

# Resettlement Plan

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Project Number: 46362-004  
February 2019

## PHI: Angat Water Transmission Improvement Project Additional Financing

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## CURRENCY EQUIVALENTS

(as of March 2018)

Currency unit	–	peso/s (₱)
₱1.00	=	\$0.01916
\$1.00	=	₱52

## ABBREVIATIONS

ADB	–	Asian Development Bank
AHs	–	Affected Households
APs	–	Affected Persons
AWTIP	–	Angat Water Tunnel Improvement Project
BNAQ7P	–	Bigte-Novaliches Aqueduct 7 Project
CMP	–	Community Mortgage Program
CWA	–	Contractor's Work Area
DDR	–	Due Diligence Report
DPWH	–	Department of Public Works and Highways
EA	–	Executing Agency
EO	–	Executive Order
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
HHs	–	Household heads
IA	–	Implementing Agency
IP	–	Indigenous Peoples
IR	–	Involuntary Resettlement
IRR	–	Implementing Rules and Regulations
ISF	–	Informal Settler Families
LARRIPP	–	Land acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (DPWH, 2007)
LIAC	–	Local Inter-Agency Committee
LGU	–	Local Government Unit
MO	–	Memorandum Orders
MWSS	–	Metropolitan Waterworks and Sewerage System
NGO	–	Non-government organization
NHA	–	National Housing Authority
PMO	–	Project Management Office
PHP	–	Philippine Peso
RA	–	Republic Act
ROW	–	Right-of-Way
RP	–	Resettlement Plan
SPS	–	Safeguards Policy Statement
UPAO	–	Urban Poor Affairs Office

## GLOSSARY

Affected persons (or household)	Affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. This definition of AP is at variance with how ADB's SPS uses the term. The SPS uses the term displaced person (DP). But, AP is how the EA understands and uses the term. Hence, it is so used in the document.
Ancestral Domain	refer to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources, therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and by private individuals /corporations, and which are necessary to ensure their economic, social and cultural welfare (Sec.3 of IPRA Act).
Compensation	Payment in cash or in kind for land, housing, income, and other assets <i>acquired or adversely affected</i> by the project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates. Replacement cost calculation comprises these elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued (if any), (iv) transitional and restoration costs (if any); and (v) other applicable payments (if any).
Contractors work area	is the area where facilities and utilities will be built used to as storage area for contractors' equipment, machines, staff housing, etc. This is located in the delineated 25-meter ROW which is within the existing 60-meter MWSS property and ROW.
Cut-off date of eligibility	The concept of the cut-off date for eligibility is typically used for the non-titleholders, which is generally the date of commencement of the project census of

affected persons within the project boundaries. Persons not covered at the time of census taking will not be eligible for claims of compensation entitlements.

Entitlement

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

Income restoration

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

Indigenous People

A group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, become 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).

Involuntary Resettlement

It is the displacement of people from their homes, assets, sources of income and employment on account of the project undertaken by the Government of the Philippines. Involuntary resettlement may result in any or a combination of the following: loss of land, abode and other fixed assets, loss of income and/or employment, relocation, separation of family members, disintegration of communities, etc. Unless appropriate and adequate mitigation measures are carried out, involuntary resettlement will result to further hardship and impoverishment among the AHs, especially the marginal sectors of society (see definition of "vulnerable groups"). These adverse social impacts of

development projects are often borne by AHs not of their own desire but involuntarily.

Relocation	Physical displacement of a PAP from his/her pre-project place of residence and his/her transfer to another place.
Replacement cost	Amount of cash or kind needed to replace an asset (i.e., land, private structure, crops and trees, public structure and common resource). Replacement cost calculation comprises these elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued (if any), (iv) transitional and restoration costs (if any); and (v) other applicable payments (if any).
Resettlement	All measures taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Spoils Disposal Area	It is the site where spoils including soil, stones, rocks, etc. from drillings during construction are dumped.
Vulnerable Groups	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support; (v) landless households or those without title to land; (vi) indigenous peoples or ethnic minorities

## NOTES

- (i) In this report, "\$" refers to US dollars, unless otherwise stated

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## I. EXECUTIVE SUMMARY

1. The Government of the Philippines, through Metropolitan Waterworks and Sewerage System (MWSS), requested the Asian Development Bank (ADB) for a project preparatory technical assistance (PPTA) to prepare the Bigte to Novaliches Aqueduct Number 7 Project (BNAQ7P). The PPTA has two phases: Phase 1 (2015-2016) is the preparation of MWSS's investment program in the medium and long term, while Phase 2 (2017-2018) is the preparation of a full feasibility study on the identified priority investments, namely the construction of BNAQ7.

2. In 2014, MWSS had three flagship infrastructure projects set for implementation; namely: the New Centennial Water Source-Kaliwa Dam Project (NCWSP-KDP), the ADB funded Angat Water Transmission Improvement Project (AWTIP) with NEDA Board approvals and the Bulacan Bulk Water Supply Project. All three projects aim to improve the reliability and security of raw water supply. The AWTIP is currently under implementation with expected completion date in June 2022. The AWTIP aims to improve the reliability and security of the raw water through partial rehabilitation of the transmission system from Ipo to La Mesa and the introduction of water safety, risk and asset management plans. This currently proposed BNAQ7 project can only start and BNAQ-1 and 2 decommissioned when the Ipo-Bigte Tunnel 4 construction has been completed so that raw water supply to the concessionaires will not be affected.

3. The main objective of the proposed project is to provide added flexibility in the operation of the aqueducts of the Angat system. The BNAQ7P will initially act as a redundant transmission main for facilitating repair and maintenance of the existing aqueducts and will provide additional capacity in the future. BNAQ7P will replace the old BNAQ1 and 2 lines and will follow the same alignment of BNAQ1<sup>1</sup> from Bigte to Novaliches Junction.

4. The project is primarily for the laying of 3.6m diameter raw water conveyance system or aqueduct starting from Bigte Basin in Norzagaray, Bulacan to Novaliches Portal in La Mesa Dam, Quezon City (Sta.0-038 up to Sta. 14+930). The extent from Bigte Basin to Novaliches Portal measures 15 kilometer. To construct the aqueduct, it will require a ROW width of 25 meter (m) along the aqueduct alignment so that there will be enough space for staging and construction work area. This is located within the existing MWSS 60m width ROW.

5. There is no land acquisition required but there are 11 structures located inside the delineated 25 meter (m) width staging and construction work area (CWA) within the existing 60m MWSS ROW. Only these structures located within the 25m construction corridor will be cleared and demolished prior to the actual construction and laying of the water conveyance pipelines. The affected include six households – 3 households occupying two MWSS-owned barracks; 1 informal settler family (ISF) living in a shanty; 1 household occupying a former garage structure; and, 1 household whose garage over extended to the MWSS ROW. Of these, 5 affected households are severely affected and 1 marginally affected. The 11 structures to be permanently affected include two secondary structures, 4 residential structures and 5 commercial structures. A total of 58 individuals will be affected, including two owners of secondary structures, nine owners of business enterprises with 18 employed persons, and 1 crops owner. No indigenous peoples and ancestral domain areas will be affected. Based on the involuntary resettlement impact categorization, the project has been classified as Category B by ADB. This project required

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<sup>1</sup> BNAQ 1 & 2 were constructed in 1939 and have recently been taken offline due to structural concerns and high level of leakage.



MWSS the preparation of a Resettlement Plan (RP) in conformity with the ADB Safeguard Policy Statement 2009 (ADB SPS, 2009).

6. Construction of the BNAQ7P within the corridor of impact (COI)<sup>2</sup> will include tunneling and open cut and cover activities during the laying of the water conveyance pipelines. There are three identified tunnel sections with a total length of 5 km traversing the same existing line of BNAQ1 and 2. No adverse social and involuntary resettlement (IR) impact have been identified in the tunnel sections because there will be no earth moving activities above the ground level.

7. The structures located along the delineated 25m width construction corridor will be cleared and demolished prior to the actual construction and earth moving activities. During the detailed design phase, however, it will be ascertained whether there will be further unintended IR impact and validate the possibility that these structures will not be affected should there be new modification for the project's alignment. Losses of project-affected persons who own residential and commercial structures and crops will be compensated at replacement costs. The affected households (AHs)/structure owners will be provided with compensation related to the transfer of movable properties or persons and will be eligible for allowances for business or wage losses. Details of the eligibility provisions for each type of impact are found below:

- i. **Residential, School and Commercial land:** Rehabilitation for residential, school and commercial land losses are those located within the affected direct impact corridor within the 25m width who are owners of the building structures or renters/sharers and rent-free occupants utilizing the MWSS ROW with or without permit. Owners of illegal structure who are not residing but leasing the structures in the affected areas will not be eligible for this loss as they fully conform to the professional squatter type.
- ii. **House structures and extension:** Owners of affected house structures and extensions who are residing in the affected areas are eligible to full compensation for all items lost in affected areas.
- iii. **Fruit bearing trees:** The owner of fruit bearing trees in affected areas will not be eligible to compensation for cultivated land losses since the land occupied is the property of MWSS and not owned by the cultivator. However, the AP will be eligible to receive compensation for the loss of fruit bearing trees.
- iv. **Business owners and wage earners:** The APs will be eligible to receive a rehabilitation allowance to cover for the lost income during the transitional period covering two months of the regional legislated wage for business owners and actual wage for wage earners.
- v. **Transfer and disturbance allowances:** Affected informal settler family (ISF) households and rent-free occupants that will be required to relocation of residence will be eligible to receive transportation assistance for (i) transferring movable affected items, (ii) relocating household members and belongings.

8. Disclosure to the affected persons (APs) and identified stakeholder about the project, cut-off-date, entitlement and compensation policy subject to the approval of MWSS were made during the public consultation and field survey activities conducted by the consultants accompanied by MWSS personnel and the Common Purpose Facility (CPF) Roving Security Guards. Official letter of communication signed by the MWSS Administrator to the Local Chief Executives (LCEs) of the respective host city and municipality providing an overall project background of BNAQ7P, the cut-off-date announcement as of July 04, 2018, the list of the affected persons the LCE's statutory

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2 The corridor of impact (COI) in consideration is the 60-meter MWSS ROW. This Resettlement Plan, however, is intended for the delineated 25-meter inside this existing 60-meter ROW where the alignment of BNAQ7 is located and will serve as staging and construction work area (CWA).

mandate to clear government ROW from encroachment under RA 7279 (Urban Development and Housing Act of 1992) was delivered to the respective Mayor's Office. To ensure that information is disclosed to the APs, the consultants approached them individually considering that most of them are owners of the establishments and would be difficult to convene in one place at one time. An acknowledgement statement that they have received information about the BNAQ7P, the cut-off-date, the entitlement and compensation policy of the MWSS subject to its approval was signed by them.

9. The implementation of the RP will be completed before the commencement of the civil works activities. There will be no construction activities unless the affected households (AHs) have been relocated in coordination with the respective LGUs and the structure owners and APs have been properly compensated. Conduct of final due diligence and updating of inventory and impact assessment shall be undertaken as soon as final engineering design has been completed during the detailed design phase of the project by the Safeguards (IR) Specialist. As part of due diligence, compliance monitoring of any unintended impacts during project implementation shall be undertaken by the project. Refer to table below for the Indicative Project and Safeguards Implementation Schedule.

**Table 1: Indicative Project and Safeguards Implementation Schedule**

Activity	Indicative Timeframe
<b>Project Implementation: Major Activities</b>	
1. Contractor's mobilization	Q1 Y1
2. Detailed design	Q1 Y1-Q3 Y1
3. Design Review and Approval	Q2 Y1-Q4Y1
4. Surveys and Related Due Diligence/Impact Inventory/RP Implementation	Q3Y1-Q4Y1
5. Construction	Q1 Y2-Q2Y4
6. Maintenance Period	Q3 Y4-Q3 Y5
<b>Specific Activities</b>	
1. Preparatory	
1.1 Engagement of Safeguard Specialist (IR) for project implementation support	Y0 (in place at least 2 months prior to the bidding process for contractor starts)
1.2 Mobilization of IR Safeguard Officer	Y0 (in place at least two months prior to bidding process for contractor starts)
1.3 Training needs assessment	Q 4 Y0
1.4 Capacity Building Activities/Follow-up Support	Q 4 Y0-Q4 Year 3
1.5 Inclusion of the remaining IR activity update in the bid documents	Q4- Y0 (Prior to Notice of Award)
2. Project Detailed Design /Approval	
2.1 Community Preparation Activities	Q2 Y1
2.2 Updating of Resettlement Plan based on detailed engineering design (includes updating draft FS RP, conduct of IEC and stakeholder's meetings and replacement cost study)/impact inventory	Q3Y1-Q4 Y1
2.3 Finalize RP	Q4 Y1
2.4 ADB review and approval of RP	Q4 Y1
2.5 RP Implementation/Compensation of APs	Q4 Y1
3. Construction Period (Mobilization to Demobilization)	
4.1 IR Safeguard Compliance Monitoring	Q2 Y2 – Q2 Y4
3.2 Submission IR Report	Q3 Y2 – Q2 Y4
• Monthly, by Safeguard (IR) Officer	5th day of the month following the effective month
• Semi-annually, by Safeguard (IR) Officer / PMO-BNAQ7P for submission to ADB	5th day of the month following the effective 6-month period
• Annual, by Safeguard (IR) Officer for submission to ADB	5th day after effective year
4. Operation Period (potentially could start even before Maintenance Period is over)	Q3Y4 and thereafter
4.1 Continue IR safeguard compliance monitoring activities	Starting Q4 Y4

10. The budget for the Resettlement Plan (RP) and future IR activities including (i) due diligence validation and inventory update and (ii) safeguard compliance monitoring during final design and construction will be integrated into survey costs and administrative costs of the project. Capacity building cost shall be integrated in the RP Plan. One person for Safeguard (IR) and Social Development Officer will be designated from MWSS-Social Services Group/Resettlement to the proposed Project Management Office of Bigte to Novaliches Aqueduct Number 7 Project (PMO-BNAQ7P). Two (2) will be hired as Safeguard (IR) and Social Development Specialists who will undertake the related tasks of IR and Social Development/Gender concerns for a period of 12 man-months on an intermittent basis during the project implementation phase.

11. The total amount of RPBudget is US\$208,447.50 which includes the following items: 1) Resettlement and Entitlement; 2) Training and Capability Building and Administrative Cost – as presented in the table below:

**Table 2: Resettlement Budget Summary Table**

1. Resettlement and Entitlement	Total Cost (PhP)	Total Cost (US\$)
a. Compensation for Losses in Structures	6,607,500.00	127,067.31
b. Compensation for Losses in Crops	10,250.00	197.12
c. Compensation for Losses in Business Income (Business Owners)	205,200.00	3,946.15
d. Compensation for Losses in Wage Income for Wage Earners of Establishment	216,320.00	4,160.00
2. Training / Capability Building	200,000.00	3,846.15
3. Administrative Cost (PMO)	3,600,000.00	69,230.77
Grand Total	10,839,270.00	208,447.50

12. Funding for the implementation of the RP will be from the MWSS. Disbursement of various cost items will be from the Finance Department of MWSS following an appropriate Financial Management and Procedures. The compensation for the APs and establishments will be disbursed according to the following:

- i. Asset Management Division will recommend for the approval of payments. The approval of the payments will be through the Finance Unit of the PMO-BNAQ7.
- ii. Preparation of checks in the name of eligible APs/establishment owners will be done by the Finance Unit of the PMO-BNAQ7.
- iii. Signing of checks and approval will be undertaken by the PMO Director countersigned by the MWSS Deputy Administrator (DA).
- iv. Disbursement of checks in the name of the affected persons/establishment owners will be done by the Cashier of the PMO-BNAQ7.
- v. Appropriate identification of the claimant will have to be ensured to avoid payment to the wrong person.

## II. PROJECT DESCRIPTION

13. The Government of the Philippines, through Metropolitan Waterworks and Sewerage System (MWSS), requested the Asian Development Bank (ADB) for a project preparatory technical assistance (PPTA) to prepare the Bigte to Novaliches Aqueduct Number 7 Project (BNAQ7P).

14. In 2014, MWSS had three flagship infrastructure projects set for implementation; namely: the New Centennial Water Source-Kaliwa Dam Project (NCWSP-KDP), the ADB funded Angat Water Transmission Improvement Project (AWTIP) with NEDA Board approvals and the Bulacan Bulk Water Supply Project. All three projects aim to improve water supply quantity to Metro Manila. The AWTIP is currently under implementation with expected completion date in June 2022. The

AWTIP aims to improve the reliability and security of the raw water through partial rehabilitation of the transmission system from Ipo to La Mesa and the introduction of water safety, risk and asset management plans.<sup>3</sup>

15. The PPTA has two phases: Phase 1 (2015-2016) is the preparation of MWSS's investment program in the medium and long term, while Phase 2 (2017-2018) is the preparation of a full feasibility study on the identified priority investments, namely the construction of BNAQ7. This is part of the water security program of MWSS and its main objective is to provide added flexibility in the operation of the aqueducts of the Angat system. BNAQ7 will initially act as a redundant transmission main for facilitating repair and maintenance of the existing aqueducts and will provide additional capacity in the future.

16. The BNAQ7 will replace the old BNAQ1 and 2 lines which was constructed in 1939 and will follow the alignment of BNAQ1 from Bigte to Novaliches Junction. Construction of BNAQ 7 can only start and BNAQ1 and 2 decommissioned when the Ipo-Bigte Tunnel 4 construction has been completed so that raw water supply to the concessionaires will not be affected. From the Bigte Basin, water is transferred to La Mesa Dam via 6 existing aqueducts (BNAQ 1-6).

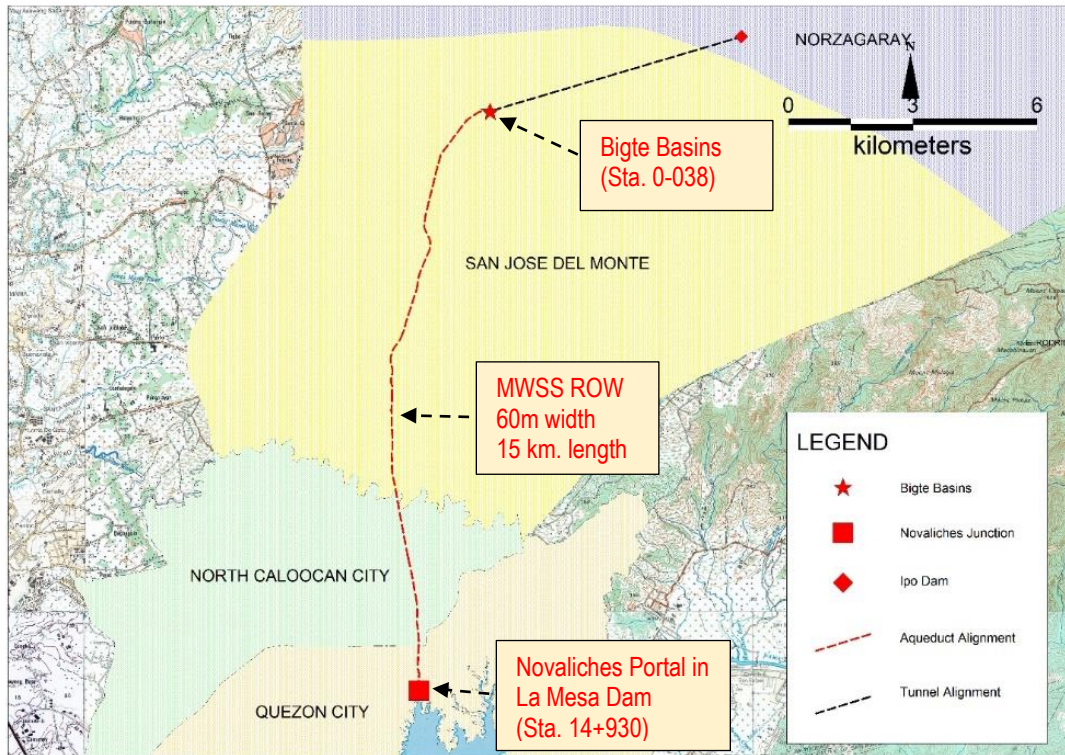
17. The study has determined where cut-and-cover segments and tunneling will be required. The feasibility study also included in-depth hydraulic analysis and related geotechnical, structural, environmental and social analyses as well as preliminary designs and tender documents for a design and build contract.

18. The BNAQ7P stretching 15 km will be constructed within the existing 60 m ROW of the Metropolitan MWSS, the Executing Agency (EA). It is not expected that the project will extend beyond the existing 60m ROW. Hence, new land acquisition is not expected unless there will be substantial modifications in the ROW alignment during the detailed engineering and implementation phase. MWSS has issued a certification attesting the rightful ownership of the property and right-of-way where the aqueduct will be constructed. For details, please refer to Appendix 1.

19. The BNAQ7P will utilize a width of 25 m ROW as staging and construction work area during the implementation and construction period which is located within the 60 m width of the existing MWSS property and ROW stretching a total of 15 km from Bigte Basins in Norzagaray, Bulacan to Novaliches Portal in La Mesa Dam (Sta. 0+038 up to Sta. 14+930). The CPF has already implemented its fencing project to secure the MWSS ROW and commissioned ROW Roving Security Guards to ensure that there will be no new encroachment. Below is the map in Figure 1 showing the ROW alignment of the proposed project:

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<sup>3</sup> Source: <http://mwss.gov.ph/wp-content/uploads/MWSS-Annual-Report-2016.pdf> (Accessed on 22 October 2018).



**Figure 1: Map of the Project and the ROW Alignment**

Starting from Bigte Basins in Norzagaray, Bulacan to Novaliches Portal in La Mesa Dam

20. As proposed, the MWSS will engage a Design and Build (D&B) Contractor. The D&B Contractor will have free hand in preparing the detailed design and the methodology for which the actual construction will be carried out. The scope of the D&B contract will include the construction of about 15 km of 3.6 m diameter pipeline, new basin, and interconnection works from Bigte Basins to Novaliches portal. Since this will be contracted out by MWSS as a D&B scheme, the following will be the construction methods that the contractor may employ:

- i. For the three tunnel segments totaling about 3.5 km of pipeline, a roadheader machine will likely be used in the tunnel construction since it was utilized successfully in the previous BNAQ6 project of MWSS. For harder formation, the contractor will have the option to use blasting. In both cases, the debris and excavated materials will be removed from the site using backhoes, trucks and payloaders. Tunnels are relatively deep and as expected, it will have no or very little vibration in the structures above ground. The aqueduct walls shall be made of concrete and the concreting works shall be carried out using concrete mixers, pumpcrete and concrete vibrators.

Once the D&B Contractor has finalized construction methodology in the Detailed Design phase. Another consultation will be conducted informing the APs about the impact areas and sufficient mitigating measures. Safety requirements are included in the technical specifications that the D&B Contractor will provide during the DD Phase.

- ii. For the remainder of the aqueduct pipe length, cut-and-cover method shall be employed. Excavation works and removal of debris and excess materials shall be carried out using backhoes, trucks and payloaders. The 3.6 m diameter steel pipeline

shall be lifted and fitted in place using crane. In river crossings, diversion works will be assisted by sheet piling. Other equipment that will be used to complete the work item shall include motor graders, pneumatic vibrators/rollers, plate compactors, generator sets, welding machines, and water trucks. The new basin and the interconnections works will require the use of bar bending machine, concrete mixers, pumpcrete, jackhammers, cranes to put in place the sluice gates.

21. During the construction phase, the related impacts identified and expected to occur are the following: loss of vegetation due to clearing and grubbing; terrain modification and generation of stockpiles of soil and rocks; erosion of material stockpile and siltation of waterways; temporary loss of access to houses, establishments and utilities; increase in ambient noise and dust generation; increased site traffic; local generation of wastes i.e. solid wastes, hazardous waste and domestic wastewater; spill of fuels and lubricants; and, risks to occupational health and safety. For related impacts, appropriate mitigating measures will be installed during the construction stage by the contractor.

22. The proposed BNAQ7P has been considered under ADB IR safeguard as Category B, which requires the preparation of a RP.

### **III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

23. Various types of potential impacts resulting from the project have initially been identified: a) the physical displacement of informal settler family still residing on and along the MWSS ROW; b) temporary loss of business shops and structures presently encroaching on existing MWSS ROW; c) temporary disruption to businesses during construction; and d) temporary disruption of the traffic flow along major and minor thoroughfares to be traversed by the laying of the water conveyance pipelines.

24. As part of the preparatory activities for the proposed project, the following were conducted: a) transect walk or walk the line; b) census of project-affected persons; c) inventory of losses (IOL); d) socio-economic survey (SES); and e) stakeholders' consultations. The results of the census, IOL, SES, and consultations with the APs are vital in assessing the social impact of the project. The assessment included identifying the adverse impacts of the project on different social groups as well as the project APs who are eligible for entitlements. The studies prepared a data base of the affected persons for the monitoring and evaluation of the resettlement impact. For Photo Documentation related to the activities mentioned above is found in Appendix 2.

25. The census, inventory, survey and consultations were conducted among affected areas in 10 barangays in San Jose del Monte City, and Municipality of Norzagaray, both in Bulacan province; and Caloocan City, Metro Manila. The following are the barangays per City/Municipality: for San Jose del Monte City – Barangays Gumaok, Tungkong Mangga, Sto. Cristo, Minuyan, Kaypian, Graceville, and, San Manuel; for the Municipality of Norzagaray – Barangay Bigte; and, for Caloocan City - Barangays 179 and 186.

26. The proposed BNAQ7P shall be replacing the old BNAQ 1 and 2 stretching 15.5 km water conveyance system for Metro Manila. This will be utilizing a 25 m width corridor delineated for the staging and construction areas within the 60 m width of the existing MWSS ROW alignment from Bigte Settling Basins and will connect to the portals in La Mesa Dam. The delineated 25 m width is considered as the direct impact corridor. This is a linear portion of land located within the existing 60 m MWSS property line and ROW limit. Particularly, direct impact will be felt in the open

cut and cover portions of the 10.5 km stretch during the construction of the aqueduct. The tunnel portions identified during the FS are found in the table below:

**Table 3: BNAQ7 Tunnel Sections**

<b>Tunnel No.</b>	<b>Location (Barangay, Municipality/City)</b>	<b>Station</b>	<b>Length (l.m.)</b>
1	Barangay Sto. Cristo, SJDM	5+400 to 6+240	840
2	Barangay Graceville, SJDM	7+850 to 8+360	510
3*	Barangays Graceville & San Manuel, SJDM	8+580 to 8+860	280
4*	San Manuel, SJDM	9+080 to 9+240	160
5*	Barangays 186, Caloocan City	11+660 to 11+820	160
6	Barangays 179 to Novaliches Portal	12+750 to 14+900	2,150

*\*Design-Build contractor's choice if tunnel or deep excavation. The rest of the segments will be cut and cover.*

27. No indigenous peoples and ancestral domain areas will be affected since the project is situated in a non-IP area.

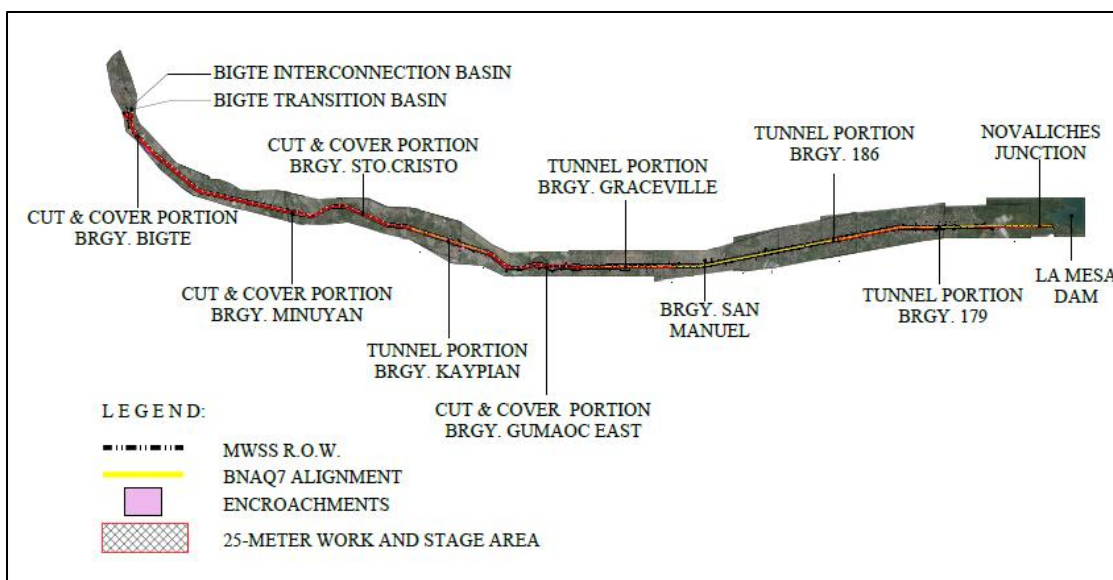
28. There are encroachments found in some sections of the MWSS ROW. The encroachments are of various types of structures within the project's 25 m width direct impact corridor. IR impacts will only be limited within the BNAQ7P's 25-meter direct impact corridor.

29. Since the proposed BNAQ7P will be utilizing the existing MWSS ROW from Bigte Basins in Norzagaray, Bulacan to Novaliches Portals in La Mesa Dam, Quezon City, there will be no new land acquisition because the proposed BNAQ7P intends to replace the old MWSS BNAQ1 and 2 located on the same pipeline alignment.

30. Construction of the BNAQ7P within the corridor of impact will include tunneling and open cut and cover activities during the laying of the water conveyance pipelines. There are three identified tunnel sections with a total length of 5 km traversing the same existing line of BNAQ1 and 2. No adverse social and IR impact have been identified in the tunnel sections because there will be no earth moving activities above the ground level.

31. There are 11 structures found to have encroached within the open cut and cover portions of the 25 meter width direct impact corridor which will have IR impacts during the construction and laying of the water conveyance pipelines. These structures located along the delineated 25 m width construction path will be cleared and demolished prior to the construction and earth moving activities. During the detailed design phase, however, it will be ascertained whether there will be further unintended IR impact and validate the possibility that these structures will not be affected should there be new modification for the alignment for the project. The map below provided an overview of the cut and cover as well as the tunnel sections in the MWSS ROW shown in Figure 2 below.





**Figure 2: Map of the BNAQ7P Alignment (Cut and Cover and Tunnel Portions)**

Business enterprises operating in the affected area are categorized as follows: a) Micro enterprises = 8 (Sash factory; Aircon and Car Repair Services; Tire and Vulcanizing Shop; Carinderia Food Stall and Karaoke Bar; Drug Store; Unified Product Services; Pizza Parlor; Sari-Sari Store); b) Small enterprise = 2 (Bus operator and Auto Supply); c) Large enterprise = 1 (Academia School).<sup>4</sup>

32. Table 4 below provides the summary of project impacts within the existing MWSS ROW. A total of 58 individuals will be affected by the project. There are six identified as project affected households (PAHs): 3 are non-paying households occupying the two MWSS-owned Old Barracks; 1 is an informal family settler (ISF) living in a shanty with planted banana crops to be affected; 1 is a household occupant in a former garage; and, 1 is a household whose garage over extended to the MWSS ROW. Of the 6 PAHs, 5 are severely affected and will need to be relocated, while 1 is marginally affected. A total of 11 structures (10 owners, Appendix 7-1) will be affected which include the above mentioned 2 MWSS-owned structures, 1 ISF-owned shanty, 1 former garage structure, 1 over extending garage structure, 1 school-owned structures, and 5 individually owned commercial structures. For additional details on Types of Establishment, Structures and Ownership Status, refer to Table 5.

**Table 4 : Summary of Impacts**

Loss Category	Quantity
Affected persons (number)	58
Affected Households (number)	6
Structures Loss (number)	11
With Business Loss (owners)	9
With Wages Loss (employees)	18
With Crops Loss (owners)	1

<sup>4</sup> Based on the definition according to Small and Medium Enterprise Development (SMED) Council Resolution No. 01 Series of 2003 dated 16 January.

33. Out of 11 structures that encroached the MWSS ROW, 5 structures are utilized by the establishment owners for various types of commercial activities and business enterprises. In this category, there are two who were identified as renters of illegally erected structures and currently residing in an adjacent area or near the MWSS ROW. The average amount of rent in the area is Php 7,500.00 per commercial space.

34. There is one private school utilizing the MWSS ROW as main access/entrance to the school being situated along the main thoroughfare of Quirino Highway in Barangay Sto. Cristo, San Jose Del Monte. Aside from using the area as its main access/entrance with covered path walk, the school found various land utilization such as parking lot, basketball and volley ball courts. Only for the duration of the construction activities will access to the school premises temporarily affected. The school authority requested that project contractor, during the actual construction and laying of the aqueducts, will provide an alternative route and temporary access complete with safety signages and barricades to avoid untoward incidents and unnecessary accidents in the area.

35. It is estimated that the impact on wage loss will be affecting 25 wage earners who are employed by the 9 project affected commercial and business enterprises. However, the confirmed and documented number of wage earners is 18 (Appendix 7-4), which have been accordingly budgeted. There will be a validation/verification process that will be conducted during the detailed design phase of the project and necessary adjustment in the number of the affected wage earners will be made as validated. These wage earners are working as helper, salesperson or store keeper or assistant, technician, cook, dishwasher, and food server, among others. They will be provided with financial assistance for two months of the actual wage or corresponding to the prevailing regional wage subject to the approval of the Local Inter-Agency Committee (LIAC) that will be organized before the start of the project.

#### **IV. SOCIOECONOMIC INFORMATION AND PROFILE**

##### **A. Profile of the AHs**

36. There are six households identified residing within the 25 m direct impact corridor which will be utilized by the BNAQ7P as CWA. Three households reside in an old MWSS structure located near the construction site of Tunnel 4. They indicated that they can transfer back to their original place of residence when MWSS would need to clear the area in time for the earth moving and construction activities.

37. One household in Bulacan with an elder male head and a non earning spouse and granddaughter live through production of banana and fruit trees. The head of the family is an elementary undergraduate. The monthly income is PhP 2,500 which is below the poverty threshold level for Bulacan Province peg at Php 11,062 monthly. This is equivalent to \$1.85 daily income. The couple stays in a shanty made of temporary light materials which can easily be moved. They have been staying and planting banana and fruit trees in the area since 1993. In the beginning, a permission from MWSS was requested to utilize about 700 sqm of the ROW for planting assorted vegetables. However, no approval was granted by MWSS. In the previous MWSS BNAQ6 Project, this family was provided relocation assistance. After the project was completed, the family returned to the area. The household head did not report receiving any assistance from any government program. To restore the livelihood of the couple, MWSS will coordinate with the City Social Welfare and Development Office of LGU San Jose Del Monte, Bulacan for possible inclusion to the existing Social Pension Program (SOCPEN) of the

Department of Social Welfare and Development (DSWD) and facilitate link up to other LGU livelihood and social protection programs for the vulnerable sector, particularly for senior citizen's group. As returnees from previous BNAQ6 Project, the ISF couple utilizes land space for gardening and planting of bananas as a source of income. They are aware that any time MWSS will be needing the land in the ROW area for a project, they have to leave. Previously, the household was provided with financial assistance amounting to Php23,000. As mentioned, they have family members residing nearby and other siblings providing some financial support. MWSS will help to facilitate housing loan for the couple through their sibling. Also, they will be compensated on their crops and structures.

38. There is no electricity but there is water flowing from the blow off which is connected with hose and utilized for bathing, washing or cleaning the dishes, flushing the toilet, and gardening. For drinking, the family buys from a water refilling station across the main road of Quirino Highway which cost PHP 30.00 per container per week. They have access to a pour flush toilet with an improvised septic tank (drum) which is an out-house type and aware of good hygiene practice of washing their hands with soap and water at critical times (before cooking, before eating, after using the toilet).

39. Family members who are residents of another barangay in San Jose Del Monte and regularly visit the place to help their parents.

40. Accordingly, rehabilitation allowance was provided during the previous clearing of the project. Relocation will be coordinated by the MWSS to the LGU of San Jose Del Monte City so that the ISF will be included in the shelter assistance program of the City government.

**B. Profile of the identified School, Commercial and Business Establishments**

41. The owners identified establishments are mostly Tagalog speaking (Bulakenyo, Novo Ecijanon) and one Ilocano. Seventy-five percent of the owners are college undergraduate while the rest have graduated from college and have post-graduate degree. The average length of operation or existence among seven establishments is 18 years with less than a year for the newest business establishment while the oldest in operation is about 30 years old.

42. According to Small and Medium Enterprise Development (SMED) Council Resolution No. 01 Series of 2003 dated 16 January. The types of establishment located within the project's designated 25 m CWA inside the existing MWSS ROW are categorized into two; namely: school and commercial and business enterprise. There are ten commercial and business enterprises and one school that were identified during the survey and walk-the-line activities by the consultants. The table below shows the establishments, their respective owners and the location of these establishments in the affected barangay.

**Table 5: Types of Establishment, Structures and Ownership Status**

Establishment	Location	Type of Establishment	Ownership Status of Structure	Type of Structure	Affected Area in (in m <sup>2</sup> )
School	Sto. Cristo, SJDM	School	Owner	Semi-permanent or temporary with mixed concrete	2,475
Sash Factory	Sto. Cristo, SJDM	Commercial	Owner	Semi-permanent or	370

<b>Establishment</b>	<b>Location</b>	<b>Type of Establishment</b>	<b>Ownership Status of Structure</b>	<b>Type of Structure</b>	<b>Affected Area in (in m<sup>2</sup>)</b>
Car Repair and Maintenance Services (Car Wash, Air Condition/ Mechanical Service)	Sto. Cristo, SJDM	Commercial	Owner	temporary with mixed concrete	
Tire and Vulcanizing Shop	Sto. Cristo, SJDM	Commercial	Owner	Permanent and semi-permanent; Mixed concrete	270
Carinderia Food Stall and Karaoke House	Sto. Cristo, SJDM	Commercial	Owner		
Bus Motor Pool	Sto. Cristo, SJDM	Commercial	Owner	Permanent and semi-permanent; Mixed concrete	200
Auto Supply	Tungkong Mangga, SJDM	Commercial	Owner	Permanent and semi-permanent; Mixed concrete	650
Drug Store	Gumaoc East, SJDM	Commercial	Lessee	Permanent and semi-permanent; Mixed concrete	150
Unified Products and Services	Gumaoc East, SJDM	Commercial	Lessee		
Pizza Parlor	Gumaoc East, SJDM	Commercial	Lessee		
Variety (Sari-sari) Store	Gumaoc East, SJDM	Commercial	Lessee		

43. At a glance, the table above also provides the types of establishments and business enterprises and the status of structure ownership that are illegally located within the 25 m direct impact corridor of BNAQ7P. Of the 11 identified affected establishments, majority of them or 7 out of 11 establishments are structures owners while the four others are lessees of the owner of the building illegally erected in the same MWSS ROW. In terms of permanence of these structures, they can be generally characterized as falling within mixed categories such as permanent, hard to dismantle, temporary (made of light materials and can easily be dismantled) and movable.

44. A school in Sto. Cristo, San Jose Del Monte City, Bulacan, has a school population of 2,000 enrollees from Kinder to Grade 12 and College. The school has a total of 120 employees consisting of teaching and non-teaching personnel. The portion of the structures identified as affected are the covered pathway made of galvanized iron post and steel trusses and the concrete basketball and volleyball courts which are in the direct path of the pipe alignment. These covered pathway structures are temporary in nature and can be easily dismantled.

45. Similarly situated are the following: Sash Factory and Furniture, Car Repair and Maintenance Services; Tire and Vulcanizing Shop; and Carinderia Food Stall and Karaoke. Of mixed types of structures that are considered predominantly made of strong permanent materials, the following belong to this category: the motor pool of a bus company; auto supply and the portion of a one-storey commercial building with four affected tenants who are leasing the space.

46. As declared by the respondents during the survey, there 25 persons currently employed including the owner of the establishments. The average number of employed person is 3.25 while the highest monthly income received by an employed person is PhP 15,400.00 which is above the daily minimum wage of PhP 380.00 in Region 3 while the lowest is PhP 2,200.00 for a dishwashing job in a food stall. In the meantime, three establishments have declared a monthly income derived from business ranging from PhP 150,000 to PhP 300,000, two with monthly income of PhP 65,000.00 and PhP 90,000.00, respectively while the rest with PhP 5,000 to PhP12,000.00.

47. All of those interviewed in the course of field data gathering and due diligence activities are fully aware of their status as illegal occupants of the MWSS property and ROW. In a sense, they feel that they have an obligation to fulfill when MWSS would ask them to leave considering that for a time, they have been conducting their business in the area. For those in the direct impact corridor within the 25 m, they signified their support to the project and have no objection. The general sentiment is that they will give way to MWSS project. Most of the remaining structures belong to business enterprise owners and have a business relocation plan for their business when the time comes that MWSS will be requiring them to leave.

## **V. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION**

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

48. The ADB policy states that “affected people should be fully informed and closely consulted on resettlement and compensation options”. Disclosure of the project information and consultation with APs are the starting point for all activities concerning resettlement. People affected by resettlement may be apprehensive that they will lose their livelihoods and communities or be ill-prepared for complex negotiations over entitlements. Participation in planning and managing resettlement helps to reduce their fears and gives APs an opportunity to participate in key decisions that will affect their lives. Resettlement implemented without consultation may lead to inappropriate strategies and eventual impoverishment. Without consultation, the people affected may oppose the project, causing social disruption, substantial delay in achieving targets or even abandonment, and cost increases. Negative public and media images of the project and of the implementation agency may develop. With consultation, initial opposition to a project may be transformed into constructive participation. Consultation can be fostered by holding public meetings and identifying focus groups.

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

### **B. Information Disclosure**

50. Information disclosure to the affected persons and identified stakeholder about the BNAQ7P, cut-off-date, entitlement and compensation policy subject to the approval of MWSS were made during the public consultation and field survey activities by the consultants accompanied by MWSS personnel and the CPF Roving Security Guards.

51. Official letter of communication signed by the MWSS Administrator to the LCEs of the respective host city and municipality was delivered to the respective Office of the Mayor noted with received copy. This letter contained the following information: overall project background of BNAQ7 Project, cut-off-date announcement as of July 04, 2018, list of the affected persons, and the LCE's statutory mandate to clear government ROW from encroachment under RA 7279<sup>5</sup>. Copies of these letters are found in Appendix 3.

52. To ensure that information is disclosed to the directly APs, the consultants approached them individually considering that most of them are owners of the establishments and would be difficult to convene in one place at one time. An acknowledgement statement that the identified directly APs have received information about the BNAQ7P, the cut-off-date, the entitlement and compensation policy subject to MWSS approval was signed by them. A compilation of the signed acknowledgement statement is found in Appendix 4.

53. Workers who will be affected are mostly related to the owners. They are stay-in store keepers, sales persons and helpers. According to the owner, workers will be hired again once the business transferred to a new site along Quirino Highway. There are also numerous business enterprises in the area that can absorb them. Thus, the 2-month worth of wages as rehabilitation/ financial assistance will be enough.

54. MWSS has no specific plan for the affected business sector. But MWSS conforms with the RP. They informed them about the project, its impacts and entitlements. Accordingly, the details of the proposed compensation and entitlement will be presented to the APs upon the approval of MWSS. In the DD stage, affected business sector including business owners, lessees and workers will be informed of their compensation and entitlements.

### **C. Consultations Conducted at Preparation Stage**

55. In coordination, the respective local government officials were consulted about the proposed project. Particularly, the respective local government officials of the City Planning and Development Office (CPDO) and the City Assessor Officer and personnel of the Urban Poor Affairs Office (UPAO) of San Jose Del Monte and Norzagaray in Bulacan were consulted about the proposed project.

56. A series of stakeholder's consultation were carried out with APs, establishment/ business owners, host barangays, and identified vulnerable and disadvantaged groups (including informal settlers, women's and senior citizen, transport groups), and local barangay officials. Topics that were discussed during the consultation include information about the BNAQ7 proposed project, project and involuntary resettlement impacts and mitigating measures. Questions, issues and concerns raised by the participants arising from the information and discussions were addressed. Below are the details of the Barangay consultations conducted for the project.

#### **a) Norzagaray Bulacan**

- For Barangay Bigte, April 10, 2018 held at the Barangay Bigte held at the Barangay Hall of Bigte, Norzagaray, Bulacan
- Session 1: 9:00 AM to 12:00 NN (Women's Group and Senior Citizens, Barangay Officials)

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<sup>5</sup> Republic Act 7279 otherwise known as Comprehensive Urban Development and Housing Act (UDHA).

- Session 2: 1:00 PM to 3:00 PM (Men’s Group and Local Organizations and affected groups)
- b) San Jose Del Monte
- For Barangay Gumaok and Tungkong Mangga, April 25, 2018, 10:00 AM to 12:00 NN, held at the Barangay Hall of Gumaok East, San Jose Del Monte, Bulacan
  - For Barangay Sto. Cristo and Minuyan, June 20, 2018, 2:00 PM to 5:00 PM, held at the Barangay Hall Annex of Barangay Minuyan, Minuyan, San Jose Del Monte
  - For Barangay Kaypian, June 25, 10:00 AM to 12:00 NN, held at the Barangay Hall of Kaypian, San Jose Del Monte, Bulacan.
  - For Barangay Graceville and San Manuel, June 27, 10: AM to 12:00 PM held at the Barangay Hall of Graceville, San Jose Del Monte, Bulacan
- c) Caloocan City
- For Barangay 179: April 24, 2018, 10:00 AM to 12:00 NN, held at the Barangay Hall of 179 in Caloocan City and jointly with Barangays 179 and 186 with affected persons and stakeholders which was held on July 06, 2018 in the Barangay Hall of Barangay 186

57. The table below highlights the summary of the stakeholders’ participation in the consultation process.

**Table 6: Summary of Stakeholders Participation**

Date	Location	Barangay	Participants		
			Male	Female	Total
10 April 2018	Bigte Barangay Hall	Barangay, Bigte, Norzagaray	9	21	30
24 April 2018	179 Barangay Hall	Barangay 179, Caloocan City	18	26	44
25 April 2018	Gumaok East Barangay Hall	Gumaok East Barangay, SJDM	15	19	34
20 June 2018	Minuyan Annex Barangay Hall	Barangay Sto. Cristo and Barangay Minuyan, SJDM	7	14	21
25 June 2018	Kaypian Barangay Hall	Barangay Kaypian, SJDM	8	13	21
27 June 2018	Graceville Barangay Hall	Barangays San Manuel and Graceville, SJDM	12	14	26
05 July 2018	Barangay 186 Hall	Barangays 179 and 186, Caloocan City	18	52	70

58. Documentation of issues and concerns raised during the public consultation process in the barangays traversed by the project are found in Appendix 5 while the Stakeholders’ Consultation Registration/Attendance Sheets and Photo Documentation are found in Appendix 6.

#### **D. Summary and Conclusion**

59. All stakeholders are familiar with the MWSS and the water conveyance system within its existing property line and ROW. The most recent project recalled by the stakeholders was the BNAQ6. They recalled the clearing and relocation of ISFs since MWSS ROW clearing and relocation of ISFs were undertaken in the past in coordination with the LIAC. Hence, the previous BNAQ6 project undertaken by MWSS in 2012 was still fresh in the memories of the people and stakeholders as recalled in the recent public consultations for BNAQ7.

60. AHs and structures owners and those shops/stores space occupants who are paying rental fees to the illegal structure owners are fully aware that they will have to leave in favor of MWSS whenever the latter would require the ROW for the implementation of its project. They are aware that the piece of land and the space occupied and utilized by them either as dwelling place, as space for cultivating plants or as commercial and business enterprise do not belong to them as it is MWSS property and that at any time that the MWSS would ask them to give up the space in favor of MWSS, the people will freely and voluntarily clear the space to give way to the project. The APs in this case said that in no way that they would cause the delay or pose objection nor be an obstacle to the implementation of MWSS project. Nevertheless, the affected 11 structures will be entitled as per this RP.

## **VI. GRIEVANCE REDRESS MECHANISM**

61. In anticipation of unintended impacts including possible issues and complaints arising during project implementation and to receive and facilitate the immediate resolution of identified AP issues and concerns with regards to project implementation and construction, a project level Grievance Redress Mechanism (GRM) for safeguards (IR/ Environment) and social development related components will be used in this project.

62. With respect to ADB safeguard policy, the GRM includes a proactive component whereby at the commencement of construction of the project, prior to mobilization, the community will be formally advised of project implementation details, so that all necessary project information is communicated effectively to the community and their immediate concerns can be addressed. This proactive approach will be pursued throughout the implementation of the project addressing complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people at no costs. All costs involved in resolving complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the Executing Agency (EA). The project's GRM should not impede access to the country's jurisdiction and administrative remedies.

63. The GRM for the Environment, IR safeguards and Social Development are integrated and aligned. Potential grievance to be raised on environmental and social impacts are critical to the health, wellness and safety of APs. Hence, this mechanism intends to respond to such environmental and social complaints. Under this integrated mechanism, two approaches shall be applied, namely: a) Informal Approach; and, (b) Formal Approach.

### **A. Informal Approach**

64. The Informal Approach is a simpler and faster process. Informally, the APs can lodge complaints directly with the D&B Contractor during construction and/or the CPF during operations. The D&B Contractor and/or the CPF shall document and assess the complaint immediately. If assessment validates the complaint as within the scope of the GRM, the Contractor or the CPF shall act on the complaint within three days from receipt of complaint. If assessment does not fall under the social and environmental performance, then the Contractor and/or the CPF shall direct the AP to the Grievance Committee (GC) for confirmation, triggering the formal approach.

65. The Contractor and/or the CPF shall report the following to the PMO-BNAQ7P within two days from receipt of complaint: (i) complaint received, eligible or ineligible, duly referenced; and (ii) actions to be taken/taken including timeline. The PMO-BNAQ7P shall obtain in a written



confirmation of satisfaction from the AP, seven days from completion of resolution by the Contractor and/or the CPF.

## **B. Formal Approach**

66. The Formal Approach shall take necessary steps from lodging of the complaints up to the time the complaints are acted upon by the designated ProjectGC.

67. If complaint lodged informally is eligible but is not acted on within three days from receipt of complaint, or if AP is not satisfied with the resolution undertaken by the Contractor/CPF, he or she can access the formal approach. A Project GC will be set up to consist of the Barangay Council, Contractor, CPF and MWSS as follows:

### **Step1. Lodging a Complaint (Day 1)**

→AP files complaint with the PMO-BNAQ7P or the barangay

### **Step2. Documentation and Registration of Complaint**

→PMO-BNAQ7P or Barangay registers lodged complaint and makes sure these are duly referenced and provides AP with a copy of reference complaint.

→The Barangay forwards a copy of the referenced complaint to the PMO-BNAQ7P.

### **Step3. Screening (Day 1)**

→PMO-BNAQ7P or barangay screens if complaints related to the project

→AP is informed if the grievance relates or does not relate to project

→The GC is also informed of the screening result

→If screening ruling is not acceptable to the AP, he/she may re-lodge his/her complaint with the GC, which will properly document the complaint

### **Step 4 Complaint (Day 1-Day 3)**

→The GC conducts investigation of the complaint to determine if actions are required or not

→The AP is informed of the findings/ ruling

→ If actions are required, AP is informed of the expected action timeliness as set out in the established mechanism. Agreement on actions and measures and time involved are made with the AP. Agreement is properly documented and filed. PMO-BNAQ7P, Barangay Council, contractor /CPF and AP are furnished copies.

→If actions are not required and GC ruling is not acceptable to the AP, AP may file the case with the City/Municipal LGU

### **Step 5. Implementing the Agreed Action**

→For minor action required (Day 4-5)

The contractor/CPF implements agreed on action within two days

If AP is not satisfied with the completed action or if action is not started within two days from GC ruling, AP may file a case with the City/Municipal LGU

→For major action required (Day4/5-Day8/9)

The Contractor/CPF provides agreed interim measure and starts work on the final action within five days from GC ruling

If AP is not satisfied with the completed action or if clarification is not started within five days from GC ruling, AP may file case with the City/Municipal LGU.

**Step 6. Acceptance of Resolution** (1 week after completion of action)

→If, according to the AP, the impact has been resolved satisfactorily, PMO-BNAQ7P will obtain a written confirmation of satisfaction from the AP. This confirmation will signify closure of grievance and will form part of the grievance documentation. The GC, Barangay Council, Contractor/CPF and AP are furnished copies.

**Step 7. Monitoring and Evaluation** (for 1 week after completion of action)

→The PMO- BNAQ7P shall monitor the effectiveness of the resolution for at least a week after completion of action

→Monitoring and evaluation shall be properly documented and included in the Environmental Monitoring Report/ or in the IR mid- evaluation report prepared by MWSS, submitted to ADB

68. The mechanism prescribes that the PMO-BNAQ7P shall inform the ADB of the complaints evaluated as major issues, and any appeal raised by dissatisfied AP.

69. The AP wishing to make claim must first make an appeal to his/her respective barangay. The claim must be made in writing and should include brief details including factual background; issues; and APs position on the issue/s raised. The barangay must review the case within the context of existing policy, regulations, procedures and valid entitlement of the AP as provided in relevant implementing plans. The barangay council should respond within five days of receipt of the complaint. Should the grievance case cannot be resolved, the AP can file complain to the municipal level.

## **VII. LEGAL FRAMEWORK**

70. The resettlement policy of the Philippine government emanates from the 1987 Philippine Constitution which specifically stipulates that – “Private property shall not be taken for public use without just compensation.” (Article III, Section 9). “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.” (Article XII, Section 5)

### **A. Involuntary Resettlement (IR) Related Laws and Policies**

71. With respect to ROW acquisition for government projects, the following law applies–

- **Republic Act (RA) 10752** - An Act to Facilitate the Acquisition of Right-Of-Way (ROW), Site or Location for National Government Infrastructure Projects. This law took effect on April 03, 2016 and its Implementing Rules and Regulations (IRR) became effective on 07 August 2017 repealing and RA 8974. The IRR of this law aims to expedite the implementation of infrastructure projects. With its implementation, it is expected to reverse the pattern of expropriation as a preferred mode acquisition, which is usually a long-drawn process. The new law provides clear and simple ROW acquisition guideline which benefits both the property owners/ project affected persons(PAPs) and Implementing Agencies (IAs). Section 4 of the Act explicitly states that the modes of acquiring real property are: (i) donation, (ii) negotiated sale, and (iii) expropriation. Property valuation is market-based and undertaken using Government Financial Institutions (GFIs) or Independent Property Appraisers (IPAs) which help promotes objective property valuation. The assumption by

the IA of the capital gains tax also provides an additional incentive to the lot owners to negotiate with government.

72. Other laws and policies ranging from Executive Orders (EOs, Administrative Orders (AOs), Memorandum Orders (MOs and DPWH Department Orders (DOs) are as follows:

- **EO 1035.** Specifically, the order stipulates (i) the provision of financial assistance to displaced tenants, IPs, and settlers equivalent to the average annual gross harvest for the last three years and not less than PhP15, 000 per ha, (ii) disturbance compensation to agricultural lessee's equivalent to five times the average gross harvest during the last five years, and (iii) Compensation for improvements on land acquired under Commonwealth Act 141.
- **DPWH Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy of 2007 (LARRIPP, March 2007).** The LARRIP spells out the legal framework and donors' policies governing instances when infrastructure projects implemented by the DPWH cause the involuntary taking of land, structures, crops, and other assets resulting in some cases in the displacement and resettlement of APs. The LARRIP enumerates the entitlements and benefits that Affected Families (AFs) or APs should rightfully receive under the law based on the Project's adverse impacts on their assets, livelihood, and lives. It expounds on safeguards to be followed based on Philippine law when these APs are IPs, living inside and outside an officially declared ancestral domain. Finally, the LARRIP delineates the institutional framework for the implementation of the policy and provides mechanisms, both internal and external to the DPWH, for monitoring and evaluating the impact of safeguard measures, e.g. resettlement plan, IPs' action plan.
- **Commonwealth Act 141 (CA 141) Section 112 or Public Land Act.** The act prescribes a 20 m strip of land reserved by the government for public use, with damages being paid for improvements only. b. Presidential Decree 635 amended Section 112 of CA 141 increasing the width of the reserved strip of 20 m to 60 m. Per IRR of RA10752, if the government decides to exercise its right to use the ROW strip reserved for public use within the land acquired under CA No. 141, the owner is required to execute a quit claim. Holders of free or homesteads patents and Certificate of Landownership Award (CLOA) under CA 141. [(i) follow the other modes of acquisition enumerated in the IRR of RA10752, if the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title; Cash compensation for loss of land at 100% current market value and improvements at replacement cost) or (ii) follow the provisions under CA 141 regarding acquisition of ROW on patent lands, if the landowner is the original patent holder or the acquisition of the land from the original patent holder is through a gratuitous title] except for improvements at replacement cost
- **MO 65, Series of 1983** – Easement of ROW where the owner is paid the land value for the Government to use the land, but the owner still retains ownership over the land. ii. Quit claim where the Government has the right to acquire a 20 to 60 m width of the land acquired through CA 141. Only improvements will be compensated.
- **DPWH DO 130 Series of 2016** – guidelines for the Implementation of the Provisions of RA 6685 and RA 9710 or the Magna Carta of Women. The IRR mandates that contractors to hire a minimum percentage of 50% of unskilled and 30% skilled manpower requirement from the unemployed bona fide residents of the locality and shall be equally accessible to both women and men.
- **DPWH DO 65 s. 2016** – part of the continuing effort of DPWH to streamline its operations, decentralize and rationalize the ROW operations, DO19, s. 2017, was reissued essentially delegating to regional directors the approval/signing of documents pertaining to

infrastructure ROW for national projects including the approval for payments of claims and signing of checks. The DO also reiterates that the ROW functions are delegated, and a system of deploying ROW Task Force Unified Project Management Office-Right of Way (UPMO-ROW) activities and their approving authorities shall continue to be governed by DO No. 203, s. 2016, and Special Order (SO) No.1, s. 2017. This Order also supersedes D.O. 19 (s. 2017), D.O. 156 (s. 2016), D.O. 133 and 133-A (s. 2014), D.O. 24 (s. 2007), D.O. 327 (s. 2003) (s. 2017), D.O. 156 (s. 2016), D.O. 133 and 133-A (s. 2014), D.O. 24 (s. 2007), D.O. 327 (s. 2003), and all other department orders and policies, or portions thereof, contrary to or inconsistent with this Order are amended accordingly.

- **DPWH DO 203 s. 2016 Creation of UPMO-ROW Task Force** – Recognizing that implementation of urgent national roads, bridges and various flood control projects are hampered by the delay in the right of way acquisition a Task Force on UPMO-ROW and Technical Working Group (TWG) are created. The Task Force will be headed by the Undersecretary for UPMO Operations, the Vice Chairman Director Legal Service and TWG members to be composed of ROW Task Force. The DO also defines the functions of the UPMO Task Force and TWG, processing and payment of valid claims, submission of documents, records keeping and signing authority.
- **DPWH SO 1 s.2017** – In line with the issuance of DO 203 s. 2016, this Order re Composition of UPMO -ROW Task Force was issued. The UPMO- ROW Task Force will be supported by a TWG to be represented by the representatives of the members of the Task Force. The Functions of the ROW Task Force are (i) organize a technical working ROW Team for each UPMO cluster that will handle ROW acquisition of its projects, to be headed by its Project Manager assigned to the project (ii) monitor the row acquisition (iii) execute and recommend appropriate resolutions pertaining to ROW payment and (iv) review the validation of supporting undertaken by its TWG.
- **DPWH DO 34 s. 2007** – streamline and standardize its operating procedures DPWH issued the DO was issued to simplify the guidelines for the validation and evaluation of Infrastructure Right-of-Way(IROW) claims. The Guidelines is in line with the provisions of the DPWH IROW Procedural Manual adopted under DO.5, s. 2003, as amended, particularly in the validation and evaluation of claims for IROW acquisitions.
- **DPWHDO5 s. 2003** – this order was issued to identify, acquire, and manage ROW efficiently and in a timely manner for the implementation of infrastructure projects, an improved IROW process was adopted, among others, (i) it shall be applicable to all foreign-assisted and locally funded projects. (ii)The Implementing Office (IO) shall ensure that IROW costs are always included in project budgets. (iii) All ROW must be fully acquired and cleared before the issuance before the Notice of Award (NOA) for the project.

73. On the aspects of social safeguards, the following laws are relevant –

- **RA 7279**, an act providing for a comprehensive and continuing urban development and housing program, establish the mechanism for its implementation, and for other purposes. The law provides that LGUs in coordination with the National Housing Authority (NHA), shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the NHA, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.
- **NHA Memorandum Circular No.2427 s. 2012** as enabler and facilitator in the housing delivery process under RA 7279, NHA issued the Revised Guidelines for the

Implementation of the Resettlement Assistance Program for Local Government Units designed to enhance the capabilities of LGUs outside Metro Manila to provide housing for informal settlers requiring relocation and resettlement. Target beneficiaries include families displaced or to be displaced from sites earmarked for government infrastructure projects. As partners of program, NHA will (i) provide technical assistance to LGUs in preparing project plans and formulating policies and guidelines in implementing resettlement projects and (ii) contribute funds (in the form of grants) for the development of resettlement sites. The LGUs on the other hand shall (i) contribute land for the project and (ii) be the lead project implementor with overall responsibility for the operation and management of the resettlement project to include preparation of overall project plans, site development and housing plans, beneficiary selection, relocation of families and estate management.

- **RA 9710** with IRR is an act providing for the Magna Carta of Women.
- **RA 6685 s.1988** requires private contractors who are awarded national or local projects to hire at least fifty percent (50%) of the unskilled and at least thirty percent (30%) of the unskilled labor requirements from the available bona fide residents of the province, city or municipality where the projects are to be undertaken.
- **MWSS Memorandum Circular No. 02-11** refers to the Guidelines and Procedures on Leasing the MWSS' ROW and its Idle Properties. This document was dated July 22, 2002 which was approved through Resolution No. 17-2003 by the MWSS Board of Trustees on January 22, 2003. The said Memorandum Circular was premised on averting further intrusion of informal settlers and evicting them on the MWSS ROW as a persistent and recurring problem of MWSS Management. With ejectment proceedings and mass demolition not considered being a viable option, a better alternative was to offer for lease these properties to informal settlers, unauthorized settlers and cultivators by legalizing their stay and to offer for lease the MWSS idle properties to interested proponents; and, therefore generate additional income for MWSS. The aforementioned guidelines and procedures set three main objectives, namely: (1) To generate income from MWSS ROW thru lease rental to the following – a) Adjacent lot owners; b) Non-adjacent lot owners including unauthorized settlers/squatters who have already established their residence within the MWSS properties and who manifested their intention to lease; (2) To provide legal instrument/s that will make it possible for MWSS to peacefully terminate the stay of its lessees in case the System needs the property for whatever development plans or for maintenance work of the pipes underneath; and, 3) To avert further intrusion of squatters in MWSS ROW since lease contracts shall contain provision where the lessees shall be held responsible to prevent entry of unauthorized occupants or third persons into the leased premises. The following were entitled according to this: 1) Any person whether natural or juridical who are interested to lease a certain portion of the ROW and idle properties of MWSS; and, 2) Squatter families and unauthorized cultivators who have established their residence/occupancy within the ROW, at least one year before the promulgation of these policies and procedures. Area subject for lease were classified as (1) commercial, (2) industrial/easement, (3) agricultural/livelihood program, (4) temporary residential dwelling in accordance with the specification approved by MWSS. Below are the Terms and Conditions set forth under this memorandum:
  - Construction of any improvement on the leased premises other than for gardening and beautification purposes shall be subject to the prior written approval of the Administrator. Henceforth, before commencement of such construction, it is imperative that all plans and technical specifications covering the project shall likewise be submitted for evaluation and approval by the MWSS.

- Any and all improvements made, in violation of the preceding paragraph, shall automatically belong to the MWSS without prejudice to the termination of the lease contract or increase of the lease rental in the amount of one hundred percent (100%) of the current lease rate or as may be computed by the MWSS Appraisal Committee.
- In the event that the improvements constructed pose danger to the MWSS facilities, said improvements shall upon notice be immediately demolished by the lessee. Failure on the part of the lessee to appropriate action after said notice, the MWSS shall demolish the said improvement at the expense of the Lessee without prejudice to the filing of necessary charges in court against the lessee.
- Damages to the ROW, pipeline or any structure of the MWSS in the property/ies subject of lease traceable to any installation, construction or excavation made or any other works done by the lessee, shall be repaired and/or restored at the expense of the lessee without prejudice to cancellation of the contract is said damages were due to violation of the provision of the contract.
- The MWSS shall not be held responsible for any damage to installation erected or any other work constructed or made by the lessee should the MWSS/Concessionaire undertake any construction or repair works within the leased premises.
- The MWSS shall not be held liable for any damage that the lessee may suffer in case of bursting of water pipes underneath the leased property due to natural causes, and any health hazard that the lessee may suffer during desludging operation of septic tank.
- Any authorized official of the MWSS or its representatives, its contractors or their authorized representative concessionaire shall have free access at any time within the leased premises for the purpose of inspecting the pipeline and/or making necessary repair and maintenance works.
- Fencing by the lessee to enclose the leased area may be allowed, but it shall only be temporary in nature, like barbed wire, fence with wooden posts. However, adobe or hollow blocks fence may be allowed, provided, that the pipes or aqueducts and other structures within the leased premises are properly protected and the plan of such enclosure shall first be approved by the MWSS.
- Trees of big specie shall not be planted within the leased premises.
- The lessee shall take all the necessary precautions to keep the premises and its surrounding in clean and sanitary condition.
- The lessee shall not assign, transfer, sublease and/or enter/engage in any contract that 'property' or any portion thereof to any other party without the prior written consent and/or approval of the MWSS.
- In any event that any structure made by the Lessee or portion of the leased property is found to be subleased to third party, the MWSS shall cancel the contract of lease and demolish the structures or MWSS may offer the sublessee to lease the subleased portion.
- The lessee shall be held responsible for the entry of squatters or any other third person or their relatives into the leased premises. Every usurpation or toward act which third persons may commit or have actually committed upon the leased premises shall be brought to the attention and knowledge of MWSS.
- Lessee shall initiate and pursue with finality the ejection proceedings of squatters occupying the leased premises.

74. No further issuance was made by the Board of MWSS with respect to ROW clearing, but the relevant laws and policies being applied by MWSS include RA 7279 and relevant DPWH MOs and other laws that governs the mandate and specific applications of the MWSS.

## **B. ADB Policies**

75. The objectives of the ADB Safeguards Policy are to avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives; and to enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real terms relative to pre-project levels, and to improve the standards of living of the displaced poor and other vulnerable groups.

76. The IR safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary land acquisition, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan are commensurate with the significance of the potential impacts and risks.

77. The absence of legal title to land cannot be considered an obstacle to compensation and rehabilitation privileges per ADB policy. All persons affected by the project, especially the poor, landless, and semi-landless persons shall be included in the compensation, resettlement, and rehabilitation package. AP and/or AH, whichever is deemed applicable, who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for compensation with respect to non-land assets only, and not the land itself. They will however be provided with other benefits and allowances as provided to other APs.

78. The following ADB SPS (2009) principles on involuntary resettlement are stipulated and will also apply to the project:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with APs, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts, and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- 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 RP and its updates to APs and other stakeholders.
- Conceive and execute IR as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant IR impacts, consider implementing the IR component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the RP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### **C. Other Policies**

79. 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. Other policies of the ADB that have bearing on resettlement planning and implementation are the Public Communications Policy (2011) and Accountability Mechanism (2012).

### **D. ADB Social Safeguards/Philippine Laws**

80. In case there will be differences between the prevailing local law and ADB policy, efforts shall be made to reconcile the gaps in favor of the latter to the satisfaction of both the Government of the Philippines (GOP) and ADB.



## VIII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

### A. Eligibility

81. Included in this Resettlement Plan (RP) are all AHs and structure owners within the 25 m of the BNAQ7P alignment who were either remnants or returnees of the previous ROW clearing of MWSS at the time of the BNAQ6 project implementation. They are mostly structure owners who have established businesses and/or are renters located along the main Quirino Highway and found the location lucrative for commercial and business purposes. The principles applied in this RP for loss of land will be based on the principle rehabilitation rather than the principle of compensation.

82. For losses of house or building structures or crops which are in fact owned by the project APs, will be compensated at replacement cost. The AHs will be entitled for costs related to the transfer of movable properties or persons (transportation assistance) and will be eligible for allowances for business or wage losses. Details of the eligibility provisions for each type of impact are found below:

- i. **Residential, School and commercial land:** Rehabilitation for residential, school and commercial land losses are those located within the affected direct impact corridor within the 25m width who are owners of the building structures or renters/sharers and rent-free occupants. APs who are not residing but leasing the structures in the affected areas will not be rehabilitated for this loss as they fully conform to the professional squatter type.
- ii. **House structures and extension:** Owners of affected house structures and extensions who are residing and non-residing in the affected areas are eligible to full compensation for all items lost both when they reside or not reside in affected areas.
- iii. **Fruit bearing trees:** The owner(s) of the fruit bearing trees in affected areas will not be eligible to compensation for cultivated land losses since land occupied is the property of MWSS and not owned by the cultivator. The AP will be eligible to receive compensation for the loss of fruit bearing trees.
- iv. **Business owners and wage earners:** The APs will be eligible to receive a rehabilitation allowance covering the lost income for the transitional period.
- v. **Transfer and disturbance allowances:** AHs that will be required to relocation of residence are eligible to receive transportation assistance for (i) transferring movable affected items, (ii) relocating household members and belongings, and (iii) special livelihood costs caused by relocation.

### B. Eligibility Limitations

83. Professional squatters<sup>6</sup> who are making business out of squatting and who are not residing within the 25 m aqueduct alignment and APs who have been recipient of previous assistance based on the NHA Alpha Listing will not be eligible to land rehabilitation. Informal settlers or squatters who settled in the affected areas after the cut-off date set by the MWSS<sup>7</sup> will not be eligible to any of the compensation or rehabilitation provisions under this RP.

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<sup>6</sup> In this RP, the term has been applied to structure owners who are sub-leasing the property and they will not be eligible for rehabilitation assistance.

<sup>7</sup> Previously, the cut-off date was set on the date of the beginning of the tagging and mapping activities of informal settlers by the government in the MWSS ROW (April 20, 2005 for San Jose Del Monte and April 26, 2005 for Caloocan City). The cut-off date is important as it "establishes the eligibility for receiving compensation and resettlement assistance by project displaced persons."

**C. Mode of Compensation and Entitlement**

84. Below is the mode of compensation and entitlements:

- i. **Residential, School and commercial land.** Provision of advance 60 day notice to move from occupied land. Option for financial assistance for eligible vulnerable group/s such as informal family settler in coordination with the LIAC concerning shelter program for informal family settler or explore eligibility to the Community Mortgaged Program (CMP) as an option.
- ii. **Temporary Loss of Livelihood and Business Income.** Provision of advance 60 daynotice regarding construction activities, including duration and type of disruption. Compensation for loss of income for enterprise owners will be based on whether they have paid income taxes the previous year. Those who did will be compensated for 60 days based on regional minimum wage.
- iii. **Loss of Structures.** Provision of cash compensation which is equivalent to replacement value for affected structures (or part of the structure) constructed by AP. This includes the right to salvage materials from the structures.
- iv. **Loss of Fruit Bearing Trees.** Loss of fruit-bearing trees will be compensated derived from the schedule of base unit market value for miscellaneous improvements (productive).<sup>8</sup>
- v. **Loss of Wages/Economic Opportunity.** Wage earners who are employed by affected business enterprises will be provided with rehabilitation assistance equivalent to actual wage for 60 days<sup>9</sup> (two months).
- vi. **Temporary loss of access.** Provision of 60 days’ notice regarding construction activities including information on the duration and type of disruption and provision of temporary access and safety barricades to avoid unnecessary accidents where it would be possible.
- vii. **Any other loss not identified.** For unanticipated IR impacts, they will be documented and mitigated based on the principles provided in the IR Policy of ADB.

85. The entitlements as discussed above is presented in the matrix of proposed compensation and entitlement in the table below.

**Table 7: Matrix of Proposed Compensation and Entitlement**

Item	Type of Loss	Type of Asset/ Application	Entitled Persons	Compensation Policy
1	Land	Land within the delineated 25m BNAQ7P	Informal settler (1) Residential (4) Commercial (5) Institutional (1)	Provision of advance 60 days’ notice to move from occupied land.  Option for financial assistance <sup>10</sup> for eligible vulnerable group(s) such as informal family settler in coordination with the LIAC concerning shelter program for informal family settler. For the informal family settler, MWSS will facilitate relocation in coordination with the LGU for housing assistance through the

(Involuntary Resettlement Safeguards, ADB, November 2012). For this purpose, the cut-off date for the project has been set June 25, 2018.

<sup>8</sup> Office of the City Assessor, San Jose Del Monte City, Bulacan

<sup>9</sup> Ibid

<sup>10</sup> The implementation of the resettlement plan will be in coordination with the Local Inter-Agency Committee (LIAC) of the respective City/Municipality engaged by the MWSS traversed by the project.

Item	Type of Loss	Type of Asset/ Application	Entitled Persons	Compensation Policy
				existing shelter assistance program of the host City/Municipality.
2	Rent free occupants of the Old MWSS structure	Residential	Household occupants of the Old structure of MWSS, Namkuang (3 PAHs)	Provision of advance 60 days' notice to move from the Old MWSS structure; MWSS will facilitate the relocation or transfer of the affected families who are working with MWSS project to a better site or back to their family homes in the nearby barangay before the start of the project.
3	Structures	Residential and commercial structures	Owners of: Residential structures/ extensions (2) Commercial structures (5) School (1)	Compensation at replacement cost of affected structure or restored by the project after the construction activities (should MWSS further allow continue stay in or utilization of the same area) Movable structures will not be compensated but owners will get additional transportation assistance
4	Fruit bearing trees	Perennials	Owner: (1)	Compensation will be on the basis of the schedule of base unit market value of the banana plants and fruit bearing trees
5	Business Income	Affected businesses	Owner of business (9)	Provision of advance 60 days' notice regarding construction activities, including information on the duration and type of disruption Option to be provided with allowance equivalent to two months income based on income tax or two months at local minimum wage
6	Wages	Affected wage earners	Wage earners (18)	Rehabilitation assistance equivalent to two months actual wage
7	Temporary loss of access	Land temporarily used by the project	Establishment owners, public at large, students, teachers, parents, encroachers	Provision of 60 days' notice regarding construction activities including information on the duration and type of disruption. During construction stage, the D & B Contractor, will implement mitigation measures as necessary.  Provision of temporary access and safety barricades to avoid unnecessary accidents where it would be possible.  Traffic route planning, management, and road safety program which incorporates the needs of women, children, and the elderly.  Provision of speed limits, proper road signage, public awareness, and safety driving training among the contractor's drivers.

Item	Type of Loss	Type of Asset/ Application	Entitled Persons	Compensation Policy
8	Any other loss not identified			For unanticipated IR impacts, these will be documented and mitigated based on the principles provided in the IR Policy of ADB

Note: This Matrix of Proposed Entitlement and Compensation will be subject for presentation to the APs when it is finally approved by the EA during the detailed design phase.

86. Temporary restrictions are intended to minimize the anticipated impacts of the project to the environment. The key restrictions include the following:

1. **Limit project activities within the 25 m wide construction corridor.** This is an engineering restriction aimed at reducing the impact zone to what is normally allowed in the construction of linear structures without necessarily impeding or delaying implementation.
2. **Removal of vegetation within the 25 m construction corridor shall be done only after proper tree inventory.** This will allow the identification of endangered species and the appropriate replacement based on existing guidelines of the Department of Environment and Natural Resources (DENR).
3. **Dumping of excavated materials and excess construction materials on waterways will not be allowed.** Strict implementation of this restriction will reduce the risk of siltation and consequent degradation of surface water quality.
4. **Random disposal of domestic and construction waste will not be allowed.** This practice is usually observed in construction sites and should not be allowed. Contractor and site workers should observe proper waste management in accordance with RA 9003.
5. **Use of poorly maintained and aging equipment shall not be allowed.** These types of equipment will likely generate additional noise and could pose risk to construction personnel.

87. Unauthorized access to the construction sites shall not be allowed. This restriction will reduce safety risks. Authorized personnel are assumed to have undergone safety orientation and equipped with the proper safety apparel.

**IX. RELOCATION OF HOUSING AND SETTLEMENTS**

88. The MWSS in coordination with the LGU and NHA will be responsible for the relocation of the affected ISF. The MWSS will facilitate with the LGU in coordination with the UPAO or the Community Relations Office (CRO) in-charge of relocation and resettlement program for existing shelter program that may accommodate the identified AHs. The Mayor’s Office, UPAO/CRO and the barangay will be responsible for approving and clearing eligible AHs under their jurisdiction.

89. The three rent-free AHs and the other AHs in an old garage structure will be required to be relocated by the project and may opt for self-relocation. Since the 3 rent-free AHs are working inside the MWSS facilities, MWSS shall facilitate the relocation or transfer of these households to a better site or back to their family homes in the nearby barangay before the start of the project.

90. To avoid returnees, due care will be ensured by MWSS during the implementation of the RP. There will be Social Safeguards Specialist who will be involved in the implementation of the RP. In the detail design stage, the AH will be consulted to carefully plan for their relocation and establishment of livelihood support mechanism to improve their economic situation by ensuring access to housing, livelihood and other social protection programs of the government. MWSS will

provide due notice to the 3 AHs who are MWSS project employees and occupants of MWSS-owned structures. Since they have houses located nearby, transportation allowance will be provided.

91. Availability of funds for relocation will be subject to the approval of the MWSS Board during the DD stage. In line with the RP implementation, once the budget is approved by the MWSS Board, this will be presented and/or submitted to the Local Inter-Agency Committee (LIAC) of SJDM and Norzagaray, Bulacan.

92. The relocation will be implemented prior to construction and during the detailed design stage. Below is the process that MWSS will follow based on the project timeline:

- a) The MWSS shall seek the assistance of the LGU for the reconstitution of the LIAC to handle the relocation of ISF.
- b) The MWSS shall serve 30day Notice to Vacate to the affected ISF and start the process of consultation.
- c) The MWSS shall coordinate with the LGU of San Jose Del Monte City for the relocation of the AH. Particularly, since relocation will be required for the ISF, the Project will coordinate with the UPAO, in-charge of the resettlement program. The UPAO, barangay officers and the City Mayor's Office will be responsible for approving and clearing the eligible AP under their jurisdiction.
- d) The San Jose Del Monte City government through its UPAO together with LIAC members [Presidential Commission for Urban Poor (PCUP), Commission on Human Rights (CHR), NHA, and MWSS], will assist in the census, consultation with the ISF, actual dismantling of the structures and ensure the provision of the food subsidy, health, transportation and security and peace and order.
- e) The San Jose Del Monte City government will ensure the social integration of new relocate in the relocation site. It will mobilize the LIAC for the livelihood development and implementation of social services and ensure the security, peace and order, availability of basic services such as electricity, water, health and sanitation.
- f) The relocatee will be assisted by the UPAO of San Jose del Monte City in processing their land titles. In case the relocatee do not still have the capacity to pay for the land title and registration after six months grace period, payment of an agreed amount will be made as monthly rental for the lot in the relocation site provided by the LGU or NHA until such time that they will be able to pay for the land title and registration. Appropriate system for the collection of the monthly rental fee from the relocate will be arranged in consultation with the relocatee.

## **X. INCOME RESTORATION AND REHABILITATION**

93. The MWSS will provide income restoration and rehabilitation for the eligible affected persons subject for finalization and approval during the detailed design phase. Eligible for income restoration and rehabilitation are those affected business owners and wage earners which constitute the provision of allowance equivalent to two months<sup>11</sup> based on the legislated regional minimum wage.<sup>12</sup> For affected wage earners, they will be provided with rehabilitation assistance

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11 Provided, further, that should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned. Republic Act 7279, Sec. 28, # 8.

12 [http://www.nwpc.dole.gov.ph/pages/statistics/stat\\_current\\_regional.html](http://www.nwpc.dole.gov.ph/pages/statistics/stat_current_regional.html); accessed on July 19, 2018

which is equivalent to two months of their actual wage. Likewise, the owner of the affected crops will receive compensation based on the base unit market value of the affected banana trees and fruit bearing tree/s.

## XI. RESETTLEMENT BUDGET AND FINANCING PLAN

### A. Budget Assumptions

94. The budget for the RP and future IR activities including (i) due diligence validation and inventory update and (ii) safeguard compliance monitoring during final design and construction will be integrated into survey costs and administrative costs of the project. Capacity building cost shall be integrated in the RP Plan. Only one person for Safeguard (IR) and Social Development Officer will be designated from MWSS-Social Services Group/Resettlement to the proposed PMO-BNAQ7P. Two will be hired as Safeguard (IR) and Social Development Specialists who will undertake the related tasks of IR and Social Development/Gender concerns for a period of 12 man-months on an intermittent basis.

### B. Methodology for Determining Unit Compensation Rates

95. The Office of the City Assessor of San Jose del Monte City, Bulacan provided the Schedule of Building Cost indicating the unit cost per square meter of floor area for the different types of structures. This document provides, for example, the type of structures such as Reinforced Concrete (Concrete and Steel), Semi-Concrete (Mixed Concrete and Wood), Strong Materials (Structural Wood), Light Materials, Temporary or Makeshift. There are assigned cost valuation per square meter of structure type as to whether the type of structure is poor, fair or good. For purposes of determining the unit of compensation and replacement cost in this RP, this Schedule of Building Costs served as reference for approximating the cost per structure type. For crops, the document sourced from the LGU provides unit cost for each type of fruitbearing tress and other crops. The methodology for determining the compensation rates are as follows:

- i. **Structures:** Based on the Unit Cost in Pesos per Square Meter of Floor Area<sup>13</sup>, the affected structures the values applied are as follows: a) Open garage with GI roof and steel post @ PhP1,550 per sqm; b) covered path walk, planters and volleyball court @ PPh 1,550 per sqm; c) accesoria<sup>14</sup>, semi-concrete @ PhP 1,600 per sqm; d) warehouse/bodega, concrete @ PhP 2,100 per sqm; and, e) temporary, light materials @ PhP 800 per sqm.
- ii. **Fruit bearing Trees:** Compensation for fruit bearing trees will be based on three years harvest as follows: a) banana trees @ PhP150 per tree; b) cacao @ PhP 500 per tree
- iii. **Business Income:** Compensation for business without Income Tax Return (ITR) declaration will be based on the regional minimum wage for two months (minimum wage x 2 months)
- iv. **Wage Earners:** Compensation for losses of wage earners will be based on actual monthly wage for two months (actual monthly/daily wage x 2 months)

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<sup>13</sup> Office of the City Assessor, Schedule of Building Costs (Unit Cost in Pesos per Square Meter of Floor Area), Local Government of San Jose Del Monte City, Bulacan.

<sup>14</sup> Accesoría (Retail, Grocery, Spare Parts, Store, Auto/Mechanical/Electrical, Barber Shop)

### C. Summary of the Resettlement Budget

96. The RP Budget includes the following items: 1) Resettlement and Entitlement; 2) Training and Capability Building and Administrative Cost – as presented in the table below while the details of the Resettlement Budget are found in Appendix 7-1 to 7-4.

**Table 8: Resettlement Budget Summary Table**

1. Resettlement and Entitlement	Total Cost (PHP)	Total Cost (US\$)
a. Compensation for Losses in Structures <sup>15</sup>	6,607,500.00	127,067.31
b. Compensation for Losses in Crops <sup>16</sup>	10,250.00	197.12
c. Compensation for Losses in Business Income (Business Owners) <sup>17</sup>	205,200.00	3,946.15
d. Compensation for Losses in Wage Income for Wage Earners of Establishment <sup>18</sup>	216,320.00	4160.00
2. Training / Capability Building	200,000.00	3,846.15
3. Administrative Cost (PMO)	3,600,000.00	69,230.77
Grand Total	10,839,270.00	208,447.50

### D. Financing Plan

97. All compensation payments will be done in full prior to displacement/loss/civil works. Funding for the implementation of the RP will be from the MWSS. Disbursement of various cost items will be from the Finance Department of MWSS following an appropriate Financial Management and Procedures. The compensation for the affected persons and establishments will be disbursed according to the following:

- i. Asset Management Division will recommend for the approval of payments. The approval of the payments will be through the Finance Unit of the PMO-BNAQ7.
- ii. Preparation of checks in the name of eligible affected persons/establishment owners will be done by the Finance Unit of the PMO-BNAQ7.
- iii. Signing of checks and approval will be undertaken by the PMO Director countersigned by the MWSS DA.
- iv. Disbursement of checks in the name of the affected persons/establishment owners will be done by the Cashier of the PMO-BNAQ7.
- v. Appropriate identification of the claimant will have to be ensured to avoid payment to the wrong person.

## XII. INSTITUTIONAL ARRANGEMENT

98. The MWSS as project proponent shall be responsible for the overall project planning and design, implementation, financing of the RP and the monitoring of the RP implementation.

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15 Appendix 7-1. Compensation for Losses in Structures

16 Appendix 7-2. Compensation for Losses in Crops

17 Appendix 7-3. Compensation for Losses Business Income (Business Owners)

18 Appendix 7-4. Compensation for Losses in Wage Income for Wage Earners of Establishment

## **A. Existing MWSS Organization**

99. The new organizational structure of MWSS-Corporate Office (MWSS-CO) streamlined the functions of the Innovation and Technology Group, Engineering and Technical and the Management Services Group headed by DA level.

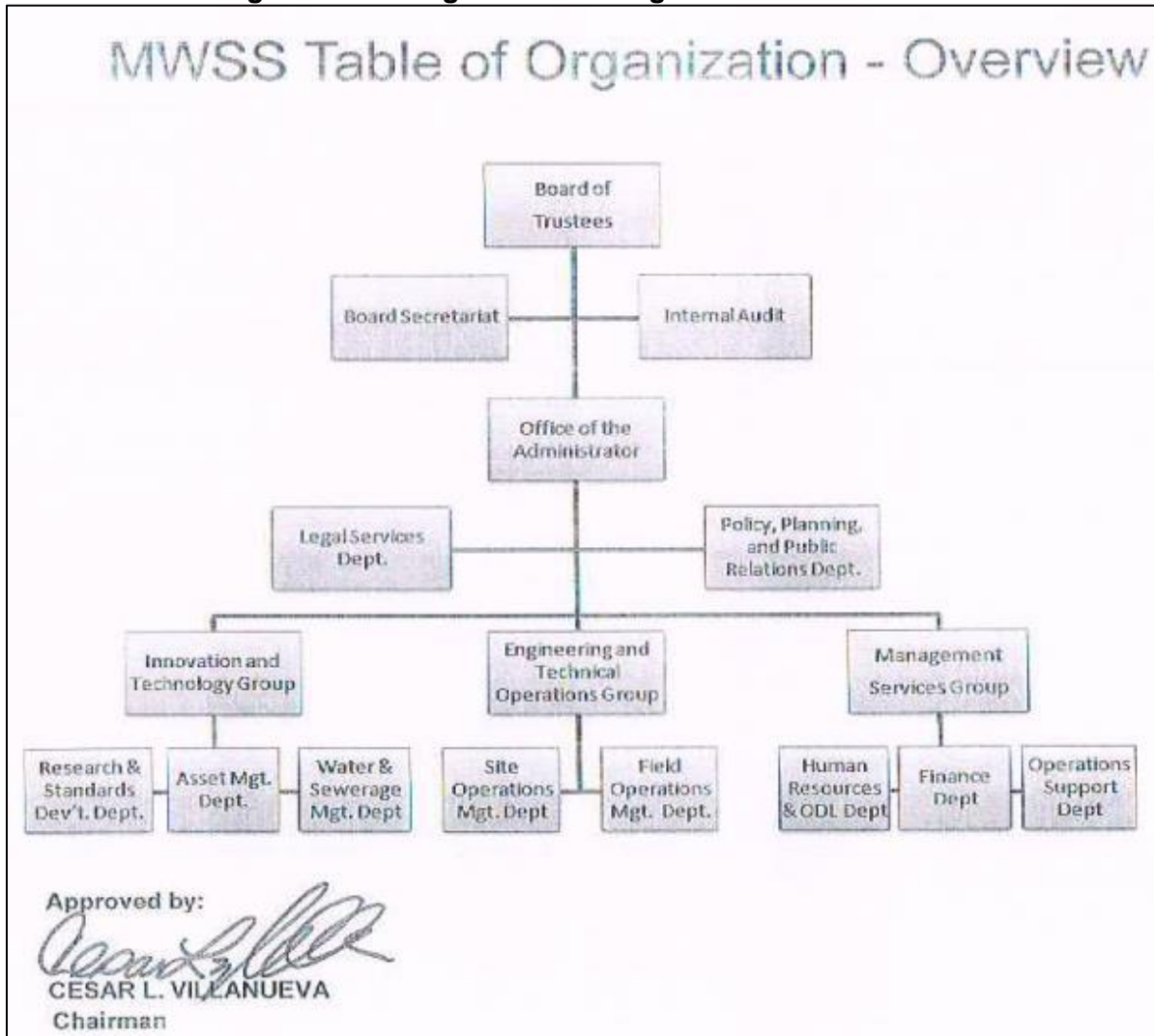
100. As per MO 2015-14<sup>19</sup>, MWSS-CO has the authority to create a PMO, which shall serve as the overall planning, implementing and monitoring unit of its projects headed by a Senior Official of at least DA level in the MWSS-CO plantilla as may be designated by the MWSS-CO Administrator as the Project Implementation Officer (PIO) who shall directly supervise four Heads of the (a) Support Services, (b) New Centennial Water Source – Kaliwa Dam Project (NCWS-KDP), (c) Bulacan Bulk Water Supply Project (BBWSP), and (d) Angat Water Transmission Improvement Project (AWTIP) who are MWSS-organic/regular employees. Below is the approved table of organization of the MWSS as presented in Figure 4.

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<sup>19</sup> GCG Memorandum Order No. 2015-14, Creation of the MWSS-CO Project Management Office (PMO)



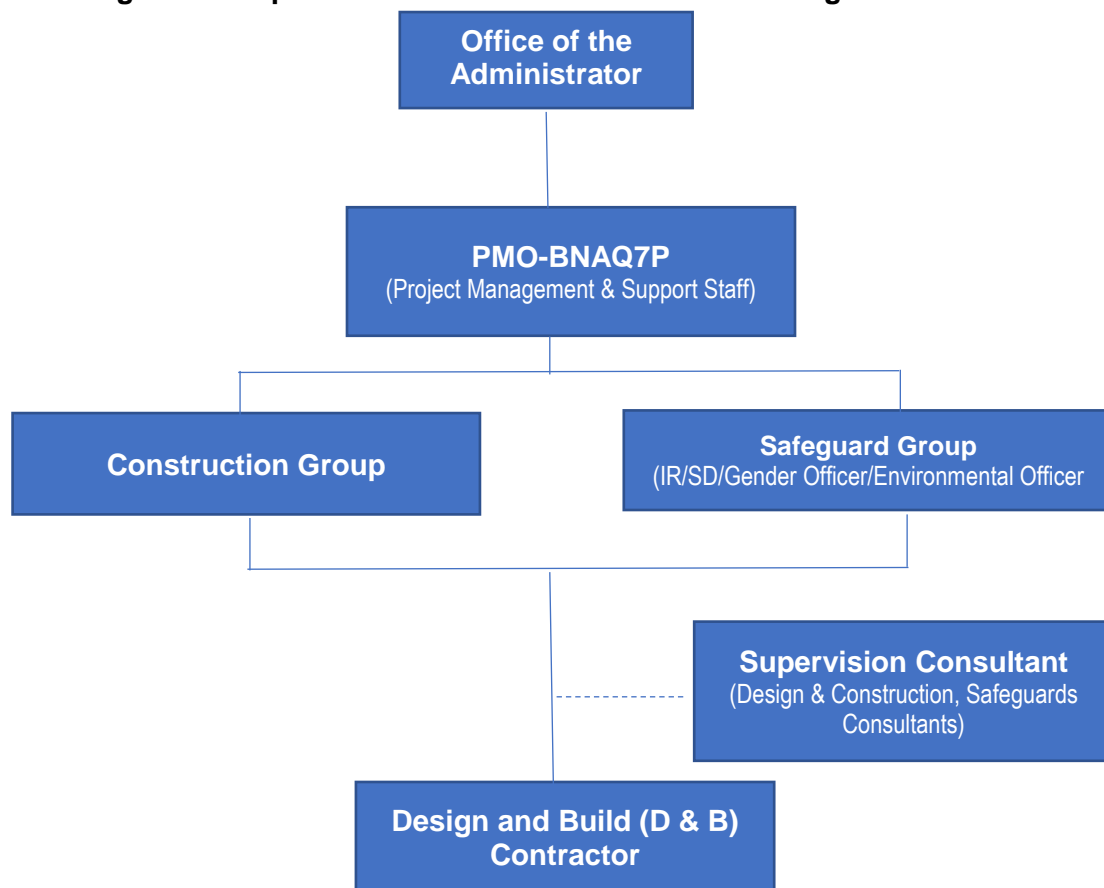
**Figure 3: Existing MWSS-CO Organizational Structure**



**B. Proposed Arrangement for Future IR Tasks**

101. Within the existing MWSS organization, the PMO-BNAQ7P shall be proposed to be created. During project implementation, and for purposes of compliance to safeguard monitoring, it is proposed that a Safeguards Group (SG) be set up within the PMO- BNAQ7P. The SG will have its own Safeguard Officer (IR/Social Development/Gender Officer) and Environmental Officer (EO) in which the MWSS shall provide for the project. The IR Safeguard Officer shall handle the IR safeguard and social development concerns. The above-mentioned positions shall be co-terminus to the project. Please refer to Figure 5 for the Proposed PMO-BNAQ7P Structure including SG.

**Figure 4: Proposed PMO-BNAQ7P Structure including SG**



### **C. Delineation of Responsibilities**

102. In view of the proposed SG, the following shall be involved in the implementation of IR concerns:

- i. The MWSS, as the EA and the IA, for the project shall be responsible for setting-up the PMO, engaging the IR Officer and ensuring defined tasks and responsibilities based on the requirements of the IR component of the project.
- ii. The PMO-BNAQ7P, specifically the IR Safeguard Officer of its SG, shall be responsible for overseeing the updated final design, and corresponding changes, if any, as well as the corresponding social impact assessment, if required. It shall also prepare the IR reports.
- iii. The IR Officer shall provide necessary inputs as to the requirements, updated social impact assessment during detailed engineering and in case of changes in the design, appropriate changes and design measures, as appropriate, as well conduct safeguard monitoring of IR impacts and prepare required monitoring reports for the EA and IA to be submitted to ADB.
- iv. The IR Specialist to be engaged as part of the Project Supervision Consultants shall provide technical assistance and guidance to the PMO-BNAQ7P, particularly its IR Safeguard Officer in the final impact assessment and safeguard monitoring and capability building activities.

- v. ADB shall approve any IR social impact revisions and design measures, if any, and review safeguard monitoring reports and undertake missions to review the IR performance of the project.
- vi. The LGUs, namely, the Municipality of Norzagaray, City of San Jose Del Monte, Caloocan City (through its Municipal/City Planning and Development Office) and respective Barangays traversed by the project shall provide representation for necessary support and facilitate the lodging and resolution of complaints of APs as part of the GC.

103. The Institutional Responsibilities related to Social Safeguards are summarized in the table below.

**Table 9: Institutional Responsibilities related to Social Safeguards**

<b>Institution/Individual</b>	<b>Prior to Construction and During Design</b>	<b>During Construction</b>	<b>During Operation</b>
MWSS	Prepare integration of the SG to PMO-BNAQ7P as Project Management Staff Engage IR Safeguard Officer for the PMO – BNAQ7P	Decide on matters related to IR safeguard requirements and other concerns, that may arise that need intervention	Decide on matters related to IR safeguard requirements and other concerns, that may arise that need intervention
PMO-BNAQ7P	Update social impact assessment based on final engineering design, and make necessary changes and plan, if any. Coordinate with selected contractor to ensure the incorporation of updated findings and mitigation, if any Conduct IEC, together with the Social Safeguard Officer in the PMO-BNAQ7P, for social preparation.	Conduct inspections and spot checks to monitor the performance of the selected contractor in implementing the social safeguard requirements and implementation of RP Review monthly and semi-annual report of contractor related to safeguards- Prepare the project's semi-annual IR reports for submission to ADB	Conduct inspections and spot checks to monitor the performance of the contractor in implementing the social safeguard requirements and implementation of RP Review monthly and semi-annual report of contractor related to safeguards Prepare the project's semi-annual IR reports for submission to ADB
IR Specialist (Project Supervision Consultants)	provide technical advice and assistance, capacity building and guidance to PMO-BNAQ7P in the preparation of semi-annual safeguard report for ADB validate/update of the IR Due Diligence and Impact Assessment, as necessary review bidding documents as necessary, to incorporate social	provide technical advice and assistance e.g. preparation of semi-annual safeguard report for ADB and review quarterly monitoring reports continue capacity strengthening for SG-Resettlement Group/IR Safeguard Officer	

Institution/Individual	Prior to Construction and During Design	During Construction	During Operation
	safeguards in the project		
ADB	review and clear IR safeguards plan (in case corrective actions are needed) and updated RP, as applicable	review semi-annual IR report; carry out periodic review missions	Review annual social safeguards monitoring
D&B Contractor	incorporate mitigation measures in the design	implement mitigation measures as necessary prepare monthly and semi-annual reports	
City/Municipality and Barangay	facilitate / assist in the conduct of social preparation	participate in the monitoring of the performance operation in RP implementation facilitate (and participate in) public consultation/s and information disclosure assist in ensuring the observance of the GRM.	participate in the monitoring of performance operation in IR implementation facilitate (and participate in) public consultation/s and information disclosure assist in ensuring the observance of the GRM

104. The MWSS as project proponent shall be responsible for the overall project planning and design, implementation, financing of the RP and the monitoring of the RP implementation.

#### **D. Capacity Building**

105. To ensure effective project implementation and capacity strengthening of the MWSS- SG and designated IR/Social Development Officer under the proposed PMO-BNAQ7P structure, they will be capacitated to plan, implement and monitor the project component on resettlement. Training focus of the IR and Social Development concerns are integrated into one training design with appropriate modules on IR and Social Development.

106. Training needs assessment (TNA) will be undertaken immediately, as soon as the IR/Social Development Specialist is mobilized two months before the final design and construction. Based on the training needs assessment, a capacity building program will be developed and implemented. Aside from identified needs, the focus of the training will include Resettlement planning, implementation and monitoring, gender awareness and mainstreaming, inclusion of sex-disaggregated data in monitoring and progress reports, implementation of the stakeholders communication strategy, and core labor standards It will also include an orientation on the ADB SPS (2009) and Social Policy Guidelines.

### **XIII. IMPLEMENTATION SCHEDULE**

107. The implementation of the RP will be completed before the commencement of the civil works activities. As stipulated in the ADB SPS (2009) – IR Principle #11 – “Pay compensation

and provide other resettlement entitlements before physical or economic displacement.” There will be no construction activities unless the AHs have been relocated in coordination with the respective LGUs and the structures owners and other APs have been properly compensated. The table below provide the indicative project and safeguards implementation schedule.

108. Conduct of final due diligence and updating of inventory and impact assessment shall be undertaken as soon as final engineering design has been completed during the detailed design phase of the project by the Safeguard (IR) Specialist. As part of due diligence, compliance monitoring of any unintended impacts during project implementation shall be undertaken by the project. An indicative timeframe of key IR activities in relation to project implementation schedule is found in the table below.

**Table 10: Indicative Project and Safeguards Implementation Schedule**

Activity	Indicative Timeframe
<b>Project Implementation: Major Activities</b>	
1. Contractor’s mobilization	Q1 Y1
2. Detailed design	Q1 Y1-Q3 Y1
3. Design Review and Approval	Q2 Y1-Q4Y1
4. Surveys and Related Due Diligence/Impact Inventory/ RP Implementation	Q3Y1-Q4Y1
5. Construction	Q1 Y2-Q2Y4
6. Maintenance Period	Q3 Y4-Q3 Y5
<b>Specific Activities</b>	
1. Preparatory	
1.1 Engagement of Safeguard Specialist (IR) for project implementation support	Y0 (in place at least 2 months prior to the bidding process for contractor starts)
1.2 Mobilization of IR Safeguard Officer	Y0 (in place at least two months prior to bidding process for contractor starts)
1.3 Training needs assessment	Q 4 Y0
1.4 Capacity Building Activities/Follow-up Support	Q 4 Y0-Q4 Year 3
1.5 Inclusion of the remaining IR activity update in the bid documents	Q4- Y0 (Prior to Notice of Award)
2. Project Detailed Design /Approval	
2.1 Community Preparation Activities	Q2 Y1
2.2 Updating of IR Due Diligence /impact inventory	Q3Y1-Q4 Y1
2.3 Finalize RP	Q4 Y1
2.4 ADB review and approval of RP	Q4 Y1
3. RP Implementation (Compensation of APs)	
4. Construction Period (Mobilization to Demobilization)	Q1Y2 -Q2 Y4
4.1 IR Safeguard Compliance Monitoring	Q2 Y2 – Q2 Y4
4.2 Submission IR Report	Q3 Y2 – Q2 Y4
• Monthly, by Safeguard (IR) Officer	5th day of the month following the effective month
• Semi-annually, by Safeguard (IR) Officer / PMO-BNAQ7P for submission to ADB	5th day of the month following the effective 6-month period
• Annual, by Safeguard (IR) Officer for submission to ADB	5th day after effective year
5. Operation Period (potentially could start even before Maintenance Period is over)	
5.1 Continue IR safeguard compliance monitoring activities	Starting Q4 Y4

## **XIV. MONITORING AND REPORTING**

### **Internal Monitoring and Reporting**

109. Safeguard internal monitoring will be conducted by the PMO-BNAQ7P particularly, the IR Safeguard Officer to ensure that project safeguards monitoring during implementation and construction is undertaken. Likewise, this is to determine whether there are emerging issues and concerns of affected communities, particularly, the unintended resettlement impacts that need to be immediately addressed by the project.

110. Project internal monitoring shall be done on a quarterly basis and bi-annual safeguards monitoring will be undertaken to look at project effects on people and communities and whether such effects are negative or positive to determine appropriate measures where needed. Bi-annual monitoring report will be submitted to ADB during the 4-year project implementation