) Prepare a RP elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (iii) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (iv) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

21. The ADB Policy on IPs has been integrated with IR under the new ADB-SPS and will likewise govern this RF. IP safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as their AD.

22. The ADB Policy on Gender and Development adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities.

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

### **3. World Bank Policy on Involuntary Resettlement (Bank Policy 4.12)**

24. This policy covers direct economic and social impacts that both result from WB-assisted investment projects and are caused by:

- (i) The involuntary taking of land resulting in:
  - a. Relocation or loss of shelter
  - b. Loss of assets or access to assets; or
  - c. Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
  - d. The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
- (ii) This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that in the judgment of the Bank, are:
  - a. Directly and significantly related to the Bank-assisted project;
  - b. Necessary to achieve its objectives as set forth in the project documents; and

- c. Carried out, or planned to be carried out, contemporaneously with the project.
- (iii) To address the impacts above, the borrower ordinarily prepares a resettlement plan or a resettlement policy framework that covers the following:
  - a. Measures to ensure that the displaced persons are informed about their options and rights; consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and provided prompt and effective compensation at full replacement cost for losses of assets.
  - b. If the impacts include physical relocation, measures to ensure that the displaced persons are provided assistance (such as moving allowances) during relocation; and provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.
  - c. Where necessary to achieve the objectives of the policy, measures to ensure that displaced persons are offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

#### 4. Equivalence-Gap Analysis

25. An equivalence-gap assessment of the ADB SPS 2009 (specifically on Involuntary Resettlement) and the DSWD-WB ESMF, generally indicates an observed equivalence. However, in terms of Categorization, WB has classified the overall project as Category B following the categorization for environment. It does not designate categories for social safeguards. ADB has a defined process and has categorized the project as Category B under social safeguards.

26. ADB harmonizes with DSWD-WB and the Millennium Challenge Corporation (MCC) on a Category B at project onset that sets severity thresholds at 20% (ADB having 10%). All conditionalities for compensation at 20% threshold is agreed upon since the community subprojects in the open menu are small-scale in nature. The menu sets limits by identifying a list of negative subprojects to which ADB agrees to in order to maintain the current categorization.

27. During implementation, ADB categorization should change<sup>8</sup> if impacts be determined significant. Significance is defined as having 200 people or more that experience (i) physical displacement from housing, or (ii) losing 10% or more of their productive assets (income generating).<sup>9</sup> The WB acknowledges the possibility of significant impacts by requiring a Full Land Acquisition Resettlement and Rehabilitation Plan (LARRP) and for subprojects that do not reach such thresholds to comply with a short LARRP. Under ADB, report types for Category A or B are the same with details commensurate to the scale of subproject impacts.

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<sup>8</sup> A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required. A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required. ADB-RSES acts as oversight for category A projects, and the managing department for category B projects.

<sup>9</sup> OM Section F1/OP Issued on 20 January 2010.

28. Other concerns that need to be enhanced include:
- (i) In the conduct of the social impact assessment, identified vulnerable sectors will avail of assistance through the project.
  - (ii) Income restoration program/s, if applicable, will be developed as a result of the social impact assessment.
  - (iii) Information disclosure will be observed.
  - (iv) Internal and external monitoring will be part of implementation.
  - (v) Occurrence of unanticipated involuntary resettlement impacts will be acted upon through the necessary corrective actions.

#### **D. Subproject Screening and Minimizing Involuntary Resettlement**

29. The DSWD has updated its ESMF to ensure that the GOP, ADB and WB policies on environmental and social assessment are met and all projects undertaken by the community are environmentally and socially sound and sustainable. Specifically, the ESMF shall ensure (i) that selected subprojects are designed to avoid or minimize negative environmental and social effects, and (ii) identify any negative impacts and develop and implement appropriate mitigation measures as part of the subproject design and implementation. It shall provide guidelines for implementers to ensure that appropriate measures are applied in integrating environmental and social concerns during the CEAC process. It will also serve as a guide for community and LGU-proponents in complying with GOP's and development partners (ADB, WB, MCC, others) environmental and social safeguards requirements for various subprojects.

30. The Project uses an open menu in identifying eligible subprojects under the investment grant, subject to a negative list based on experience from KC and ADB's SPS 2009 (footnote 6). The most common subprojects under KC experience include water supply systems, school buildings, access roads, day care centers, health stations, post-harvest facilities, drainage systems, and small irrigation facilities. Proposals on local disaster response and recovery will also be considered for the investment grant. A sample of these subprojects is contained in Table 1.

**Table 1: Components of Sample Subprojects**

<b>Subproject</b>	<b>Infrastructure/Components</b>
Water supply system	Level 1 or 2 system: Communal faucet, communal wells, water tank, water distribution line
School buildings	School building, toilets, and related facilities
Access roads	Road improvement, concreting/paving, road widening, small bridges
Day care centers	Day care building and facilities
Health stations	Barangay health center, medical facilities and supplies
Post-harvest facilities	Post-harvest equipment, rice mill, warehouse
Drainage system and environmental protection measures	Drainage canals, drainage cover, rainwater harvesting system, flood retarding ponds, seawall, riverwall protection, septic tanks and other wastewater management measures, composting facilities, solid waste management and collection
Small irrigation facilities	Irrigation canals

31. To avoid negative social impacts of proposed subprojects, Resettlement Plan (RP) preparation is deemed necessary and will be part of the subproject proposal to be submitted to the Regional Program Management Office (RPMO). The outline for a RP is attached as Appendix 1.

32. The guiding principles contained in this document will be adopted. The RP should reflect the inventory of affected persons and properties, number of persons eligible for each entitlement or form of assistance as stated in the RF, cost estimates and arrangements for consultation and participation.

33. If indigenous peoples are among the subproject beneficiaries, the RP should include details and documentation on IP consultation which should include:

- (i) Extensive consultation with and informed participation of IPs to ensure that development is culturally appropriate;
- (ii) In cases of provision for individual titling, areas with IPs should get information, education communication (IEC) sessions so that they are aware of what they are getting into and some of its potential dangers; and
- (iii) Capacity building activities.

34. Payment of compensation and provision of other entitlements (in cash or in-kind) will be satisfactorily completed for each subproject prior to the commencement of civil works by the community. The same time requirement would apply if APs voluntarily contribute any part of their land and/or assets for the subproject. That is, all deeds of donations and other relevant legal instruments for each subproject will be satisfactorily completed prior to the conduct of the Municipal Inter Agency Committee (MIAC) technical review and subsequent request for fund release.

35. Construction will not be allowed to commence until compensation has been paid and resettlement, when necessary, is completed in accordance with the approved RP and to the satisfaction of the APs. The formulation of the compensation package and subsequent payments made will be properly documented.

## **E. Affected Persons and Eligibility**

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

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

37. A cut-off date for eligibility to entitlements is established by the project. The cut-off date sets the time limits to determine eligibility of persons living and/or with assets or interests inside the project areas during the period to be counted as AP. Should they be adversely affected, they will be entitled to compensation for their affected assets, including rehabilitation measures as needed, sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. A general information drive about the project/subproject, cut-off dates and entitlements is held following subproject approval by the Government and ADB. Those who encroach into the project area, or any of its subprojects, after the cut-off date will not be entitled to compensation or any other assistance.

38. The RF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, at greater risk of impoverishment when their land and other assets are affected. The extent of impact on IPs and other disadvantaged groups, such as landless, poor, households headed by women, elderly, and disabled, who will receive special rehabilitation assistance will be determined during preparation of subproject FS and RP preparation. The Project's strategies on vulnerable groups are:

- (i) Surveys of socioeconomic conditions of APs will identify the conditions, needs and preferences of poor households, women who head households (and other female APs) and ethnic minority APs; monitoring of resettlement activities will assess separately the impacts on vulnerable APs.
- (ii) Ensure that the process of land acquisition and resettlement does not disadvantage IPs, women, households headed by women or elderly or disabled, and poor households, particularly the landless.
- (iii) Preparation of information, IEC materials will take into consideration the language and literacy skills of participants, as well as other gender and cultural sensitivities that would affect their participation.
- (iv) The Project will give priority to vulnerable APs for employment for construction, operation and maintenance of physical infrastructure, reforestation and protection and other Project activities, where appropriate.

### **III. SOCIOECONOMIC INFORMATION**

#### **A. Census of Affected Persons**

39. A complete enumeration of all affected households and their assets through household interview schedule will be conducted to establish the following:

- (i) complete inventory of APs and their assets as a basis for compensation;
- (ii) determine non-entitled persons; and
- (iii) minimize impact of later influx of "outsiders" to project area.

#### **B. Socioeconomic Survey**

40. A socioeconomic survey (SES) will be conducted to establish a baseline of demographic and socioeconomic conditions of people affected by the subproject. The sampling for the SES includes 20% of APs that will be severely affected due to loss of 20% or more of their productive land and/or other productive assets; and, at least 10% of all other APs.

41. The SES data will include information on the demographic characteristics of all AP household members, ownership of land and other assets, household living conditions and sources and levels of household income. Data will be disaggregated and analyzed by gender, ethnic group and income group. It also includes the socioeconomic conditions of specific AP groups. Results of the SES will be entered into the CDDSP database and Project management will ensure that this information is accessible for external monitoring.

#### **C. Impacts Survey: Detailed Measurement Survey**

42. An inventory of loss (IOL) survey or detailed measurement survey (DMS) will be conducted following the detailed design of a subproject and if needed, a demarcation of land acquisition. APs will be notified at least a month before the conduct of the IOL/DMS and requested to participate in the survey. The IOL/DMS will survey 100% of APs and collect data

on (i) total landholdings and tenure; (ii) land, structures and other assets entirely or partially affected by land acquisition for the subproject; and, (iii) basic household information. Other relevant information will include (i) technical drawing of structures; (ii) exact measurements of land and other fixed assets; (iii) detailed descriptions and specifications of building materials; and, (iv) photographs of each structure. The DMS will be carried out in the presence of heads or members of households and completed DMS forms will be duly endorsed by household head or members. Endorsement of DMS forms at the time of DMS survey will preclude any complaints by APs on the inaccuracy of inventory details at a later stage. The survey method will be updated and fine-tuned at implementation.

43. As per experience in previous DSWD projects and stipulated in the ESMF, an inventory for each road, bridge, irrigation canal, water supply pipe alignment or segment thereof will be prepared by the community with the assistance of the Area Coordinating Team (ACT) or service provider. The initial output will be reviewed and discussed during the barangay assembly prior to the preparation of RP.

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

- (i) Number of persons and names;
- (ii) Amount and area of all the residential plots lost;
- (iii) Amount, category/type and area of agricultural land lost;
- (iv) Quantity and types of crops and trees lost;
- (v) Quantity and category of any fixed assets lost; and
- (vi) Temporary damage to productive assets.

45. The entitlements of assets and land affected will be calculated based on the above information and per negotiation approval and acceptance of the community/barangay assembly.

46. The data derived from this survey will constitute the basis for valuation of losses at replacement cost, calculating compensation amounts and determining compensation packages. The data will then be encoded and stored into the CDDSP database maintained by Project management and accessible for external monitoring.

#### **D. Replacement Cost Study**

47. An independent property appraiser will be commissioned to conduct a replacement cost study (RCS) in each subproject to establish the unit costs to be used in compensating for affected assets. The unit costs should be at replacement level and based on empirical data. The study will be part of project cost.

48. The determination of the compensation for each of the affected households can be obtained using the Bureau of Internal Revenue (BIR) land valuation, assessors' fair market values and interviews with local realtors. The project may engage a regional appraisal team to initially determine the value for compensation. Market value on land may be based on Land Bank of the Philippines (LBP) record of sales.

49. **Right-Of-Way Valuation.** In view of cost-sharing arrangement for NCDDP, LGU equity for costs related to land acquisition, resettlement and rehabilitation documentation and implementation will cover the following items:

- (i) Value of land – depending on the type of area that will be traversed by the project;



- (ii) Value of Improvements that will be damaged during construction (i.e., crops, trees, structures, etc.);
- (iii) Other costs related to ROW acquisition (inventory of project affected stakeholders, consultation with affected individuals, notarization, cost of parcellary survey for annotation of individual land titles, etc.).

50. Validity of ROW valuation will be based on a minutes of meeting to be submitted by the MLGU to project management. The minutes should reflect the following (i) that consultation with the project affected stakeholders has been conducted and they were informed of the proposed subproject(s), (ii) that the proposed subproject(s) will traverse specific private properties which were donated or acquired by the MLGU, and (iii) the agreement among those present during the consultation. The basis for valuation of land will be proof of sale or a certification from the LB Philippine or Provincial Assessor's Valuation or the BIR Zonal Valuation as specified in the minutes of meeting. Valuation of improvements that will be damaged during construction will be based on the Provincial Assessor's Valuation or BIR Zonal Valuation or Bill of Materials, as specified in the minutes of meeting.

#### **IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE**

##### **A. Consultation and Participation**

51. The APs will participate throughout the various stages of RP preparation, documentation, implementation, and monitoring. For these purposes and prior to any resettlement activity, APs will be fully informed about the proposed subproject and the provisions of this RF, during barangay assembly. Several consultations will be conducted at the earlier stages of project preparation. Information about the RP requirements will be included during the Municipal Orientation. After the census of households or during the social investigation stage, a public assembly at the barangay level will be called to orient APs on the project and explore other alternatives with them, when necessary.

52. These consultation meetings will include:

- (i) An orientation on the project;
- (ii) Subproject designs;
- (iii) Schedules of implementation;
- (iv) Probable benefits and adverse impacts; and mitigating measures to be taken;
- (v) Compensation packages and the subsequent schedule of disclosure meetings on Valuation;
- (vi) Payment; and
- (vii) Grievance process.

53. Copies of the Project background, RF and entitlements will be distributed and explained to the APs and as much as possible using local language.

54. A walk-through of the alignments to determine the specific location of subprojects on the ground may be arranged by the community and or together with the ACT or Municipal Coordinating Team (MCT) members upon the request of APs. Field verification activities will be conducted parallel with the field validation led by the Deputy Areas Coordinator (DAC) together with the Project Preparation Team.

55. All consultation meetings and other activities will be properly documented. In the event that a subproject involves acquisition of land and other assets, and results in other adverse

impacts, the community/LGU will not proceed with the implementation of the subproject unless a compensation package in accordance with this document, satisfactory to all concerned, is agreed upon between the community/LGU and the owners of land/asset affected as well as those who stand to lose their crops, jobs, or sources of income.

56. **Women and vulnerable sector.** The project Gender Action Plan ensures the engagement with local women's groups in key project activities. In case of under-representation or where needed, separate meetings with marginalized households, including women, shall be organized to discuss subproject proposals prior to the barangay assembly. Beyond the GAP, participation of women and the vulnerable/ marginalized sectors will be upheld across the CEAC stages.

## **B. Disclosure**

57. Disclosure of the following documents is required:

- (i) A draft resettlement plan and/or resettlement framework endorsed by DSWD before project appraisal;
- (ii) The final resettlement plan endorsed by DSWD after the census of affected persons has been completed;
- (iii) A new resettlement plan or an updated resettlement plan, and a corrective action plan prepared during project implementation, if any; and
- (iv) The resettlement monitoring reports.

58. Materials will be produced in popularized form for all APs across implementation levels. The ADB Public Communication Policy will serve as guide. The documents listed above will be uploaded in the NCDDP management information system for interconnectivity as well as the ADB website.

## **V. COMPENSATION, INCOME RESTORATION, AND RELOCATION**

### **A. Compensation**

59. The DSWD, through the NCDDP National Project Management Office (NPMO), is to work closely with LGUs in the implementation of the Land Acquisition, Resettlement and Rehabilitation Policy Framework and Implementing Guidelines. The NCDDP NPMO, as represented by the Regional Project Management Offices (RPMO) and the Regional Community Process Specialist, will coordinate with the duly authorized representative/s of the LGU in determining the appropriate compensation for APs in accordance with the following compensation scheme:

- (i) APs losing more than 20% 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. For ADB, a caveat, however, is provided under paragraphs 26 and 27 of this document.
- (ii) APs losing less than 20% 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.
- (iii) Agricultural land will be replaced by land of equal productive capacity, which is acceptable to the AP or full compensation at replacement cost, where land is not available.

- (iv) Commercial/residential land (or other real property) will be replaced by land of equal market value or business potential (as the case may be), which is acceptable to the AP or full compensation at current market value, where suitable replacement land is not available or at the informed request of the AP.
- (v) Replacement of damaged or lost crops will be based on full market value for one year's harvest and will be paid in cash.
- (vi) APs 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.
- (vii) Appropriate transfer and subsistence allowances will be given during the transition phase as part of the rehabilitation assistance package to allow APs to enhance or at least maintain their standards of living.

60. The determination of all these compensation packages should be done prior to the conduct of the MIAC technical review so that the deed of donation (DOD) or other modes of land acquisition can already be completed.

61. For APs losing residential land and structures:

- (i) The provision of replacement residential land (house site and garden) of equivalent size, satisfactory to the AP; and cash compensation reflecting full replacement cost of the structures, without depreciation;
- (ii) If the AP so wishes and the portion of the land to be lost represents 20% or less of the total area of the residential land area, and the remaining land is still a viable residential lot, cash compensation, at full replacement cost (market value), will be provided to the AP;
- (iii) If after acquisition, the residential land and/or structure is insufficient to rebuild the residential structure lost, then at the request of the AP the entire residential land and structure will be acquired at full replacement cost, without depreciation; and
- (iv) Tenants, who have leased a house for residential purposes will be provided with a cash grant of three months rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.

62. With respect to APs losing agricultural land and/or crops:

- (i) The general mechanism for compensation of lost agricultural land will be through provision of "land for land" arrangements of equal productive capacity, satisfactory to the AP. However, if the AP so wishes and the portion of the land to be lost represents 20% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost (market value) will be provided to the AP;
- (ii) If more than 20% of a villager's agricultural land is acquired and the remaining holding is not viable, then the Project will acquire the entire landholding and provide compensation of the acquired land at direct land replacement;
- (iii) APs will be compensated for the loss of standing crops and fruit or industrial trees at full (current) market price;
- (iv) APs whose land is temporarily taken by the works under the Project will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure, including a reasonable amount for opportunity cost/s; and

- (v) APs who will lose their income will be provided opportunities for alternative livelihood, through skills and entrepreneurship training, job matching or business development assistance.

63. APs will also be provided compensation at full replacement cost, without depreciation for any other fixed assets affected in part or in toto by the subproject, such as tombs and water wells. In cases where community infrastructure such as schools, churches, health centers, water sources, roads, or electrical and water supply connections are damaged, the Project will ensure that these are restored or repaired as the case may be, at no cost to the community. Additional details are provided in the Entitlement Matrix (Table 2).

64. **Assistance to vulnerable sectors.** Poor APs, i.e., female-headed households, elderly or with disability and with no other support from kin as well as poor IP APs are entitled to participate in income restoration programs that will be designed during the pre-implementation stage, and in coordination with the appropriate DSWD offices/units.

**Table 2: Entitlement Matrix**

Asset	Impact Category	AP/Eligibility	Compensation Entitlement
Arable land	Less than 20% of land holding and the remaining land remains economically viable	Farmer/title holder	Cash compensation for affected land at full replacement cost
		Tenant/lease holder	Cash compensation equivalent to market value of gross harvest of the affected land for one year or for the remaining period of tenancy/lease agreement, whichever is greater.
	More than 20% of land holding lost OR where less than 20% of land holding lost but remaining land becomes economically not viable	Farmer/title holder	Land for land replacement or compensation in cash according to AP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and crop productivity with a secured tenure status at a location acceptable to the AP. The replacement land will be free of taxes, registration & other costs. Rehabilitation assistance Transfer/resettlement assistance
		Tenant/lease holder	Cash compensation equivalent to market value of gross harvest for one year or for the remaining period of tenancy/lease agreement, whichever is greater.
		Agricultural worker	Cash compensation equivalent to 6-month salary Assistance in getting alternative employment
Commercial land	Land used for business partially affected, limited loss	Title holder/ bus. man	Cash compensation for affected land at full market value Cash compensation equivalent to 5% of gross annual income

Asset	Impact Category	AP/Eligibility	Compensation Entitlement
		Rental/lease holder	Cash compensation equivalent to 10% of gross annual income.
	Land used for business severely affected, remaining area insufficient for continued use	Title holder/ bus. man	Land for land replacement or compensation in cash according to AP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at a location acceptable to the AP. The land will be free of taxes & other transfer costs. Rehabilitation assistance
	use		Transfer/resettlement assistance Opportunity cost compensation equivalent to 10% of gross annual income.
		Rental/lease holder	Opportunity cost compensation equivalent to 20% of gross annual income. Assistance in rental/lease of alternative land/property
Residential and other non-commercial land	Less than 20% of land holding affected and the remaining land remains viable for present use	Title holder	Cash compensation for affected land at full replacement cost
		Rental/lease holder	Minimum cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement
	More than 20% of land holding affected OR where less than 20% of land holding affected but remaining land becomes smaller than minimally accepted under zoning law/s and/or not viable for continued use	Title holder	Land for land replacement or compensation in cash according to AP/DP's choice. Land for land replacement will be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in area/size. Replacement land will be free of taxes, registration and transfer cost. Rehabilitation assistance Transfer/resettlement assistance
		Rental/lease holder	Cash compensation equivalent to 20% of lease/rental fee for the remaining period of rental/lease agreement Assistance in rental/lease of alternative land/property
Structures (includes public utilities/structures)	Structure partially affected but the remaining structure remains viable for continued use	Owner	Cash compensation for affected structure and other fixed assets Full (cash) assistance in restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets Disturbance compensation equivalent to two-month salary or rental whichever is greater

Asset	Impact Category	AP/Eligibility	Compensation Entitlement
	Entire structure affected OR structure partially affected but the remaining structure is not viable for continued use	Owner	Cash compensation for entire structure and other fixed assets Rehabilitation assistance Transfer/resettlement assistance
		Rental/lease holder	Cash compensation for affected assets Disturbance compensation equivalent to six-month salary or rental whichever is greater Assistance in alternative rental arrangements
		Informal dwellers	Cash compensation for affected assets Disturbance compensation equivalent to three-month salary or rental whichever is greater
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	AP	Cash compensation at full market value PLUS 5% premium
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees PLUS 10% premium
Easement	Temporary acquisition or easement	Title holder	Minimum cash compensation equivalent to 10% of the value of affected asset

AP = affected person.

## B. Income/Livelihood Restoration

65. The objective of income/livelihood restoration is to ensure the improvement of the socioeconomic conditions of APs or at least to bring back the pre-project income and living standards of affected families at the project sites. This RF will enable the development of sustainable income restoration and rehabilitation strategies that are appropriate for the cultural background and practices of APs (IPs and non-IPs) in CDDSP sites. Strategies for income and livelihood restoration are consistent with the overall NCDDP framework and may include but not limited to (i) training/capacity building for livelihood/micro-financing, food security in terms of developing sustainable food sources, depending on the crop suitability (elevation, soil type, etc.) as well as cultural preference; (ii) prioritized hiring of APs to serve as contracted human resources for subproject activities; and (iii) financial and in-kind assistance support to the poor will be allocated attached to capacity building initiatives. These may be in the form of farm/fisheries supplies and equipment. Costs for income/livelihood restoration strategies for poor APs will be included in the total costs of the proposed subproject, subject to the NCDDP negative list. Additional support may likewise be provided in coordination with appropriate DSWD offices and units.

## C. Support to Host Communities

66. Relocation is not an anticipated impact of the project. Specific to IP communities, should any resettlement issues arise requiring relocation, these will be accommodated within ancestral domains to ensure that social relations are not disrupted.

67. However, in the event that relocation is necessary, this RF categorically upholds support for host communities. APs are not considered in isolation specifically from host populations. The possibility for AP relocation could have impacts on host populations, specifically on

employment, use of common property resources, and pressure on natural resources or social services. Conflicts between hosts and resettled population may arise due to resource competition as well as competition over assistance that may be extended to APs. Support to host communities therefore could be in the form of social preparation, sharing of infrastructure and support services at the relocation sites, participation in economic development and social integration programs, and access to training, employment, and other benefits generated by the project. As such, the RF promotes the following:<sup>10</sup>

- (i) Participation of APs and host communities in decisions concerning site selection, layout and design, and site development.
- (ii) Development of programs that can benefit both APs and the host population jointly to foster prospects for social integration.

#### **D. Voluntary Land Donations**

68. In the rural areas where donations of lands for community use are generally practiced, arrangements have to be made to ensure that (i) the donation is indeed voluntarily given, (ii) the donor is legitimate owner of such lands, and (iii) the donor is fully informed of the nature of the subproject and the implications of donating the property. Should the donor decide to donate the property on a conditional basis, the terms and conditions for the temporary use (usufruct rights) of the property must be clearly stated in the Conditional Deed of Donation document. A sample Deed of Donation is provided in Appendix 3.

69. Under these situations, the following safeguards need to be applied, based on their relevance to the cases being encountered by subproject proponents:

- (i) An assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation;
- (ii) Certification from the LGUs and the proponents, that the land is free of claims or encroachments from any third party;
- (iii) Deed of Donation to the LGU (barangay, municipality) concerned or the community organization, as witnessed by the LGU barangay and municipal government officials, notarized by a registered Lawyer, with copies of donation papers furnished the Office of the Municipal Assessor and the Provincial Register of Deeds;
- (iv) Declaration of Ownership with Waiver of Claims for Affected Assets;
- (v) Joint Affidavits of Two Adjoining Landowners or Barangay Officials (for unregistered lands);
- (vi) Waiver of Rights/Quit Claim (for Plants, Trees, Houses, Structures claimed by Tenants, Informal Settlers); and
- (vii) Waiver of Rights/Quit Claim (With Sharing of Claim).

70. Proponents and LGUs can discuss possible incentive schemes for APs who voluntarily donate portions of their property to facilitate construction/rehabilitation of a proposed subproject. These schemes may include:

- (i) Privileges to use community facilities with minimal fees to be paid by donor;
- (ii) Amnesty for payment of back taxes (for those with no Tax Declarations);
- (iii) Employment during construction;
- (iv) Transfer/resettlement assistance, when necessary; or
- (v) Assistance in getting alternative employment.

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<sup>10</sup> ADB Handbook on Resettlement: A Guide to Good Practice. 1998.

## VI. GRIEVANCE REDRESS MECHANISMS

71. Complaints and grievances relating to any aspect of the resettlement entitlements and/or activities, including the determined area and price of the lost assets, will be managed as follows:

- (i) A Grievance and Redress Committee (GRC) at the barangay level will hear the complaints and grievances of the APs regarding the acquisition of land and other assets, compensation, resettlement, rehabilitation and other entitlements.
- (ii) The complaint, grievance and appeal will have the following levels:

### 1. LEVEL 1

- (i) AP addresses complaints and grievances to the Special Barangay Assembly (BA) or Special Municipal Inter Barangay Forum (MIBF) Fact-Finding Group for verification and clarification of issues as stated in the GRS Manual.
- (ii) The Special MIBF Fact Finding Group will document its investigation on the facts presented and provide a written response to the AP, within fifteen (15) calendar days of receiving the complaint or based on number of days agreed upon by the Committee and the complainant.

### 2. LEVEL 2

- (i) If the AP is not satisfied with the decision of the Special MIBF; the AP may appeal the case to RPMO through the Regional Grievance Officer – as stated in the GRS Manual.

### 3. LEVEL 3

- (i) If the AP is not satisfied with the decision of the RPMO, the AP may appeal the case to the DSWD Regional Director/Regional Project Manager (RPM) within fifteen (15) calendar days of receiving the written decisions from the ACT. The decision of the DSWD Regional Director will be rendered within thirty (30) calendar days of receipt of the AP's appeal after validating the facts of the complaint.
- (ii) If the AP is not satisfied with the decision of the RPMO, the case may be submitted to the NPMO through the National Project Manager (NPM). The decision of the NPMO will be rendered within thirty (30) calendar days of receipt of the AP's appeal.
- (iii) APs will be exempted from all administrative and legal fees.
- (iv) Unresolved grievance can be elevated to the proper courts. However, resorting to courts prior to availment of this complaint and grievance process will make the appellant's action dismissible, on the ground of non-exhaustion of administrative remedies.

### 72. Modes of Filing Complaint to the Grievance and Redress Committee (GRC).

Although different modes of filing are acceptable to the project, the GRC at different levels will determine the validity of complaints filed and will see to it that the purpose of creating the GRC will not be misused or abused. The complainant, should he/she decides to personally file his/her complaint(s), is assured of confidentiality by the officers and members of the GRC until proper venue has been provided to discuss and settle the reported issues.

73. There are different modes of filing complaints to the GRC:

- (i) Filing of complaints through GRC Logbook /database – ACTs/MCT of NCDDP-covered barangays will be required to provide a Logbook to record complaints



raised by community member(s) or any individual in relation to NCDDP implementation while RPMOs and NPMO will utilize the existing database system. Non-NCDDP complaints will be forwarded to the concerned offices/institutions for appropriate action.

- (ii) Complaints/Grievance Reports via text messages – members of the GRC will make available official contact numbers for complaints/grievance filing (depending on availability of resources and technology).
- (iii) Letter addressed to any GRC head or committee member.
- (iv) Any other mode, e.g. direct hotline, social media, etc.

## **VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION**

### **A. Institutional Arrangements**

74. The arrangements for implementing the policy and guidelines set forth in this document are as follows:

- (i) The overall responsibility for the implementation and enforcement of the policy and guidelines under this document rests with the NPMO through the Social Development Unit at the National Level.
- (ii) The Regional Community Process Specialist, with the assistance of Regional Community Infrastructure Specialist (RCIS) and Counterpart, will work closely with the ACT/MCT to assist them in (a) APs inventory, (b) conduct of consultations, (c) preparation of RP per proposed subproject, (d) preparation of Minutes of Meeting for all meetings/consultations conducted, (e) completion of required legal documents, and other activities necessary in the completion of documentary requirements.
- (iii) At the Community level, the community volunteers (CVs), together with the ACT and the Community Facilitator (CF), will be responsible in preparing the asset inventories, the RPs and day-to-day implementation within their respective jurisdiction. The barangay volunteers, who will form part of the Barangay Subproject Management Committee (BSPMC), will ensure the active and effective consultation and participation of the APs in the preparation and implementation of the RP.
- (iv) Disputes/grievances will be filed through the GRC, which had been used and established from the barangay up to the national level. Documentation will be undertaken by the assigned secretary of the committee. Report will be submitted to the NPMO on a monthly basis or depending on the urgency of issues filed to the committee.
- (v) Funds for implementing the inventories and associated action plans will be provided by the LGU or the community as part of the LCC based on budgetary requirements established by Municipal and Barangay Committees in consultation with the APs.

75. Compliance and monitoring of the environmental and social safeguards will be the responsibility of the project coordinators at the barangay and municipal levels.

76. The semi-annual compliance monitoring will be initiated at the regional office. In some special cases, the donors may opt to require special monitoring exercises as may be necessary. To ensure compliance at each level of the implementing structure of NCDDP, a Safeguards Officer will be in-charge per island group (i.e., Luzon, Visayas, and Mindanao).

## **B. Resettlement Planning in the Subproject Approval Process**

77. The guiding principles contained in this document will be adopted. The RP should reflect the inventory of affected persons and properties, number of persons eligible for each entitlement or form of assistance as stated in the RF and ESMF Implementation Guidelines, cost estimates and arrangements for consultation and participation.

78. If IPs are among the subproject beneficiaries, the RP should include details and documentation on IP consultation which should include:

- (i) Extensive consultation with and informed participation of IPs to ensure that development is culturally appropriate;
- (ii) In cases of provision for individual titling, areas with IPs should get IEC sessions so that they are aware of what they are getting into and some of its potential dangers; and
- (iii) Capacity building activities.

79. Payment of compensation and provision of other entitlements (in cash or in-kind) will be satisfactorily completed for each subproject prior to the commencement of civil works by the community.

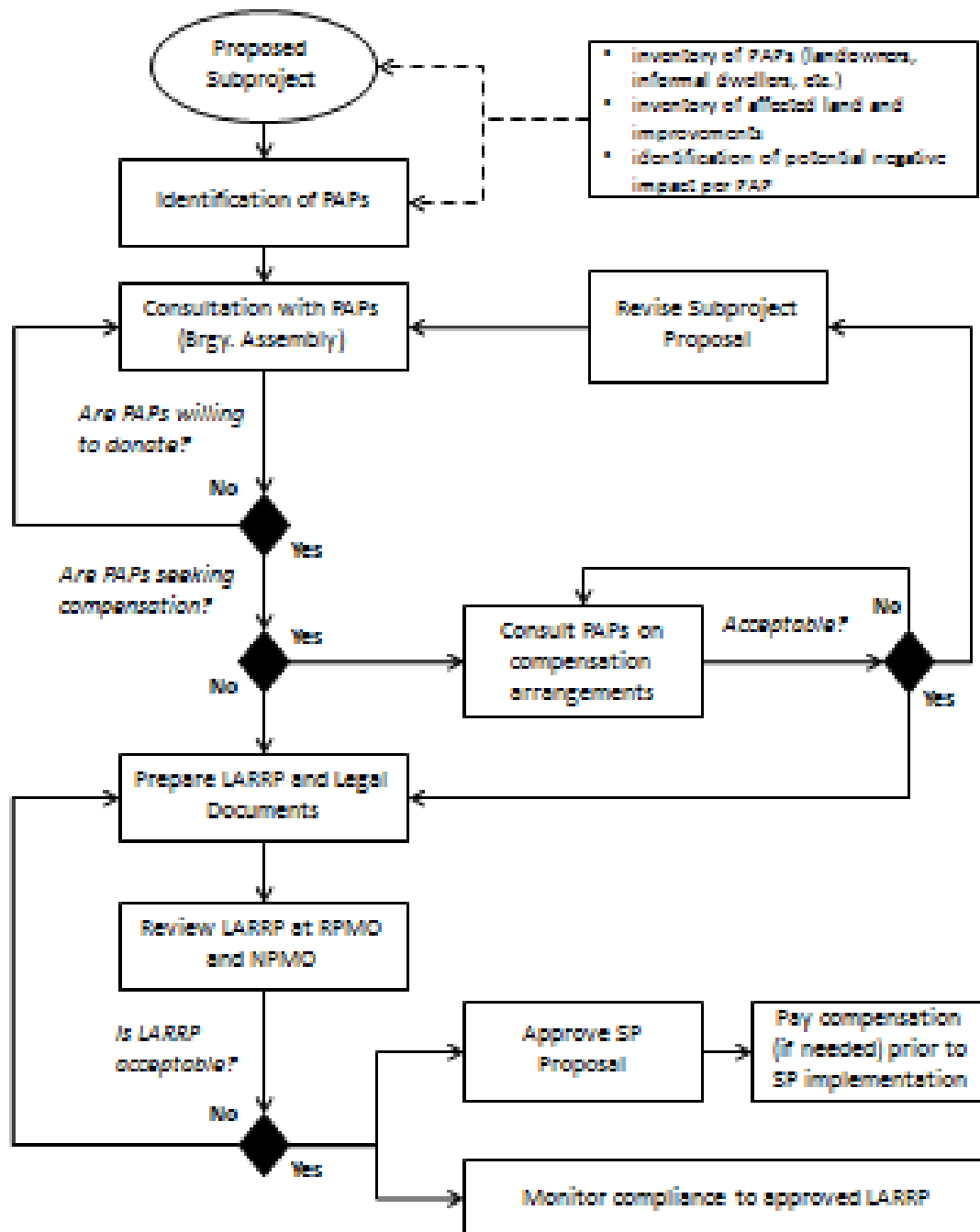
80. The same time requirement would apply if APs voluntarily contribute any part of their land and/or assets for the subproject. That is, all deeds of donations and other relevant legal instruments for each subproject will be satisfactorily completed prior to the conduct of the MIAC technical review and subsequent request for fund release (RFR).

81. Figure 1<sup>11</sup> provides the summary RP preparation and approval process.

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<sup>11</sup> As provided by DSWD based on existing ESMF.

Figure 1: LARRP preparation and approval process



## VIII. BUDGET AND FINANCING

82. Each inventory and resettlement plan will include detailed cost of relocation, compensation and other entitlements, with a breakdown of replacement or rehabilitation costs for agricultural land, residential land, business land, houses, business and other assets, public facilities and services, and utilities. The cost estimates will make adequate provision for continuous consultation and information, dissemination, surveys (parcellary) and project supervision for contingencies.

83. Income restoration and resettlement costs may be through the project entity as in conservation farming. LGU contributions to development of income restoration schemes and resettlement sites and services may similarly be valued and reflected as part of the cost. Allowable RP costs by category are presented in Table 3.

**Table 3: Allowable RP Costs and Budget Line Items**

CATEGORY	COST ITEM
Resettlement preparation and compensation	Cost of census and survey of affected people and inventory of assets
	Replacement Cost Study by independent property appraiser
	Cost of IEC and consultation
	Compensation for assets lost (land, structures, etc.)
Relocation and transfer	Cost of land replacement
	Cost of preparation of replacement farmland
	Cost of moving and transporting movable items
	Cost of replacement housing
	Cost of site and infrastructure development and services
Income restoration plans	Subsistence allowances during transition
	Cost of replacement businesses and downtime
	Cost estimates for income restoration plans (e.g., training, small business, community enterprise)
	Cost of incremental services (extension, health, education)
Administrative costs	Environmental enhancement packages (forestry, soil conservation, grazing land, etc.)
	Operation staff (managerial, technical), and support staff
	Training and monitoring (capacity building)
	Technical assistance
	Evaluation by independent agency

84. **Sources of funds and flow of funds.** Fund source will be through the Project and downloaded through the DSWD accessed by the respective Regional units, voucher style. The resettlement committees will ensure payments are made to the APs.

## IX. MONITORING AND REPORTING

85. The RPMOs through the MCT and ACT will be in charge of monitoring LGU compliance with agreements reached by the LGU and APs based on the approved RPs. Periodic monitoring will also be conducted by the NPMO to monitor if the agreed RF is being observed and implemented. This will also serve as venue to evaluate the processes and make adjustments as may be necessary. A guide in the preparation of monitoring indicators is provided in Appendix 2.

86. **Internal Monitoring.** Implementation of RPs will be regularly supervised and monitored by the respective RPMOs in coordination with the respective MCTs/MPDO and barangay-based committees. The findings will be recorded in quarterly reports to be submitted to the NPMO.

87. Internal monitoring and supervision by RPMO, ACT/MCT will:
- (i) Verify that the baseline information of all APs has been secured and that the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation has been carried out.
  - (ii) Formulate performance indicators, benchmarks and success/hurdle rates for the project.
  - (iii) Oversee that the inventory and RP is implemented as designed and approved.
  - (iv) Verify that funds for implementing the inventory and RP are provided by the LGU in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the respective inventory and RP.
  - (v) Record all grievances and their resolution and ensure that complaints are dealt with in timely manner.

88. The NPMO will conduct periodic monitoring of LGU compliance as well as application of NCDDP field offices of the required procedure to:

- (i) Determine whether the procedures for APs participation, relocation and delivery of compensation and other entitlements have been done in accordance with this RF and the respective inventories and action plans.
- (ii) Assess if the objective of restoration of living standards and income levels of APs have been met.

89. **External Monitoring.** As there are numerous small-scale community subprojects, external monitoring by an independent agency acceptable to ADB is engaged to carry out thematic<sup>12</sup> monitoring and evaluation, including generation of sex-disaggregated data where applicable. The independent agency will conduct monitoring thrice (i) after the first cycle of the first NCDDP batch of municipalities, (ii) at NCDDP Project mid-term, and (iii) prior to Project closure, and forward periodic reports accordingly to ADB. This engagement will be commissioned by the NPMO to a qualified individual or a consultancy firm or NGO with qualified and experienced staff. The Terms of Reference will be prepared by the NPMO and will be acceptable to ADB prior to the engagement. The NPMO will ensure that funds are available for monitoring activities and that reports are submitted to ADB. The NPMO will provide copies of RPs and other related documents of the monitoring activities to the external monitor. External monitoring reports will be made available to all implementing units, including the APs. The external monitoring contractor is accountable to and reports to the NPMO.

90. **Unanticipated Impacts.** If unanticipated involuntary resettlement impacts are determined during project implementation, the NPMO will ensure the conduct of a social impact assessment and update the resettlement plan or formulate a new resettlement plan covering all applicable requirements specified in this RF. The social impact assessment will be done in accordance with the procedures stipulated under the CEAC.

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<sup>12</sup> External monitoring to be conducted thematically, meaning by general subproject typologies, inasmuch as there are already two layers of periodic internal monitoring: RPMO and NPMO apart from the community monitoring.

## **APPENDIX 1: OUTLINE OF A RESETTLEMENT PLAN**

1. This outline is part of the Safeguard Requirements. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

### **A. Executive Summary**

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

### **B. Project Description**

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

### **C. Scope of Land Acquisition and Resettlement**

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

### **D. Socioeconomic Information and Profile**

5. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including (i) define, identify, and enumerate the people and communities to be affected; (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account; (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

### **E. Information Disclosure, Consultation, and Participation**

6. This section (i) identifies project stakeholders, especially primary stakeholders; (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle; (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders; (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the

method of dissemination) and the process for consultation with affected persons during project implementation.

## **F. Grievance Redress Mechanisms**

7. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

## **G. Legal Framework**

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

## **H. Entitlements, Assistance and Benefits**

9. This section(i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix); (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

## **I. Relocation of Housing and Settlements**

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

## **J. Income Restoration and Rehabilitation**

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

**K. Resettlement Budget and Financing Plan**

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

**L. Institutional Arrangements**

13. This section (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan; (ii) includes institutional capacity building program, including technical assistance, if required; (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and (iv) describes how women's groups will be involved in resettlement planning and management.

**M. Implementation Schedule**

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

**N. Monitoring and Reporting**

15. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.



## APPENDIX 2: GUIDE IN THE PREPARATION OF INTERNAL AND EXTERNAL MONITORING INDICATORS<sup>1</sup>

### A. Internal Monitoring

Monitoring Indicators	Basis for Indicators
1. Budget and timeframe	<p>Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on schedule?</p> <p>Have capacity building and training activities been completed on schedule?</p> <p>Are resettlement implementation activities being achieved against the agreed implementation plan?</p> <p>Are IPDP and MOA activities being implemented and targets achieved against the agreed time frame?</p> <p>Are funds for resettlement being allocated to resettlement agencies on time?</p> <p>Are funds for the implementation of the IPDPs and MOA allocated to the proper agencies on time?</p> <p>Have resettlement offices received the scheduled funds?</p> <p>Have agencies responsible for the implementation of the IPDPs and MOA received the scheduled funds?</p> <p>Have funds been disbursed according to the RP?</p> <p>Have funds been disbursed according to the IPDPs and MOA?</p> <p>Has the social preparation phase taken place as scheduled?</p> <p>Has all land been acquired and occupied in time for project implementation?</p> <p>Have all clearance been obtained from the NCIP?</p> <p>Have the consent of the IP community in the affected ancestral domain been obtained?</p>
2. Delivery of Compensation and Entitlements	<p>Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix?</p> <p>Have APs received payments for affected structures and lands on time?</p> <p>Have APs losing from temporary land been compensated?</p> <p>Have all received the agreed transport costs, relocation costs, income substitution support and any resettlement allowances, according to schedule?</p> <p>Have all replacement land plots or contracts been provided? Was the land developed as specified? Are measures in train to provide land titles to APs?</p> <p>How many APs opted to donate their land to the government?</p> <p>How many APs did not receive payment?</p> <p>How many APs opted to donate their lands to the government?</p> <p>How many landholdings were subjected to quit claim? Easement?</p> <p>How many APs accepted the first offer at zonal valuation?</p> <p>How many APs rejected the first offer and accepted the second offer?</p> <p>How many APs resorted to expropriation?</p> <p>How many AP households have received land titles?</p> <p>How many APs have received housing as per relocation options in the RP?</p> <p>Does house quality meet the standards agreed?</p> <p>Have relocation sites been selected and developed as per agreed standards?</p> <p>Are the APs occupying the new houses?</p> <p>Are assistance measures being implemented as planned for host communities?</p> <p>Is restoration proceeding for social infrastructure and services?</p> <p>Are the APs able to access schools, health services, cultural sites and activities at</p>

<sup>1</sup> Derived from ADB Handbook on Resettlement: A Guide to Good Practice. 1998.

Monitoring Indicators	Basis for Indicators
3. Public Participation and Consultation	<p>the level of accessibility prior to resettlement?</p> <p>Are income and livelihood restoration activities being implemented as set out in income restoration Plan? For example utilizing replacement land, commencement of production, numbers of APs trained and provided with jobs, micro-credit disbursed, number of income generating activities assisted?</p> <p>Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?</p> <p>Have consultations taken place as scheduled including meetings, groups, and community activities? Have appropriate resettlement leaflets been prepared and distributed?</p> <p>How many APs know their entitlements? How many know if they have been received?</p> <p>Have any APs used the grievance redress procedures? What were the outcomes? Have conflicts been resolved?</p> <p>Was the social preparation phase implemented?</p> <p>Were separate consultations done for Indigenous Peoples?</p> <p>Was the conduct of these consultations intergenerationally exclusive, gender fair, free from external coercion and manipulation, done in a manner appropriate to the language and customs of the affected IP community and with proper disclosure?</p> <p>How was the participation of IP women and children? Were they adequately represented?</p>
4. Benefit Monitoring	<p>What changes have occurred in patterns of occupation, production and resources use compared to the pre-project situation?</p> <p>What changes have occurred in income and expenditure patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have APs' incomes kept pace with these changes?</p> <p>What changes have taken place in key social and cultural parameters relating to living standards?</p> <p>What changes have occurred for vulnerable groups?</p> <p>Has the situation of ICCs/IPs improved, or at least maintained, as a result of the project?</p> <p>Are IP women reaping the same benefits as IP men?</p> <p>Are negative impacts proportionally shared by IP men and women?</p>

## B. External Monitoring Indicators

Monitoring Indicators	Basis for Indicators
1. Basic information on AP households	<p>Location</p> <p>Composition and structures, ages, education and skill levels</p> <p>Gender of household head</p> <p>Ethnic group</p> <p>Access to health, education, utilities and other social services</p> <p>Housing type</p> <p>Land use and other resource ownership and patterns</p> <p>Occupation and employment patterns</p> <p>Income sources and levels</p> <p>Agricultural production data (for rural households)</p> <p>Participation in neighborhood or community groups</p> <p>Access to cultural sites and events</p>

Monitoring Indicators	Basis for Indicators
2. Restoration of living standards	<p>Value of all assets forming entitlements and resettlement entitlements</p> <p>Were house compensation payments made free of depreciation, fees or transfer costs to APs?</p> <p>Have APs adopted the housing options developed?</p> <p>Have perceptions of “community” been restored</p> <p>Have APs achieved replacement of key social cultural elements?</p> <p>Have affected IP communities at least maintained their living standards prior to the project?</p> <p>Have proper measures been undertaken to protect their customs, indigenous structures?</p>
3. Restoration of Livelihoods	<p>Were compensation payments free of deduction for depreciation, fees or transfer costs to the APs?</p> <p>Were compensation payments sufficient to replace lost assets?</p> <p>Was sufficient replacement land available of suitable standard?</p> <p>Did transfer and relocation payments cover these costs?</p> <p>Did income substitution allow for re-establishment of enterprises and production?</p> <p>Have enterprises affected received sufficient assistance to re-establish themselves?</p> <p>Have vulnerable groups been provided income-earning opportunities? Are these effective and sustainable?</p> <p>Do jobs provided restore pre-project income levels and living standards?</p>
4. Levels of AP Satisfaction	<p>How much do APs know about resettlement procedures and entitlements? Do APs know their entitlements?</p> <p>Do they know if these have been met?</p> <p>How do APs assess the extent to which their own living standards and livelihood been restored?</p> <p>How much do APs know about grievance procedures and conflict resolution procedures? How satisfied are those who have used said mechanism?</p> <p>How much do the affected IP communities know about the IP framework in the RP?</p> <p>Do they know their rights under the IP framework?</p> <p>How much do they know about the grievance procedures available to them?</p> <p>Do they know how to access to it?</p> <p>How do they assess the implementation of the MOA and the RPs?</p>
5. Effectiveness of Resettlement Planning	<p>Were the APs and their assets correctly enumerated?</p> <p>Was any land speculators assisted?</p> <p>Was the time frame and budget sufficient to meet objectives?</p> <p>Were entitlements too generous?</p> <p>Were vulnerable groups identified and assisted?</p> <p>How did resettlement implementers deal with unforeseen problems?</p>
6. Other Impacts	<p>Were there unintended environmental impacts?</p> <p>Were there unintended impacts on employment or incomes?</p>
7. IP Indicators	<p>Are special measures to protect IP culture, traditional resource rights, and resources in place?</p> <p>How are these being implemented?</p> <p>Are complaints and grievances of affected IPs/ICCs being documented?</p> <p>Are these being addressed?</p> <p>Did the project proponent respect customary law in the conduct of public consultation, in RP and MOA implementation, in dispute resolution?</p>

<b>Monitoring Indicators</b>	<b>Basis for Indicators</b>
	Did the project proponent properly document the conduct of public consultations, the formulation and implementation of the RP and the MOA? Were the public consultations inter-generationally inclusive? Were women and children proportionally represented? Were representatives of the NCIP present in the public consultations? During the monitoring of RP and/or MOA implementation?

**APPENDIX 3: SAMPLE DEED OF DONATION**

**DEED OF DONATION**

**KNOW ALL MEN BY THESE PRESENTS:**

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

That the DONOR is the registered owner of a parcel of land, more particularly described as follows:  
*(Insert description of property to be donated)*

That the DONEE is a \_\_\_\_\_;

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

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

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

IN WITNESS WHEREOF, both the DONOR & DONEE have hereunder subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_ 200\_ at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
DONOR

\_\_\_\_\_  
DONEE

\_\_\_\_\_  
WITNESSES:

**ACKNOWLEDGEMENT**

Republic of the Philippines)  
\_\_\_\_\_ ) S.S

BEFORE ME, a notary for and in the \_\_\_\_\_ (Locality) \_\_\_\_\_, personally appeared:

Name CTC Number Date/Place Issued  
(Donee) 00000000 (Date), 200\_ / Locality

known to me and to me known to be the same persons who executed the foregoing Deed of Donation and acknowledged to me that the same is their free and voluntary act and deed.

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

Notary Public  
Doc. No. \_\_\_\_\_;  
Page No. \_\_\_\_\_;  
Book No. \_\_\_\_\_;  
Series of 200\_.

*This is a sample of a Deed of Donation. You may freely copy and revise this form.*