

Resettlement and Indigenous Peoples Framework

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CURRENCY EQUIVALENTS

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Currency unit	–	peso (P)
P1.00	=	\$0.02
\$1.00	=	P49.50

ABBREVIATIONS

AD	–	Ancestral Domain
ADB	–	Asian Development Bank
ADSDPP	–	Ancestral Domain Sustainable Development and Protection Plan
AHs	–	Affected Households
APs	–	Affected Persons
BIR	–	Bureau of Internal Revenue
CADC	–	Certificate of ancestral domain claim
CADT	–	Certificate of ancestral domain title
CCA	–	Community of consultative assembly
CALT	–	Certificate of Ancestral Land Title
CLOA	–	Certificate of Land Ownership Award
CAP	–	Corrective Action Plan
COI	–	Corridor of Impact
DEO	–	District Engineering Office
DPWH	–	Department of Public Works and Highways
DMS	–	Detailed Measurement Survey
DDR	–	Due Diligence Report
EA	–	Executing Agency
EMA	–	External Monitoring Agency
EO	–	Executive Order
ESSD	–	Environment and Social Safeguards Division
FPIC	–	Free and Prior Informed Consent
GOP	–	Government of the Philippines
GRM	–	Grievance Redress Mechanism
HH	–	Household
IGCMRSP	–	Improving Growth Corridors in Mindanao Road Sector Project
IOL	–	Inventory of Loss
IP/ICC	–	Indigenous Peoples/Indigenous Cultural Communities
IPP	–	Indigenous Peoples Plan
IPRA	–	Indigenous Peoples Rights Act
LARIPP	–	Land Acquisition, Resettlement and Indigenous Peoples Plan
LARRIPP	–	Land acquisition, Resettlement, Rehabilitation and Indigenous Peoples policy (DPWH, 2007)
LGU	–	Local Government Unit
NCIP	–	National Commission on Indigenous Peoples
NEDA	–	National Economic and Development Authority
NGO	–	Non-Government Organization
PhP	–	Philippine Peso
PIB	–	Public Information Booklet
PPTA	–	Project Preparatory Technical Assistance
RA	–	Republic Act
RCS	–	Replacement Cost Study
RIC	–	Resettlement Implementation Committee

RIPF	–	Resettlement and Indigenous Peoples Framework
RIPP	–	Resettlement and Indigenous Peoples Plan
ROW	–	Right of Way
RP	–	Resettlement Plan
SA	–	Social Assessment
SES	–	Socioeconomic Survey
SIA	–	Social Impact Assessment
SPS	–	Safeguard Policy Statement
TCT	–	Torrens Certificate of Title
UPMO	–	Unified Project Management Office
USD	–	United States Dollar

DEFINITION OF TERMS

Affected persons (APs)/ Community/ Households (AHs)	Refers to any person or persons, customary or local community, private or public institution who are displaced (physical or economic) as result of temporary impacts during construction, restriction on land use or on access to legally designated parks and protected areas. The affected community/ households/ person are those who utilize, control, or possess the affected land or non-land objects.
Ancestral domain	Refers to all areas generally belonging to Indigenous Cultural Communities (ICCs)/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, 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 private individuals, corporations, and which are necessary to ensure their economic, social, and cultural welfare. It includes land, forests, pasture, residential, agricultural, and other lands individually owned whether inalienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or who practice shifting cultivation. As clarified in Section 4 of R.A. 8371, ancestral domains cover not only the physical environment but the total environment including the spiritual and cultural bonds to the area which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.
Ancestral lands	Refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered

into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, widen farms and tree lots.

Compensation	Payment in cash or in kind (e.g. land-for-land) to replace losses of land, housing, income and other assets caused 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 value, and any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of functioning markets, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.
Certificate Precondition	It is a document issued by the NCIP attesting that the applicant or project proponent has complied with the requirements for securing the affected ICCs/IPs in accordance to the Free, Prior and Informed Consent Guidelines of 2006.
Community consultative assembly	The CCA is part of the FPIC process convened for presenting the project to the IP community. The participants to the CCA are the elders or leaders of the IP community; the representatives of IP households/ families within the area affected; the representatives of the applicant or the project proponent/s; the FPIC team constituted by the National Commission on Indigenous People (NCIP); and the representatives of development Non-Government Organizations (NGOs) duly accredited by the NCIP and authorized by the IP Community to be present within the ancestral domain area.
Customary law	It refers to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs.
Cut-off date	Cut-off date for land-taking will be set on the first day of census undertaken as part of the social safeguard document/plan preparation after both the project approval by the IA and Detailed Engineering Design. Persons not covered at the time of census-taking will not be eligible for claims of compensation entitlements.
Displaced Persons (DPs)	In the context of involuntary resettlement, displaced 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 (ADB IR Source Book, 2012).
Economic displacement	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Eligibility	Refers to any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets (land, space above and below the surface of the land, buildings, plant, and objects related to the land) and/or or ability to access such assets, permanently or temporarily, or (iii) other losses that can be appraised. such as transaction costs, interest, on loss of residual land, loss of income sources or livelihood regardless of relocation, profession shift, and other types of loss stated by the assignor, will be entitled to compensation and/or assistance).
Entitlement	A range of measures comprising compensation, livelihood restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the AHs, depending on the type and severity of their losses, to restore their economic and social base.
Free and prior informed consent	The consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable and appropriate to the community.
Field-based investigation	It refers to the ground investigation to determine if the plan, program, project, or activity overlaps with or affects an ancestral domain, the extent of the affected area, and the ICCs/IPs whose FPIC is to be obtained.
Livelihood restoration	This involves re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement (ADB IR Source Book, 2012).
Inconvenience allowance	It is the compensation amount given to each AP who holds full title to or a legalizable tax declaration over the land and structures severely affected by the project, and who consequently must move elsewhere.
Indigenous people/ indigenous cultural communities	Refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall 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.

Inventory of loss	The listing of assets as a preliminary record of affected or lost assets during the preparation of the RIPP/RP where all fixed assets (i.e., land used for residence, commerce, agriculture; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; standing crops and trees with commercial value; etc.) and sources of income and livelihood inside the Subproject boundaries are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. The severity of impact on the affected assets and the severity of impact on the livelihood and productive capacity of the APs are likewise determined.
Involuntary resettlement	<p>Refers to physical and economic displacement 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. Such displacement can be full or partial, permanent or temporary.</p> <p>When the displaced persons have no right to refuse the land acquisition by the state that result in their displacement. This occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated in a process where expropriation will be the consequence of a failure in the negotiation. (ADB IR Source Book, 2012)</p>
Land acquisition	It is the process of acquiring land from the current owners pursuant to the provisions of RA 10752 modes of acquisition, i.e., Donation, Negotiated Sale, Expropriation, Acquisition of Properties under Commonwealth Act (CA) NO. 141, Exchange of Barter, Easement of Right-of-way, Acquisition of Subsurface Right-of-way and other modes authorized by Law.
Marginally affected person	The impact is only partial and the remaining portion of the property or asset is still viable for continued use.
Meaningful consultation	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.

Memorandum of agreement	It refers to the document signed by the project proponent, the affected IPs, and/or the NCIP and other relevant parties embodying the terms and conditions agreed upon to ensure, among others, that Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits. It also specifies ways that the identified adverse effects are avoided, minimized, mitigated, or compensated. The MOA serves as the IP Action Plan for affected IPs living in ancestral domain and IPs resettled in lands of the public domain due to previous government projects/policies and involuntary displacement because of war and natural calamities.
Memorandum of understanding	It refers to the document signed by government agencies, e.g. DPWH and NCIP, DPWH and LGUs governing their relationship regarding aspects of the project, e.g. resettlement, process of conducting FBI, issuance of Certification Precondition (CP), and conduct of FPIC.
Professional squatters	Persons who have previously been awarded home lots or housing units by the government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area; to non-bona fide occupants; and to intruders of lands reserved for socialized housing. The term also refers to individuals or groups who occupy lands without the expressed consent of the landowner and who have sufficient income for legitimate housing. This definition excludes individuals or groups who simply rent land and housing from professional squatters or squatting syndicates.
Rehabilitation	Assistance provided in cash or in-kind to project APs (especially the vulnerable) due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	The physical displacement of an AP from her/his pre-project place of residence and/or business.
Replacement cost	The value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Resettlement Plan	The social safeguard document that contains the policies and guidelines and time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
Severely affected persons	Those who experience significant/major impacts due to (i) losses of 10% or more of their total productive land, assets and/or income sources due to the project; and/or (ii) relocation due to insufficient remaining residential land to rebuild.
Voluntarily initiated or solicited projects	These are infrastructure projects that the IPs communally or through their legitimate leaders without coercion or manipulation expressed their need for as evidenced by a written

endorsement and duly validated by the NCIP following the procedures set forth in the FPIC Guidelines of 2006.

Vulnerable groups

Distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women 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; (vi) indigenous peoples or ethnic minorities.

Note

In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

1. The Government of the Republic of the Philippines is requesting the Asian Development Bank (ADB) to help finance the Improving Growth Corridors in Mindanao Road Sector Project (IGCMRSP). This is a sector project for Mindanao with 3 core subprojects and non-core subprojects. As a sector project, this Resettlement and Indigenous Peoples Framework (RIPF) has been prepared to guide the overall preparation of all future subproject social safeguards documents. With the Department of Public Works and Highways (DPWH) as Executing Agency, the project is aligned with the impact of strengthened economic and physical linkages in Mindanao that ensures benefits of economic development are shared by all sectors of society. The project outcome will be an improved road transport network in Mindanao. (i) Roads in Mindanao improved, (ii) Detailed engineering design for road improvement completed, and (iii) Institutional capacity of DPWH in multi-year planning, fiscal accountability, and human resource management strengthened.

2. **Anticipated Social Safeguards Impacts.** The project will require land acquisition that triggers physical and economic displacement in areas where indigenous peoples (IPs) abound. It is foreseen that the project will result to permanent loss of land along the 30m road right of way (RROW), permanent damage to structures, crops and trees as well as temporary loss or disruption of land use or other assets during construction works.

3. This RIPF is prepared and takes into account the prevailing challenges in Zamboanga Peninsula, foremost of which is the sensitivities amongst tri-communities of IPs, also known as indigenous cultural communities (ICC), Muslims, and Christians. Due consideration is made in the preparation of this framework document as follows: (i) presence of IP/ICC in some project areas, (ii) impacts are expected to be positive as IP concerns and priorities have been incorporated in the overall project design and negative impacts will be mitigated accordingly; (iii) vulnerability of ICCs will be assessed and programs will cater to the needs of more vulnerable affected people (AP)/IP. This RIPF as endorsed by DPWH provides the guidance for the overall sector project specifically in the preparation of future plans – Resettlement Plan (RP), Indigenous Peoples Plan (IPP) or Resettlement and Indigenous Peoples Plan (RIPP) – whichever is applicable to conditions found in each of the subprojects. The RP, IPP, and RIPP collectively shall be referred to as social safeguards documents/plans in this RIPF.

4. **Social Safeguards Policy Principles for the Project.** This RIPF provides the policy framework that covers both involuntary resettlement and indigenous peoples under the ADB Safeguards Policy Statement (SPS) of 2009 and relevant Philippine laws and procedures. The Project shall, under the aegis of DPWH, uphold the resettlement and IP policy principles for the Project as follows:

- (i) Screen subproject components during early stages to identify involuntary resettlement impacts and risks as well as presence of IPs/ICCs and the likelihood of impacts on identified IPs/ICCs per project activity. These impacts and risks must be minimal. Appropriate social safeguards planning documents will be developed precisely and accurately as a result of a social assessment.
- (ii) Carry out culturally appropriate and gender-sensitive social assessment to assess potential impacts on APs particularly with IPs/ICCs living in the project areas, and concerned non-government organizations (NGO). Inform all APs including IPs/ICCs on potential restriction to access to natural resources because of the project and ensure their participation in the project cycle.
- (iii) Conduct meaningful consultations with affected APs/ IPs/ICCs to solicit their

participation across the project cycle to (a) avoid adverse impacts or - issues of access restriction will be avoided as much as possible - when avoidance is not possible, to minimize, mitigate, or compensate for such effects; (b) develop project benefits for affected Indigenous Peoples in a culturally appropriate manner; (c) provide culturally appropriate and gender inclusive capacity development; and (d) establish a culturally appropriate and gender inclusive grievance redress mechanism (GRM).

- (iv) In areas that affect ancestral domains, full consultation in order to generate consensus with IPs/ICCs will be upheld to safeguard areas with customary rights. These will be reflected in the social safeguards planning document with particular actions to protect or compensate IPs/ICCs. The absence of broad community support as manifested in the Certificate Precondition/Free and Prior Informed Consent/Certificate on Non-Overlap shall make the project component not eligible for the use of loan proceeds.
- (v) Improve or at least restore the livelihood of the APs/IPs/ICCs through (a) land-based resettlement strategies or cash compensation; (b) prompt replacement of assets with equal or higher value; (c) prompt compensation at full replacement cost for lost assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- (vi) APs/ IPs/ICCs shall be involved in resettlement and IPs/ICCs planning based on the social assessment, and social safeguards planning documents and cover all appropriate mitigation measures to improve, or at least restore, the livelihoods of all APs/ IPs/ICCs, especially vulnerable groups so that the living standard of APs/ IPs/ICCs do not become worse off compared to pre-project levels. Social safeguards planning documents should elaborate on culturally appropriate GRM, AP/ IP/ICC entitlements, strategy for income and livelihood restoration, including institutional arrangements, monitoring and evaluation, budgeting, and time-bound implementation schedule, and provide APs/ IPs/ICCs with appropriate assistance.
- (vii) APs/ IPs/ICCs without title or any recognizable legal rights to land are eligible for assistance and compensation for non-land assets at replacement cost. Particular attention will be paid to women, women-headed households, the elderly and other vulnerable persons.
- (viii) Voluntary donation will be an act of informed consent and APs/IPs will not be forced to donate land or other assets with coercion or under duress. Any voluntary donation will follow international best practices and be confirmed through written records and verified by an independent third party.
- (ix) Disclose the draft social safeguards planning documents and its updates before subproject appraisal to the APs/ IPs/ICCs and other stakeholders in an accessible place and a form and understandable language.
- (x) Land acquisition, resettlement, and IPs/ICCs plans will be conceived of as part of the project and related costs will be included in and financed out of the project cost from the government counterpart.
- (xi) Civil works and/or restrictions to use of land resources will not commence unless APs/ IPs/ICCs are fully compensated and all other entitlements provided.
- (xii) Monitor implementation of the social safeguards planning documents; monitor and assess resettlement outcomes, their impacts on the standards of living of APs/ IPs/ICCs, and disclose the monitoring reports.
- (xiii) Disclose monitoring reports as uploaded on ADB and DPWH websites; and to the project sites specifically the affected communities/persons, in summary form.
- (xiv) Should unanticipated involuntary resettlement and IP/ICC impacts be determined during project implementation, DPWH will ensure the conduct of

a social impact assessment and update the social safeguards planning documents or formulate a new one covering all applicable requirements specified in this RIPP.

5. **Subproject Screening and Minimizing Adverse Impacts.** This RIPP provides the guidelines in screening for and minimizing adverse impacts – noting that the project is classified as Category A for involuntary resettlement and B for indigenous peoples. Ensuing subprojects may therefore be Categories A, B, or C for involuntary resettlement, but limited to Category B or less for indigenous peoples safeguards.

6. **Affected Persons and Eligibility.** The cut-off-date of eligibility for the project will be the starting date of the census of APs that includes inventory of their affected lands and/or non-land assets. Affected persons (AP) or peoples are those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, and resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, social and cultural networks and activities.

7. **Social Assessment and Resettlement and IP Planning.** This RIPP provides the guidelines in the conduct of social assessment for both resettlement and IP planning. Strict adherence to IP country safeguards is made throughout. Guidance is made in the impact identification as well as use of tools to be utilized for data collection in that the social assessment is conducted in a gender-sensitive manner and in consultation with IPs/ICCs.

8. **Consultation, Participation, and Disclosure.** Meaningful consultation is upheld under this RIPP to ensure issues, concerns, voices and potential of affected households are incorporated in the project preparation, implementation, monitoring and reporting. DPWH will conduct meaningful consultation with affected persons, their host communities, and civil society for every subproject identified as having involuntary resettlement impacts. The DPWH will pay particular attention to the needs of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.

9. **A Public Information Booklet (PIB)** about the overall Project and its social safeguards component was prepared in English and was subsequently translated to Bisaya/Cebuano, the common lingua franca among non-IPs and IPs. The PIB was distributed among the APs and other stakeholders who attended the consultations at PPTA (Appendix 4-1). The PIB was further modified and distributed during the consultations and social assessment for the core subproject (Appendix 4-2).

10. **Disclosure.** The social safeguards documents will be disclosed to APs and other stakeholders to be carried out by the DPWH representatives, District Engineering Office (DEO) Coordinator and the Consultants through consultation meetings. The social safeguards planning documents will be disclosed and be made available to the all barangays where affected households can have access to examine its contents. The DPWH will be guided by the ADB Public Communications Policy (2012) and Accountability Mechanism (2012) and submit the following documents to ADB for disclosure on ADB's website: (i) this RIPP, (ii) A draft social safeguards planning document as endorsed by the DPWH before project appraisal; (iii) The final social safeguards planning document endorsed by the DPWH after the validation of affected persons has been completed; (iv) A new or updated social safeguard planning document and a corrective action plan prepared during ROW acquisition if any; and (v) Monitoring reports.

11. This RIPF highlights IP disclosure as a result of observance to broad community support. The project shall seek the consent of affected IP communities through the Certificate of Precondition (CP)/Free Prior Informed Consent (FPIC) process as embodied under the Indigenous Peoples Rights Act (IPRA) of 1997. Broad community support from Muslims as IPs shall be observed through the Provincial Local Government unit¹.

12. **Compensation and Entitlements.** Pursuant to RA 10752 and other National laws as harmonized with the ADB SPS in this RIPF, DPWH will offer to the property owner concerned, as compensation price, the sum of: (i) the current market value of land (ii) the replacement cost of structures and improvements and (iii) the current market value of crops and trees.

13. **Relocation Assistance.** APs will be provided with relocation options suitable to their preference. Options are: (i) self-relocation, (ii) on-site relocation, and (iii) relocation to project-sponsored resettlement sites in cooperation with key actors– local governments and other entities as mandated by law. Relocation will be provided for qualified APs pursuant to RA 7279.

14. **Livelihood Restoration and Special Measures for IPs, Severely Affected, Displaced Persons, and Vulnerable Sector.** DPWH will include special measures for income restoration and livelihood improvement of affected persons in the social safeguard documents/plans. Income sources and livelihoods affected by project activities will be restored to pre-project levels or better, and make every attempt to improve the incomes of displaced persons so that they can benefit from the project. For vulnerable and severely affected households, the social safeguards plans will include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels. The plans will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. A gender strategy as espoused under the ADB SPS 2009 as well as the DPWH gender operating principles is likewise provided.

15. **Grievance Redress.** A Grievance Redress Mechanism (GRM) has been crafted and pays particular attention to the customary modes of resolving issues and concerns raised by IP communities. The Resettlement Implementation Committee (RIC) with representation from the National Commission on Indigenous Peoples (NCIP) will be formed prior to implementation of the social safeguard document/plan in each of the subproject affected municipality to be the primary entity to act on grievances.

16. **Institutional Arrangements.** Institutional arrangements for this project revolves DPWH being the executing agency. Specific units under DPWH that will have direct and distinct hand at implementation are the: Unified Project Management Office-ROW Task Force (URTF), the Roads Management Cluster II (RMCII), Multilateral, Unified Project Management Office (UPMO), Environmental and Social Services Division, DEO, and the DPWH Regional Office (RO).

17. Key agencies are necessary for coordinative efforts at implementation and as reflected in the creation of the Resettlement Implementation Committee (RIC) composed of representatives from the DPWH RO and DEO, the City/Municipal, the NCIP provincial and/or regional office, affected barangays, and APs with separate representation for IP/ICC communities affected by the project. Selection of these ICC/IP representatives shall follow the procedures of the NCIP. The Municipal RIC shall be formed through Memorandum of Understanding (MOU) between DPWH, the concerned local government unit, with the

¹ RA 9054 of 2001, otherwise known as the Organic Act of the Autonomous Region of Muslim Mindanao (ARMM).

National Commission on Indigenous Peoples (NCIP) Provincial or regional office. The National Housing Authority (NHA) shall provide shelters for relocation as mandated by law.

18. In order to realize the implementation of the social safeguards planning documents, the Environment and Social Safeguard Division (ESSD) and the District and Regional units of DPWH will require capacitation on the provisions of the RIPP as well as the overall ADB SPS (2009).

19. **Budget and Financing.** DPWH shall provide adequate budget for appropriation that will allow acquisition of the required right-of-way, site or location for national government infrastructure projects in advance of the project implementation. Guidance is provided as to the allowable budgetary line items necessary in realizing the social safeguards plans.

20. **Monitoring.** There will be two types of monitoring: internal and external monitoring. The UPMO in coordination with the ESSD shall establish quarterly monitoring of the RIPP. UPMO shall submit a semiannual monitoring report to ADB. To ensure compliance, the services of an external monitoring agent (EMA) will be procured by DPWH to provide an independent periodic review and assessment. Disclosure of semiannual monitoring reports will be made upon submission to ADB. This RIPP provides the guide in the conduct of both monitoring types.

I. INTRODUCTION

21. The Government of the Republic of the Philippines is requesting the Asian Development Bank (ADB) to help finance the Improving Growth Corridors in Mindanao Road Sector Project (IGCMRSP) that has an overarching objective for Region IX to become the Agri-Fisheries Southern Corridor of the Philippines, as part of the Brunei Indonesia Malaysia and the Philippines – East ASEAN Growth Area (BIMP-EAGA). Under the *Regional Physical Framework Plan*, the Region is envisioned to become a hub of international trade, with a globally competitive economic and free trade zone. The *Plan* objectives include: improved physical, economic and social access for people living in less developed areas; increased agricultural production and productivity; and increased industrial production.

22. IGCMRSP will contribute to these overarching objectives through: (i) increased economic growth in Mindanao, by opening and improving national roads; (ii) support for the government's agenda for Mindanao in the Philippines Development Plan 2017-2022; (iii) support the key objective of ADB's strategy for the Philippines of helping the country achieve high, inclusive, and sustainable growth; (iv) improve the delivery of infrastructure services as well as investing in physical assets, in line with ADB's Strategy 2020; (v) support regional cooperation and integration by contributing to the implementation of the ASEAN Highway and BIMP-EAGA Priority Infrastructure Projects; (vi) support ADB's Sustainable Transport Initiative by addressing climate change and road safety; (vii) contribute to ensuring resilience in road infrastructure development in Mindanao; and (viii) increase Department of Public Works and Highways' (DPWH) capacity, including in ADB Safeguards and in procurement.

A. Project Description

23. This is a sector project for Mindanao with 3 core subprojects and non-core subprojects for a total of 9 subprojects. With the Department of Public Works and Highways (DPWH) as Executing Agency, the project is aligned with the impact of strengthened economic and physical linkages in Mindanao that ensures benefits of economic development are shared by all sectors of society. The project outcome will be efficiency and safety of selected sections of the road transport network in Mindanao improved.

24. The following outputs are envisaged: (i) Selected sections of road transport network in Mindanao improved, (ii) Detailed engineering design for improvement of roads in other projects completed, and (iii) Institutional capacity of DPWH in multi-year planning, fiscal accountability, and human resource management strengthened .

B. Anticipated Social Safeguards Impacts

25. The project will involve road improvements to include widening, realignment and slope protection require acquisition of private land. Land acquisition will trigger physical and economic displacement requiring resettlement impacts assessment within 30m (15 meters from each side of the centerline) width Road Right-of-Way (RROW). The 30m road RROW was used in the design of the subprojects in accordance with the updated DPWH Design Guidelines, Criteria and Standards (DGCS, 2015 Edition).

26. The Involuntary Impact (IR) of the Project will be the permanent loss of land along the 30m RROW, permanent damage to structures, crops and trees. Temporary loss or disruption of land use or other assets during construction works particularly the movement of construction materials to and from work sites is also expected. It is also anticipated that

there will be largely resettlement impacts on Indigenous Peoples (IP)/Indigenous cultural communities (ICC).

C. Rationale for the Resettlement and IP Framework

27. DPWH has submitted the Improving Growth Corridors in Mindanao Road Sector Project (IGCMRSP) Proposal to the National Economic and Development Authority (NEDA) with the plan to seek technical and financial assistance from international financing institutions for a possible Road Improvement Project for implementation within a period of 5 years in support of general national development (Ambition 2040). The road sector objectives, plans, and targets is in support of Mindanao wide long term and sector infrastructure plans formulated in the Mindanao Peace and Development Framework Plan 2011-2030. The potential subprojects will cover three provinces, one city, no less than 15 municipalities and approximately 100 Barangays, in Mindanao, mostly in Zamboanga Peninsula (See Figure 1). Subprojects have been short-listed to nine but are still at this stage tentative.

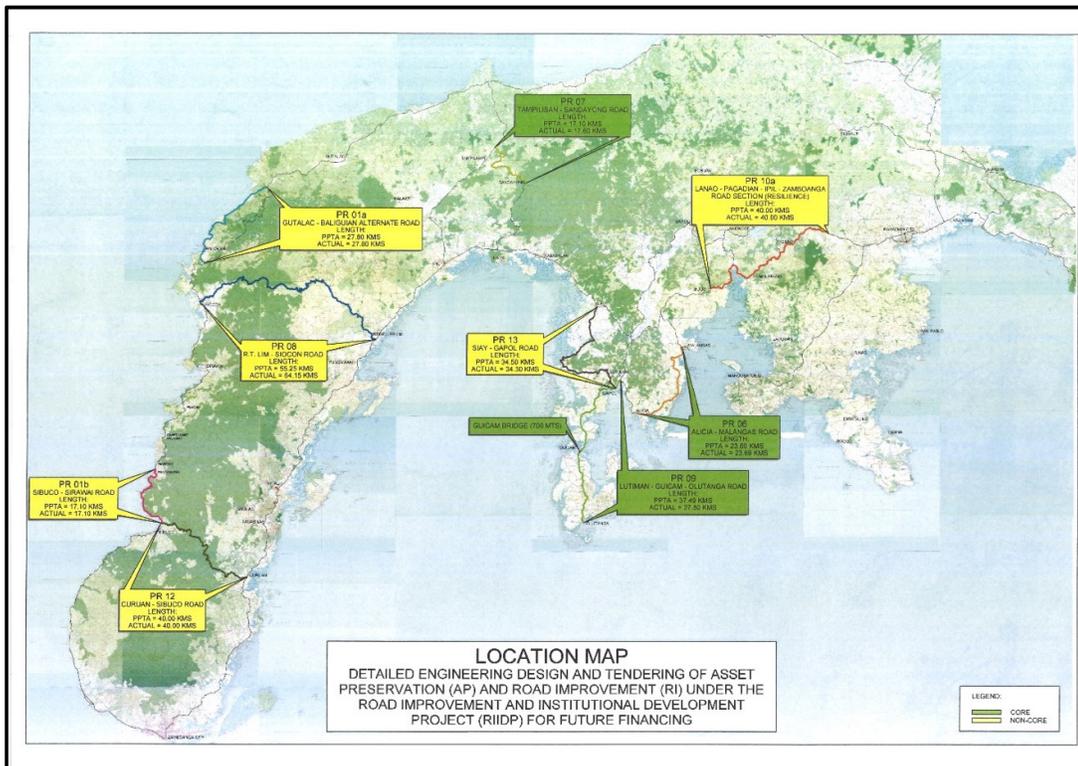


Figure 1. Project Location Map of Potential DPWH Road Subprojects

28. Aside from the involuntary resettlement impacts, this RIFP is prepared and took into account the prevailing challenges in Mindanao, foremost of which is the sensitivities amongst tri-communities of indigenous cultural communities (ICC), Muslims, and Christians. Due consideration is made in the preparation of this framework document as follows: (i) presence of indigenous peoples (IP)/ICC in some project areas, (ii) impacts are expected to be positive as IP concerns and priorities have been incorporated in the overall project design and negative impacts will be mitigated accordingly; (iii) vulnerability of ICCs will be assessed and programs will cater to the needs of more vulnerable IPs. Additional

details will be provided during implementation and the necessary social safeguard document will be prepared prior to subproject implementation.

29. The Resettlement Plan (RP), Indigenous Peoples Plan (IPP) or a combined Resettlement and Indigenous Peoples Plan (RIPP) – collectively known as social safeguards documents/plans - shall be prepared whenever applicable for each subproject in accordance with this RIPF.

II. OBJECTIVES AND POLICY FRAMEWORK

30. This policy framework covers both involuntary resettlement and indigenous peoples under the ADB Safeguards Policy Statement (SPS) of 2009. The project resettlement and indigenous people policies are anchored upon relevant Philippine laws and procedures and those of the ADB SPS 2009.

A. Objectives and Scope of the Resettlement and Indigenous Peoples Framework

31. Physical relocation of IPs/ICCs that will result to adverse impacts on their identity, culture, and customary livelihoods should be avoided to the extent possible. If avoidance is impossible, in consultation with ADB, a combined Indigenous Peoples Plan and Resettlement Plan can be formulated. This RIPF provides the policy guidelines for involuntary resettlement and IP planning, and prescribes a screening guidance as well as type of social safeguards planning document to be prepared for subprojects.

B. Policy Framework

32. This Framework encompasses both national laws and regulations and the ADB SPS 2009. This RIPF combines involuntary resettlement and indigenous peoples safeguards and with due consideration to national Government policies and the ADB SPS. Future social safeguards planning documents will be prepared and implemented following the principles established by this framework.

1. National Laws

33. The Philippine Constitution specifically provides for the following:

- (i) Article III, Section 9: "Private property shall not be taken for public use without just compensation."
- (ii) Article XII, Section 5: "The State...shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. By an act of Congress, customary laws governing property rights or relations can be applied in determining the ownership and extent of ancestral domains."

Involuntary Resettlement

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

35. *Negotiated Land Acquisition.* Negotiated sale is the preferred mode of ROW acquisition (after voluntary land donation) and should be explored before resorting to expropriation. RA 10752 aims to make negotiated sale more attractive than expropriation, since the process reduces negotiation time and provides realistic prices. It replaces the previous lengthy and cumbersome two-step procedure under RA 8974, where the implementing agency – in this case DPWH - makes the first offer to the property owner based on BIR Zonal Value, considered unattractive because the value is often low and second, the offer is made based on the fair market value, but most IAs lack the necessary competence to determine.

36. Under RA 10752, DPWH shall immediately offer (first and final) to the owner, as compensation price, the sum of (i) the current fair market value of the land, (ii) the replacement cost of structures and improvements, and (iii) the current fair market value of crops and trees. To determine the appropriate price offer, the DPWH may engage the professional services of a GFI or IPA. The DPWH may use the GFI/IPA appraisal reports, as duly validated, as one of bases of DPWH's price offer for negotiated sale. DPWH is encouraged to develop its in-house personnel capable of validating appraisal reports. The assumption by the DPWH of the capital gains tax also provides an additional incentive to the lot owners to negotiate with government.

37. DPWH shall pay the property owner (i) Fifty percent (50%) of the negotiated price of the affected land, exclusive of the payment of unpaid taxes remitted to the LGU concerned and (ii) Seventy percent (70%) of the negotiated price of the affected structures, improvements, crops and trees, exclusive of unpaid taxes remitted to the LGU concerned. DPWH shall pay the property owner the remaining fifty percent (50%) of the negotiated price of the affected land after the transfer of title in the name of the Republic of the Philippines, in cases where the land is wholly affected and at the time of the annotation of a deed of in cases where the land is partially affected. DPWH shall pay the remaining thirty percent (30%) of the affected structures, improvements, crops and trees, exclusive of unpaid taxes remitted to the LGU concerned after the land is already completely cleared of structures, improvements, crops and trees.

38. ROW acquisition starts with the validation of Parcellary Survey Report and approved social safeguard document/plan where the number and names of property owners and other relevant information will be determined. The validated Parcellary Survey Report and social safeguards document/plan together with the GFI/IPA appraisal reports, DPWH can start the preparation of Notice of Taking pursuant to Negotiated Sale Mode of Acquisition under RA10752. Within 30 days, negotiation either succeeds or fails. A successful negotiation would mean execution of Deed of Absolute Sale, and DPWH can secure a Permit to Enter. A failed negotiation on the other hand would mean DPWH can initiate expropriation proceedings.

39. Based on the price for negotiated sale set in the validated and approved social safeguards document/plan, send the letter-offer to the owner, informing him that, if he rejects the offer or fails to respond with complete documents within 30 days, DPWH shall initiate expropriation proceedings.

40. It also streamlines the expropriation process if negotiation fails. The improved process requires (a) complete documentation to support the expropriation complaint, (b) provides for the immediate deposit of the value of the property allowing prompt release of payment to the owners and (c) provides immediate issuance of Writ of Possession upon deposit of the value of the property, which will enable early project implementation.

41. Additionally, the law greatly improves budget preparation for ROW acquisition and project implementation allowing a wide range of ROW budget allocation to cover cost items such as parcellary surveys, property appraisal, compensation/entitlements, resettlement to include planning, social preparation, land development, housing construction, provision of basic services, community facilities, resettlement action plan activities and other related expenses of the IA including capital gains tax (CGT), documentary stamp tax (DST) and transfer tax.

42. Other laws and policies ranging from Executive Orders, Administrative Orders and DPWH Department Orders are as follows:

- (i) **Executive Order (EO) 1035.** Specifically, the order stipulates (i) the provision of financial assistance to displaced tenants, indigenous peoples, and settlers equivalent to the average annual gross harvest for the last 3 years and not less than PhP15, 000 per ha, (ii) disturbance compensation to agricultural lessee's equivalent to 5 times the average gross harvest during the last 5 years, and (iii) Compensation for improvements on land acquired under Commonwealth Act 141.
- (ii) The **Comprehensive Agrarian Reform Law Republic Act 6657 (1988)** Section 28 provides that landowner shall retain his share of any standing crop un-harvested at the time the DAR shall take possession of the land under Section 16 of this Act, and shall be given a reasonable time to harvest.
- (iii) **DPWH Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (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 affected persons. The LARRIP enumerates the entitlements and benefits that Affected Families (AFs) or Affected Persons (APs) should rightfully receive under the law based on the Project's adverse impacts on their assets, livelihood, and lives. It expounds on safeguards to be followed based on Philippine law when these affected persons are Indigenous Peoples, living inside and outside an officially declared ancestral domain. Finally, the 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, indigenous peoples' action plan.
- (iv) **Commonwealth Act 141 Section 112 or Public Land Act** - prescribes a twenty (20) meter 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 twenty (20) meters to sixty (60) meters. 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.

Holders of free or homesteads patents and 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 No. 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

- (v) **EO 113 (1995) and EO 621(1980)** National Roads shall have an ROW width of at least 20 meters in rural areas which may be reduced to 15 meters in highly urbanized areas. ii. ROW shall be at least 60 meters in unpatented public land. iii. ROW shall be at least 120 meters through natural forested areas of aesthetic or scientific value.
- (vi) **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.
- (vii) **Republic Act 6389** provides for disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest in the last 5 years.
- (viii) **Article 1137, Civil Code Art. 1137. Ownership and other real rights over immovable also prescribe through uninterrupted adverse possession thereof for thirty years, without need of title or of good faith. (1959a)** the provision is without prejudice to what is established for the acquisition of ownership and other real rights by prescription (1963).
- (ix) **DPWH Department Order 65 s. 2016** as part of the continuing effort of DPWH to streamline its operations, decentralize and rationalize the ROW operations, Department Order no. 19, s. 2017, was reissued essentially delegating to regional directors the approval/signing of documents pertaining to infrastructure right-Of-way (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 forces UPMO-ROW activities and their approving authorities shall continue to be governed by Department Order (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.
- (x) **DPWH Department Order (DO) No. 203 s. 2016** Creation of Unified Project Management Office Right of Way (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 Technical Working Group 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.
- (xi) **DPWH Special Order (SO) No.1 s.2017** In line with the issuance of DO No. 203 s. 2016, this Order re Composition of Unified Project Management Office 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.

- (xii) **DPWH Department Order No. 34 s. 2007** to streamline and standardize its operating procedures DPWH issued the department order was issued to simplify the guidelines for the validation and evaluation of Infrastructure right-of-way claims. The Guidelines is in line with the provisions of the DPWH IROW Procedural Manual adopted under Department Order No.5, s. 2003, as amended, particularly in the validation and evaluation of claims for IROW acquisitions.
- (xiii) **DPWH Department Order No.5 s. 2003** this order was issued to identify, acquire, and manage right-of-way (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 for the project.
- (xiv) **DPWH Department Order No. 130 Series of 2016** provides the guidelines for the Implementation of the Provisions of Republic Act No. 6685 and Republic Act 9710 or the Magna Carta of Women. The Implementing Rules and Regulations 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.
- (xv) **NHA Memorandum Circular No.2427 s. 2012** as enabler and facilitator in the housing delivery process under RA7279, 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
- (xvi) **NHA Memorandum Circular No.2423 s. 2012** given the existing housing conditions of the Indigenous Peoples, NHA issued the Revised Guidelines for the Implementation of the Housing Assistance Program for Indigenous Peoples to improve their living conditions and uplift their well-being through the provision of decent shelter. To be pursued under the framework of Resettlement Assistance for LGUs, the land required for the housing project in an ancestral domain, shall be made available for the IP community concerned. NHAs assistance shall be in the form of funds for land development or housing construction and technical assistance. All plans for the project shall be jointly approved by the LGU, the IP Community and NHA.

Indigenous Peoples

43. The **Indigenous Peoples' Rights Act (IPRA) of 1997**. IPRA sets conditions, requirements, and safeguards for plans, programs, and projects affecting IPs. The important provisions of IPRA are:

- (i) Right to their ancestral domains. (Chapter III, Section 11);
- (ii) Right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will impact upon their ancestral domains; (Chapter III, Section 7b);
- (iii) Right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them; (Chapter IV, Section 16);
- (iv) Right to receive just and fair compensation for any damages inflicted by or as a result of any project, government or private; (Chapter III, Section 7b);
- (v) Right to stay in their territory and not be removed from that territory. If relocation is necessary as an exceptional measure, it can only take place with the free and prior informed consent of the IPs and indigenous cultural communities (ICC) concerned; (Chapter III, Section 7c);
- (vi) Right to be secure in the lands to which they have been resettled; (Chapter III, Section 7d);
- (vii) Right to determine and decide their own priorities for the lands they own, occupy, or use; (Chapter IV, Section 17);
- (viii) Right to maintain, protect, and have access to their religious and cultural sites; (Chapter IV, Section 33);

44. NCIP has issued number of Administrative Orders (AO) that puts into operation the provisions of IPRA. The most important AO for purposes of this RIPP is NCIP Administrative Order No. 3 or the Revised Guidelines on Free and Prior Informed Consent Guidelines and Related Processes of 2012.

Other Laws

45. Other laws that impinge on social safeguards are:

- (i) **Republic Act 7279** is an act to provide for a comprehensive and continuing urban development and housing program, establish the mechanism for its implementation, and for other purposes. The law also provides that local government units in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the National Housing Authority, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.
- (ii) **Republic Act 8972 or the Solo Parent's Welfare Act** provides for benefits and privileges to solo parents and their children. It aims to develop a comprehensive package of social development and welfare services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), as the lead agency, various government agencies including NSO and other related NGOs.
- (iii) **Republic Act No. 7277** is an act providing for the rehabilitation, self-development and self-reliance of disabled persons and their integration into

- the mainstream of society and for other purposes.
- (iv) **Republic Act No. 9442** is an act amending Republic Act No. 7277, otherwise known as the Magna Carta for disabled persons, and for other purposes.
 - (v) **Republic Act No. 9710 with Implementing Rules and Regulation** is an act providing for the Magna Carta of Women.
 - (vi) **Republic Act 6685 (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.
 - (vii) **Batas Pambansa Blg. 344** is an act requiring certain buildings, institutions, establishment and public utilities to install facilities and other devices to enhance the mobility of disabled persons.
 - (viii) **Republic Act 7432 (1992)** An Act to maximize the contribution of Senior Citizens to nation building, grant benefits and special privileges and for other purposes provides the privileges for senior citizens such as grant of 20% discount from all establishments relative to the utilization of transportation services, hotels and similar lodging establishments, restaurants and recreation centers and purchase of medicine anywhere in the country.
 - (ix) **RA 9054 of 2001, or the Organic Act for the Autonomous Region in Muslim Mindanao (ARMM)**, The Regional Government as devolved to local government units adopts measures to ensure mutual respect for and protection of the distinct beliefs, customs, and traditions among its inhabitants in the spirit of unity in diversity and peaceful co-existence. It undertakes measures to protect the ancestral domain and the ancestral lands of indigenous cultural communities. The phrase "indigenous cultural community" refers to Filipino citizens residing in the Autonomous Region who are Tribal peoples as well as Bangsa Moro people regarded as indigenous on account of their descent from the populations that inhabited the country or a distinct geographical area at the time of conquest or colonization and who, irrespective of their legal status, retain some or all of their own socioeconomic, cultural and political institutions.

2. The ADB Policy on Involuntary Resettlement and Indigenous Peoples

46. **Involuntary Resettlement.** 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.

47. The involuntary resettlement 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.

48. 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. Affected persons (AP) and/or affected households (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.

49. The following ADB SPS principles on involuntary resettlement are stipulated and will also apply to the project:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who

enter into negotiated settlements will maintain the same or better income and livelihood status.

- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
- (viii) 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.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

50. **Indigenous Peoples.** Under the ADB safeguards policy of 2009, the main objective with respect to indigenous peoples (IP) is to design and implement projects in a way that fosters full respect for IP identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. IP safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as an ancestral domain or asset.

51. ADB's SPS for indigenous peoples requirements include: (i) consultation and participation; (ii) social impact assessment; (iii) indigenous peoples planning; (iv) information disclosure; (v) grievance redress mechanism (GRM); (vi) monitoring and reporting; and (vii) unanticipated impacts. These requirements are anchored upon the following safeguards policy principles for indigenous peoples:

- (i) Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop

measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.

- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess

whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

52. **Other Policies.** 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 (2012) and Accountability Mechanism (2012).

3. Gap-Equivalence Analysis

53. Under **RA 8974**, there are different modes of acquiring title to, and ownership of, private property particularly real estate property, as well as the modes of acquiring right to use private property for another purpose. RA 8974 specifies the following methods: Donation, Quit Claim, Exchange or Barter, Negotiated Sale or Purchase, Expropriation and any other modes of acquisition authorized by law. The law provides the different bases for land valuation. The Implementing Agency shall negotiate with the owner for the purchase of the property by offering first the current zonal value issued by the Bureau of Internal Revenue for the area where the private property is located. The law also states that valuation of the improvements and/or structures on the land to be acquired shall be based on the replacement cost which is defined as the amount necessary to replace the structure or improvement based on the current market prices for materials, overhead, and all other attendant costs associated with the acquisition and installation in place of the affected improvements/ installation.

54. The first Land Acquisition, Resettlement and Rehabilitation (LARR) Policy was formulated in 1999 specifically for the World-Bank assisted First National Road Improvement and Management Program (NRIMP). Thereafter, the LARR Policy of 1999 was adopted, with some modifications in pursuance to prevailing laws and policies, by other financing institutions such as the Asian Development Bank (ADB) and the Japanese Bank International for Cooperation (JBIC) in their projects. A second edition of the LARR Policy was formulated in 2004 for projects under the ADB-funded Sixth Road Project.

55. The **Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy** (LARRIPP; 2007 3rd Edition) Framework is based on RA 8974 and the Infrastructure Right-of-Way (IROW) Procedural Manual was extracted from the LARRIPP. To ensure uniformity of standards in Resettlement Planning, these contain the DPWH's Indigenous Peoples Policy, based on the Indigenous Peoples' Rights Act (IPRA) and NCIP Administrative Order No. 1, series of 2006 or the Free and Prior, Informed Consent Guidelines of 2006. LARRIPP provides guidance in preparing resettlement plans and safeguard instruments for Indigenous Peoples (IPs) affected by all types of infrastructure projects implemented by the DPWH, whether foreign or locally funded.

56. The LARRIPP 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 affected persons. It enumerates the entitlements and benefits that affected households should rightfully receive under the law based on the Project's adverse impacts on their assets, livelihood, and lives. It reiterates RA 8974 as to modes of acquiring title and valuation of assets. It expounds on safeguards to be followed based on Philippine law when these affected persons are Indigenous Peoples, living inside and outside an officially declared ancestral domain. Finally, the LARRIPP delineates the

institutional framework for the implementation of the policy and provides mechanisms, both internal and external to the DPWH, for monitoring and evaluating the impact of safeguard measures, e.g. resettlement plan, indigenous peoples' action plan. The DPWH Social and Environmental Management Systems (SEMS) Policy Framework and Operations Manual is similarly anchored on LARRIPP.

57. **Republic Act (RA) 10752** of 2016 provides clearer and simpler ROW acquisition guideline which benefits both the property owners/project-affected persons (APs) 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 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.

58. RA 10752 Annex A. #4 Standards and Specifications reiterates but provides more clarity to RA 8971 and the LARRIPP. In providing the services and delivering the desired outputs, the GFI/IPA shall observe the following standards and specification listed under Sec 7 of RA 10752:

- (i) The classification and use of which the property is suited; This shall be based on, among other things, the latest approved land use plan and/or zoning ordinance, if any, of the city or municipality concerned.
- (ii) The development cost for improving the land; This shall be based on, among other things, the records and estimates of the City or Municipal Assessor concerned, GFI or IPA for similar or comparable lands.
- (iii) The value declared by the owners; This shall be based on the value shown in the owners' latest Tax Declaration Certificates or Sworn Statements.
- (iv) The current selling price of similar lands in the vicinity; This shall be based on, among other things, the latest records on Deed of Sale for similar lands in the office of the Register of Deeds concerned.
- (v) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon; This shall consider, among other things, the replacement cost of improvements at current market prices as provide in Sec 6.6 of the IRR.
- (vi) The size, shape or location, tax declaration and zonal valuation of the land; These shall be based on, among other things, the latest records on Deed of Sale in the Register of Deeds, tax declaration by the City or Municipal Assessor, zonal valuation of the BIR for comparable properties.
- (vii) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
- (viii) Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

59. Under the ADB-SPS (Appendix 2, Para 10), the rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.

60. Based on the key elements of SPS replacement cost and the specifications of valuation for land, structures, trees and crops under RA 10752 (Para 58), there was found to be no gap on replacement cost considerations for full compensation.

61. The policies of the Government to acquire land, improvements, crops and trees at replacement cost using current market value has significantly improved as compared to RA 8974. A gap-analysis and gap-filling measures have been prepared and shown in Table 1.

Table 1. Assessment on Involuntary Resettlement Policy Gaps

ADB Policy	GOP Laws	Gap	Gap-Filling Measure
<p>1. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.</p>	<p>Under RA 10752, APs will be paid in two installments for their affected properties. Initially, they will be paid 50% of compensation due for their affected lands and 70% of compensation due for structures and crops found on their affected lands. The balance in compensation for the land and improvements will be paid to the APs only after the acquired lands have been cleared of all improvements (i.e., structures, trees, and crops).</p> <p>However, DPWH ESMS Section 9.4.1 states that "The APs will not be displaced until after they have received in full the compensation and applicable allowances due to them".</p> <p>Also, DPWH LARRIPP 2007 Chapter VIII, Monitoring and Evaluation, includes the question in the checklist for internal monitoring of RAP implementation about the timely delivery of compensation and entitlements "Have AF's (affected families) received payment for affected structures and lands on time?"</p> <p>GOP Laws and the DPWH SES recognize land donation as a modality for land acquisition.</p>	<p>Mode of payment/ compensation for affected assets/ properties.</p> <p>Land donation is not within the scope of the ADB SPS of 2009.</p>	<p>The APs will be paid 100% compensation prior to removal of assets and properties.</p> <p>The APs will not be displaced until after they have received in full the compensation and applicable allowances due to them.</p> <p>Due diligence will be conducted by an independent 3rd party to document the voluntary nature of land acquisition.</p>
<p>2. Severely affected persons/HHs: When the loss of the AP is equivalent to 10% or more of its total productive</p>	<p>A. Severely-affected APs: A1. The portion of the property to be affected is 20% and above of the total area, example</p>	<p>There is difference in usage of severity.</p>	<p>Marginally-affected APs with Affected Productive Assets example farmland and income from other</p>

ADB Policy	GOP Laws	Gap	Gap-Filling Measure
assets (e.g., farmland, fish farm) and incomes from other sources (e.g., business/ shops), and/or when the AP losses its house totally and must reorganize behind the right-of-way or relocate elsewhere	<p>farmland and income from other sources (business/shop) if the remaining portion is no longer economically viable or it will no longer function as intended.</p> <p>A2. The portion of the residential structure to be affected is 20% and above of the total area, and the remaining portion is no longer economically viable or it will no longer function as intended.</p> <p>B. Marginally-affected APs: is The portion of the property to be affected is only partial or less than 20% of the total area and the remaining portion of the property or asset is still viable for continued use.</p> <p>However, if the property to be affected is less than 20% but the remaining portion is no longer viable for continued use will also be reclassified as severely-affected.</p>		sources (business/shop) will be reclassified as severely affected – losing 10% or more of productive assets.

62. For IP safeguards, a gap assessment with GOP laws, in particular IPRA and the DPWH LARRIPP was conducted, results of which are shown in Table 2.

Table 1. Assessment on Indigenous Policy Gaps

ADB Policy	GOP Laws, IPRA, LARRIP and others	Gap	Gap-Filling Measure
<p>1. Scope of Application/ Definitions: The term IP is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) Customary cultural, economic, social, or political institutions that are separate from those of the</p>	<p>Indigenous Peoples (IPs) are defined by the IPRA Law (Sec 3. (h) as “a group of people or homogenous societies identified by self-ascription and ascription by others, 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 and utilized such territories, sharing common bonds or</p>	<p>The definition of Indigenous Peoples under IPRA fully covers the ADB usage under the SPS. It however goes beyond the ADB usage through the concepts of (i) time immemorial occupation, possession and utilization of territories, (ii) historical differentiation as a result of resistance to political, social and cultural inroads of colonization, and (iii) descent.</p>	<p>IPRA will prevail</p>

ADB Policy	GOP Laws, IPRA, LARRIP and others	Gap	Gap-Filling Measure
dominant society and culture; and (iv) A distinct language, often different from the official language of the country or region.	language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos” .		
2. Unanticipated Impacts: Should unanticipated impacts on IPs become apparent during project implementation, such as a change in the project’s footprint, the borrower/client will carry out a social impact assessment and update the IPP or formulate a new IPP covering all applicable requirements specified in this document.	Included as a concern under external monitoring only.	The LARRIP has no explicit provisions on unanticipated impacts.	ADB policy will prevail

4. Social Safeguards Policy Principles for the Project

63. The Project shall, under the aegis of DPWH, uphold legal provisions of the Government of the Philippines and with ADB-SPS 2009 safeguard requirements. Based on the above legal framework and equivalence-gap analysis, the resettlement and IP policy principles for the Project are as follows:

- (i) Screen subproject components during early stages to identify involuntary resettlement impacts and risks as well as presence of IPs/ICCs and the likelihood of impacts on identified IPs/ICCs per project activity. These impacts and risks must be minimal. Appropriate social safeguards planning documents will be developed precisely and accurately as a result of a social assessment.
- (ii) Carry out culturally appropriate and gender-sensitive social assessment to assess potential impacts on APs particularly with IPs/ICCs living in the project areas, and concerned NGO organizations. Inform all APs including IPs/ICCs on potential restriction to access to natural resources because of the project and ensure their participation in the project cycle.
- (iii) Conduct meaningful consultations with affected APs/IPs/ICCs to solicit their participation across the project cycle to (a) avoid adverse impacts or - issues of access restriction will be avoided as much as possible - when avoidance is not possible, to minimize, mitigate, or compensate for such effects; (b) develop project benefits for affected Indigenous Peoples in a culturally appropriate manner; (c) provide culturally appropriate and gender inclusive capacity development; and (d) establish a culturally appropriate and gender inclusive GRM.
- (iv) In areas that affect ancestral domains, full consultation in order to generate consensus with IPs/ICCs will be upheld to safeguard areas with customary rights. These will be reflected in the social safeguards planning document with particular actions to protect or compensate IPs/ICCs. The absence of broad community support as manifested in the Certificate Precondition/Free and

Prior Informed Consent/Certificate on Non-Overlap shall make the project component not eligible for the use of loan proceeds.

- (v) Improve or at least restore the livelihood of the APs/IPs/ICCs through (a) land-based resettlement strategies or cash compensation; (b) prompt replacement of assets with equal or higher value; (c) prompt compensation at full replacement cost for lost assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- (vi) APs/ IPs/ICCs shall be involved in resettlement and IPs/ICCs planning based on the social assessment, and social safeguards planning documents will include a framework for continued consultation with the IPs/ICCs during project implementation and cover all appropriate mitigation measures to improve, or at least restore, the livelihoods of all APs/IPs/ICCs, especially vulnerable groups so that the living standard of APs/IPs/ICCs do not become worse off compared to pre-project levels. Social safeguards planning documents should elaborate on culturally appropriate GRM, AP/IP/ICC entitlements, strategy for income and livelihood restoration, including institutional arrangements, monitoring and evaluation, budgeting, and time-bound implementation schedule, and provide APs/IPs/ICCs with appropriate assistance.
- (vii) APs/IPs/ICCs without title or any recognizable legal rights to land are eligible for assistance and compensation for non-land assets at replacement cost. Particular attention will be paid to women, women-headed households, the elderly and other vulnerable persons.
- (viii) Voluntary donation will be an act of informed consent and APs/IPs will not be forced to donate land or other assets with coercion or under duress. Any voluntary donation will follow international best practices and be confirmed through written records and verified by an independent third party.
- (ix) Disclose the draft social safeguards planning documents and its updates before subproject appraisal to the APs/IPs/ICCs and other stakeholders in an accessible place and a form and understandable language.
- (x) Land acquisition, resettlement, and IPs/ICCs plans will be conceived of as part of the project and related costs will be included in and financed out of the project cost from the government counterpart.
- (xi) Civil works and/or restrictions to use of land resources will not commence unless APs/IPs/ICCs are fully compensated and all other entitlements provided.
- (xii) Monitor implementation of the social safeguards planning documents; monitor and assess resettlement outcomes, their impacts on the standards of living of APs/IPs/ICCs, and disclose the monitoring reports.
- (xiii) Disclose monitoring reports as uploaded on to ADB and DPWH websites; and to the project sites specifically the affected communities/persons, in summary form
- (xiv) Should unanticipated involuntary resettlement and IP/ICC impacts be determined during project implementation, DPWH will ensure the conduct of a social impact assessment and update the social safeguards planning documents or formulate a new one covering all applicable requirements specified in this RIPF.

C. Subproject Screening and Minimizing Adverse Impacts

64. A short list of subprojects has been prepared by DPWH and these will be subject to screening not only to determine the appropriate social safeguard planning document but also in selecting projects with limited adverse social impacts.

1. Involuntary Resettlement

65. **Criteria for IR screening and selecting sub project.** DPWH will screen subprojects for their potential land acquisition and resettlement impacts and will adopt measures to avoid or minimize the impacts. A screening form (see proposed form in Appendix 1) will be accomplished using the project description as reference. If any resettlement impacts are identified, DPWH will undertake an assessment of social impacts (census of APs, inventory of losses, and socioeconomic survey) and prepare the social safeguards planning documents.

66. **Measures to Avoid and Minimize IR Impacts.** Subprojects will avoid and minimize impacts of involuntary resettlement - brought about by land acquisition, physical and economic displacement or denial of access to resources currently under use by the beneficiaries, by exploring project and design alternatives. Consultation and participation strategies and appropriate grievance redress mechanisms are in place to ensure that concerns of APs are addressed and incorporated in the project design and safeguards planning documents. Capacity building across the project cycle, and ensuring community participation in subproject prioritization, planning, selection, and implementation will be observed.

2. Identification of Indigenous Peoples

67. **Screening for Indigenous Peoples.** DPWH adheres to principles embodied under IPRA and have thus incorporated key procedures in the DPWH Updated Social and Environmental Management Systems (SEMS) Manual of Operations that provide guidelines in (i) determining the presence of IPs or existence of ancestral domain in potential project areas; (ii) Obtaining Voluntary Solicitation or Initiation from Indigenous Peoples; (iii) the Field Based Investigation (FBI); (iv) Obtaining the Free, Prior and Informed Consent (FPIC); and (v) Preparing the social safeguards document/plan or using NCIP terminology, the Indigenous People's Action Plan (IPAP). Central to screening is the FBI to be conducted by NCIP to ascertain the presence of IPs/ICCs and ancestral domains.

68. **Measures to Avoid and Minimize Adverse Impacts on Indigenous Peoples.** Considerations to minimize impacts on IPs/ICCs commences with screening through the NCIP as observed by DPWH. Mechanisms for meaningful consultations, social impact assessment with guidance from experts, and appropriate grievance redress procedures are provided in this RIPF that enhances measures to avoid or minimize adverse impacts on IPs/ICCs.

69. A classification system is observed through the SPS 2009.² The project is classified as A under the ADB Involuntary Resettlement (IR) and B under Indigenous Peoples (IP) safeguards (see Table 3). Ensuing subprojects may therefore be classified as Categories A, B, or C for involuntary resettlement, but limited to Category B or less for indigenous peoples safeguards.

Table 2. Involuntary Resettlement and IP/ICC Impact Categories

Category	Characteristics	
	Involuntary Resettlement	Indigenous People
A	200 or more persons experience major impacts, which are defined as (i) being physically displaced from housing, or (ii)	If the proposed sub project is likely to have significant impacts on IP/CC ³ .

² ADB OM Section F1/BP Issued on 1 October 2013.

³ The magnitude of project impacts on IP is looked at in terms of severity of impacts on the following aspects: (i) Customary rights of use and access to land and natural resources: (ii) Socioeconomic

Category	Characteristics	
	Involuntary Resettlement	Indigenous People
	losing 10% or more of their productive (income generating) assets	
B	Involuntary resettlement impacts are deemed not significant	if the proposed sub project is likely to have limited impacts on IP/CC.
C	No involuntary resettlement impacts are foreseen.	If the proposed sub project is not expected to have impacts on IP/CC

3. Types of Social Safeguards Document

70. Results of the screening will guide DPWH as to what type of social safeguard document to prepare for subprojects as recognized under sector loans. There are four possible documents that may be required during project implementation: (i) a RIPP, (ii) RP, (iii) Indigenous Peoples Plan (IPP), and/or (iv) Due diligence or audit report (DDR). Table 4 summarizes when each is to be applied.

Table 3. Guide to Application of Social Safeguard Document

Document	When to Apply	Source
RIPP	When impacts are mainly related to physical displacement and there are no other major impacts resulting from project activities other than involuntary land acquisition or involuntary access restrictions to lands a combined IPP with an RP may be prepared	ADB SPS (2009); App 3, Safeguard Requirements 3 IP, para. 35. ADB IP Handbook: Para 265
	Aside from triggers of involuntary resettlement, there will be physical displacement of IPs: displacement may apply regardless of whether the communities are relocated away from their traditional lands or still within the same traditional land areas but in a different location.	ADB IP Handbook: Para 263
RP	Having involuntary resettlement impacts, to wit: physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. No IPs to be affected.	ADB SPS (2009) App 2
IPP	If a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset.	ADB SPS (2009) App 3
	If significant as assessed in terms of the magnitude of impact as regards: (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge. ⁴	ADB IP Source Book 2013 Para 69

status; (iii) Cultural and communal integrity; (iv) Health, education, livelihood, and social security status; (v) Recognition of Indigenous knowledge. ADB, 2012, Indigenous Peoples Safeguards: A Planning and Implementation Good Practice Sourcebook, Para 65.

⁴ Indigenous Peoples may be influenced by developments around them, their evolving cultural institutions—due perhaps to cultural adaptations, technological progress, and participation in wage-labor markets—would not necessarily disqualify them from IP status (ADB IP Source Book 2013 Para 43).

Document	When to Apply	Source
	Considers the level of vulnerability of the affected customary community.	
DDR with Corrective Action Plan (CAP)	A tool to review, monitor, and supervise projects throughout the ADB's project cycle The process seeks to resolve all outstanding applicable safeguard issues through corrective action plans.	ADB OMF1 2013

D. Affected Persons and Eligibility

1. Affected Persons

71. Affected persons (AP) or peoples are those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, and resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, social and cultural networks and activities. Such impacts may be permanent or temporary. To sum up, APs are:

- (i) Persons with formal legal rights to land and structures lost in its entirety or in part;
- (ii) Persons who have no formal legal rights to such land and/or structures wholly or in part but who have claims to such lands that are recognized or recognizable under national laws; and
- (iii) Persons who lost the land they occupy in entirety or in part who have neither legal rights nor recognized or recognizable claims to such land.

72. Specific to the project, the various types of APs are qualified below:

- (i) Landowners and Land Users
 - a. Legal owners (e.g., agricultural, residential, commercial and institutional) who have full title, tax declaration, or who are covered by customary law (e.g. possessory rights, usufruct, etc.) or other acceptable proof of ownership over the affected land.
 - b. Users or occupants that have no land title or tax declaration over the affected land.
 - c. Renters of the affected land.
- (ii) APs with Structures
 - a. Owners of structures who have full title, tax declaration, or other acceptable proof of ownership (e.g. possessory rights, usufruct, etc.)
 - b. Owners of structures, including shanty dwellers, who have no land title or tax declaration or other acceptable proof of ownership
 - c. Renters
- (iii) APs with Crops, Fruit Trees, and other Perennials
 - a. Owners of affected crops, fruit trees and perennials who have full title, tax declaration, or other acceptable proof of ownership (e.g. possessory rights, usufruct, etc.)
 - b. Owners of affected crops, fruit trees and perennials who have no land title or tax declaration or other acceptable proof of ownership.
- (iv) APs Affected by the Loss of Livelihood and Sources of Income
 - a. Owners of registered or unregistered shops, regardless of land tenure status, whose business operation will be disrupted temporarily or permanently due to the project.

- b. Hired labor (e.g., farm worker, house help, and store helper) who will lose their job temporarily or permanently due to the project.

2. Eligibilities and Cut-Off Date

73. The cut-off-date of eligibility refers to the date prior to which the occupation or use of the project area (i.e., area within the COI) makes residents/users of the same eligible to be categorized as AP and be eligible to Project entitlements. In this Project, the cut-off date will be the starting date of the census of APs and the detailed measurement survey (DMS) of APs' land and/or non-land assets. The establishment of the eligibility cut-off date is intended to prevent the influx of ineligible non-residents who might take advantage of Project entitlements.

E. Voluntary Land Donation

74. **Voluntary Land Donation.** Voluntary land donation is outside the scope of the ADB SPS 2009.⁵ The practice usually involves the contribution by individuals of land for a project that has community benefits; the basic idea being that project benefits will realistically offset the size of the donated land. Due diligence will have to be observed to avoid adverse impacts on APs/IPs and possible reputational risks to ADB. The following will have to be conducted: (i) verify that the donation is in fact voluntary and did not result from coercion, using verbal and written records and confirmation through an independent third party such as a designated nongovernmental organization or legal authority; and (ii) ensure that voluntary donations do not severely affect the living standards of affected persons and benefit them directly.

75. Any voluntary donation will follow international best practices and be confirmed through written records and verified by an independent third party. The following will be observed:

- (i) The impacts are marginal (based on percentage of loss and minimum size of remaining productive assets);
- (ii) Impacts do not result in displacement of households;
- (iii) The households making voluntary donations are direct beneficiaries of the project;
- (iv) Donated land is free from any dispute on ownership or any other encumbrances;
- (v) Consultations with AHs/IPs are conducted in a free and transparent manner;
- (vi) Land transactions are supported by transfer of titles; and
- (vii) AHs/IPs are made aware of the project GRM and as such proper documentation of consultation meetings, grievances and actions taken to address such grievances are maintained.

III. SOCIAL ASSESSMENT AND RESETTLEMENT AND INDIGENOUS PEOPLES PLANNING

76. The indigenous population of the country continues to be estimated at between 10% and 20% of the national population per result of the 2010 survey where for the first time, ethnicity was included as a variable. Indigenous groups of Mindanao are collectively

⁵ ADB. Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document. November 2012.

called Lumad⁶ that include the Manobo, the bigger ethnographic group covering most of mainland Mindanao. Other Muslim ethnic groups abound like the Maguindanaoan, Maranao, Tausug, Yakan, and Sama Banguingui. Results of the social assessment for one core sub-project verified the presence of 28 IP affected households, mainly the Subanon (Lumad, 27 AHs) and Kolibugan (Muslim, 1 AH) of Tampilisan, Zamboanga Del Norte.

A. Dominant IP/ICC within Project Areas

77. **Lumad of Mindanao.**⁷ Lumad is a Bisayan term meaning “native” or “indigenous” and was adopted by 15 ethnic groups during the Cotabato Congress in June 1986 to distinguish them from the other Mindanaons, Moro/Muslim or Christian.⁸ At present, Mindanao Lumads account for 2.1 million out of the total 6.5 million indigenous people nationally. (1993 Census) these fifteen Lumads in the Cotabato Congress were the following: *Subanen, B’laan, Mandaya, Higaonon, Banwaon, Talaandig, Ubo, Manobo, T’boli, Tiruray, Bagobo, Tagakaolo, Dibabawon, Manguangan, and Mansaka.*

78. Lumads practice swidden agriculture. Communal sharing of resources based on the belief of the sacredness of land and nature as divine endowments define their relationship with their environment. Socio-political arrangements are varied such as the case of the Mandaya, led by their *bagani* or warrior, the Bagobos with their *Manuvu*, and most of the Lumads by their *datu*. The *Datu*’s subjects are his *sacops*. The Lumad generally remain isolated and withdrawn from the hills and forest. During the Spaniard Revolution of 1896, Lumads joined a band of *deportados* and *boluntarios* who started a mutiny in Marawi City against their Spanish superiors. They were later known to have joined a group of rebels of the Agusan area who left to join the *Katipuneros* of Luzon.

79. **Maguindanaoan.**⁹ The Maguindanaon inhabit North Cotabato, South Cotabato, Sultan Kudarat, Zamboanga del Sur, and Maguindanao; the latter having the largest concentration. Maguindanaon means “people of the flood plain” as they primarily inhabit the broad Pulangi River valley and delta. The Pulangi River had its origins in the mountains from the Liguasan Marsh and Lake Buluan. They observe Islam as reflected in their way of life and social structure. Their socio-political system and hierarchical organization are related to the Sulu sultanate, which trace their ancestry to Sharif Kabunsuan who was one of the first Muslim missionaries and Sultan Kudarat. The *paluwaran* code includes provisions on every aspect of life. The Maguindanaoan are known for their handwoven fabric, *Inaul*, whereby the colors of the fabric and depicted symbolic-motifs reflect the splendor of Muslim culture. Their primary means of livelihood is agriculture and grow corn and rice.

80. **Illanun.**¹⁰ The Illanun, also called Iranun and Ilianon, are closely related both culturally and linguistically to the Maranao and Maguindanaon. The majority of Illanun live along the coastline in the towns of Nulingi, Parang, Matanog, and Barira in Maguindanao Province; along the Iliana Bay coast, north of the mouth of the Pulangi River; and all the way to Sibugay Bay in Zamboanga del Sur and even the western coastal plain of Borneo. Illanun, a Malay term meaning “pirate,” is appropriate for the people of this ethnic group, who were once regarded as the fiercest pirates in the Malay area.

⁶ International Work Group for Indigenous Affairs. <http://www.iwgia.org/regions/asia/philippines>

⁷ Lumad in Mindanao. Republic of the Philippines. Office of the President. National Commission for Culture and the Arts. 16 April 2015.

⁸ R.A. 6734, the word Lumad was used in Art. XIII sec. 8(2) to distinguish these ethnic communities from the Bangsa Moro.

⁹ Peralta, Jesus T. 2002. Glimpses: Peoples of the Philippines. National Commission for Culture and the Arts. Ethnic Groups of the Philippines.

¹⁰ *Ibid.*

81. **Maranao.**¹¹ The Maranao inhabit Lanao del Norte and Lanao del Sur in Mindanao. The name Maranao means “People of the Lake”, after their traditional territory in the area surrounding Lake Lanao in the Bukidnon-Lanao Plateau. They are one of the largest Islamic groups in the Philippines, with the core areas being Marawi City, Lumba-a-bayabao, and Bayang. The Maranao are a splinter group of the Maguindanao who took up Islam. Communities are clustered around a mosque and a *torogan*, a royal house belonging to the preeminent economic household in the area. Aside from exotic textiles, metalwork, and woodcraft, the *torogan* structure is the most significant and spectacular example of Filipino secular architecture. The Maranao are widely distributed and contribute significantly to the market and trade industry. The *awang* (dugout boat) used principally in Lake Lanao is both unique and extremely ornate. Textiles, on the other hand, symbolize the socio-economic rank of the wearer through the intricacies of the design motifs woven into the fabric, as well as, the richness of the colors used.

82. Maranao villages are composed of several families living in homes sans walls for partition. They are allowed to be members of different villages simultaneously, without fear of recrimination as outcasts due largely in part to accepted bilateral relations. Primary subsistence consists of dry rice cultivation in hilly areas; intensive wet rice in flood plains; and some corn, sweet potato, coffee, cassava and peanuts.

83. **Tausug.**¹² The Tausug is the dominant ethnic group in the Sulu archipelago specifically occupying Jolo, Indanan, Siasi, and Patikul in Sulu (ARMM). There are also scattered settlements in Zamboanga del Sur and Cotabato, and all the way to Malaysia, which has an estimated Tausug population of more than 110,000. Tausug is a combination of *tau* (person) and *suug* (the old name of Jolo Island). The present generation of Tausugs are believed to be descended from the different ethnic groups that had migrated to the Sulu archipelago. The Tausug language is adopted from the vocabulary of *Tagimaha*, in whose locality the Sultan of Sulu lived and established Buansa, the capital of the Sultanate. They have two dialects: *parianum* and *gimbahanun*. *Parianum* is spoken by the people living along the coasts of Jolo and *gimbahanun*, by those living in the interior part.

84. **Yakan.**¹³ The Yakans are concentrated in Tipo-tipo, Lamitan, Sumisip, and Tuburan in the Basilan Island of ARMM. There are also scattered populations on the islands of Sakol, Malanipa, and Tumulad east of the Zamboanga Peninsula. The word Yakan means “Dayak Origin,” as they are believed to be descendants of the *Orang Dayak* or *Tagihama* of eastern Indonesia. They speak a dialect of Sama language and are culturally influenced in some respect by the Tausug. The Yakans’ chief means of livelihood is farming - upland rice. They do not normally live in compact villages, building their houses just out of sight of their nearest neighbors. The prominent person is the *imam*, who combines both religious and sociopolitical leadership. The Yakans are noted for their beautiful weaving and their colorful traditional clothes and customs.

85. **Sama Banguingui.** The Sama Banguingui is a distinct ethno-linguistic group dispersed throughout the Greater Sulu Archipelago and southern and western coastal regions of the Zamboanga Peninsula; usually collectively known as the Sama-Bajau peoples. Settlements are of densely clustered houses situated along well-protected stretches of shoreline. In some places, houses are built directly over the sea, but in other places are located along the beach front. Houses usually have one rectangular room with an attached kitchen. Households are grouped into larger units called *tumpuk* (clusters), located near one another and are related by close kinship ties. Within the village, the household head is acknowledged as the *tumpuk* spokesman. In some instances, the

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

tumpuk coincides with the parish, whose members belong to a single mosque. Oral traditions are handed down by the *kamattoahan* (elders) to the *kaanakan* or *anak baha-u* (new generations).¹⁴ The Banguingui build and manage formidable *kuta* (forts) throughout the Sulu Archipelago as well as *vinta* or *bangka-bangka* boats that roam the Sulu-Sulawesi region.¹⁵

B. Identification of Potential Impacts

86. The following are key considerations in the identification of project potential impacts:^{16 17}

- (i) All potential impacts have to be identified. Past impacts refer to involuntary resettlement activities that may have been undertaken in the proposed project area in anticipation of a project hence may not have been in conformity with the ADB's involuntary resettlement safeguard requirements under the SPS. Present and future potential impacts refer to the likely impacts due to the project under consideration.
- (ii) Identify and assess potential impacts on vulnerable groups and women. The social assessment (SA) identifies any individuals and groups who are likely to be differentially or disproportionately affected by a proposed project due to their vulnerable status. This requires disaggregated information to assess potential impacts and propose targeted measures to ensure that potential impacts to these individuals or groups are appropriately avoided, mitigated, and compensated.
- (iii) Consider Indigenous Peoples in the assessment of social impacts. Should Indigenous Peoples be affected by a project, it is imperative to assess likely impacts to their identity, culture, and customary livelihoods, detailed information on their land-use, economic activities, and social organizations.
- (iv) Include impacts on public resources. The SA also considers project impacts on public resources, including losses of community-owned facilities or cultural property, and loss of access to direct use of natural resources. None common property is expected to be impacted and the sub project that will affect to common property will be avoided.
- (v) Include impacts on livelihoods caused by activities other than land acquisition. Project-related impacts on livelihoods may not be related to involuntary land acquisition but still have to be determined. As such, it is necessary to link with the environmental assessment process to ensure that social impacts related to the environmental media are addressed appropriately and for the SA to recommend measures to avoid, minimize and mitigate such impacts across project stages.

C. Prescribed Tools and Scope of Social Assessment

87. This section provides guidance in the conduct of the social assessment social safeguards of the ADB SPS.

¹⁴ The Joshua Project. Sama Bangingi, Northern Sama in Philippines.

https://joshuaproject.net/people_groups/14031/RP

¹⁵ James Francis Warren (2007). *The Sulu zone, 1768–1898: the dynamics of external trade, slavery, and ethnicity in the transformation of a Southeast Asian maritime state*. NUS Press. p. 184. ISBN 9971-69-386-0.

¹⁶ ADB, 2012, Indigenous Peoples Safeguards: A Planning and Implementation Good Practice Sourcebook

¹⁷ ADB. Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document. November 2012.

1. Involuntary Resettlement

a. Socioeconomic Survey

88. The socioeconomic survey (SES) will be conducted to establish a profile of demographic and socioeconomic conditions of people affected by the subproject brought about by both civil works. The SES will be done in detail after selection of project sites, of which the project put forward a basic requirement that there shall be no other given right in the area to prevent contesting claims which might happen and impede the project progress.

89. The SES obtains data on the likely impact of land acquisition on the local economy, economic institutions, land-use patterns, tenancy and sharecropping, occupation and employment patterns, income and economic interdependence between households, poverty levels, local social organization and authority structure, and women's economic activities and income. Table 5 provides the survey objectives and required variables.

Table 4. SES Objectives and Required Parameters

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

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

90. While census covers 100% of the APs, a socioeconomic survey may be carried out on a sample basis, i.e., 20%-30% of all APs statistically acceptable in the subproject area selected randomly. Apart from these quantitative tools, relevant qualitative tools include focus group discussions, interviews with key informants, and participatory assessment, carried out through the consultation process.

91. Data will be disaggregated and analyzed by gender and ethnicity. Results of the SES will be entered into the project database and project management will ensure that aggregate information is accessible for monitoring.

b. Inventory of Affected Persons and Assets

92. **Census.** The census is a count of all affected persons irrespective of their titled or non- titled land ownership status. The project shall carry out a field survey to collect data and information of socio economic figures of direct impact areas. A follow-up census is required to update the list of APs if project implementation is delayed by two or more years by which time the impacts may have changed compared to the initial census or if the project design changes significantly.

93. **Inventory of loss (IOL) or detailed measurement survey (DMS).** The inventory (100% of APs) of all affected assets at subproject feasibility stage are determined specifically those located within the designated alignment or boundaries of the project

facilities. This activity shall be focused on direct impact areas brought about by civil works for the subproject. It is conducted following the detailed design of a subproject thus may be updated or finalized through a detailed measurement survey.

94. APs are notified before the conduct of the IOL/DMS and requested to participate in the survey. The IOL/DMS will be carried out in the presence of heads/guardians or members of households and household head/guardians or members in duly endorsed and completed IOL/DMS forms. Endorsement of survey forms at the time of survey will preclude any complaints by APs on the inaccuracy of inventory details at a later stage. The survey method will be updated and fine-tuned at implementation.

95. The inventory for each subproject will be prepared and the initial output will be reviewed and discussed during the community assembly prior to the preparation of the social safeguard planning document. Table 6 summarizes the objectives of the census and assets inventory of losses alongside the required information. A sample IOL instrument is provided in Appendix 2.

Table 5. Census-IOL/DMS Objectives and Required Parameters

Census-IOL/DMS Objectives	Required Parameters
<ul style="list-style-type: none"> To prepare a complete inventory of the displaced persons and their assets as a basis for compensation and assistance To identify non-titled persons To minimize impact of later influx of outsiders to project area 	<ul style="list-style-type: none"> Identification of the affected entitled parties, the number of family members, and the name; The location, area of all land owned and lost, tenure status, and functions; Number of the lost / affected area, severity of loss, and its function; The amount, category / type of affected crops and trees; Other objects associated with the affected land; The number and category of loss of fixed assets; Restricted access to natural resources/livelihood, and Temporary losses of productive assets, such as losses of one season harvested paddy when the land use for water supply installment.

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

96. **Replacement cost study.** This is the valuation of assets at replacement cost according to local market prices and standards of valuation, without deductions for age-related depreciation, recovery of salvageable materials, or registration fees and other transaction costs. By law, DPWH will engage the services of a government financial institution (GFI) with adequate experience in property appraisal or an independent property appraiser (IPA) accredited by: (i) the Bangko Sentral ng Pilipinas (DSP) or (ii) a professional association of appraisers recognized by BSP.

2. Social impact Assessment for Indigenous Peoples

97. Where screening indicates potential project impacts on IPs/ICCs, the SPS requires a field-based social assessment. The social assessment is conducted in a gender-sensitive manner and in consultation with IPs/ICCs.¹⁸ Risk and vulnerability profile will identify the most vulnerable groups, major risks affecting these groups; and opportunities to reduce risks or mitigate their impact on vulnerable groups through available or new mechanisms. Vulnerability of IPs/ICCs range from economic, social, and political to cultural aspects that need serious protection and assistance from other stakeholders. Involvement in decision making related to natural resources management is a very important aspect in addressing vulnerability and empowerment of IPs/ICCs.

¹⁸ ADB IP Source Book (2013). Para 144.

98. Per DPWH SEMS, an assessment is based on free, prior, and informed consultation, with the affected IP communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected IP communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live. The assessment crafts measures to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the IPs/ICCs receive culturally appropriate benefits under the project.

99. NCIP Administrative Order (AO) No. 3, series of 2012 calls for the conduct of a Field Based Investigation (FBI) to ascertain if a plan, program, project or activity overlaps with or affects an ancestral domain. It is also conducted to ascertain the extent of the affected areas and the ICCs/IPs whose FPIC is to be obtained. For the conduct of the FBI, NCIP Administrative Order No. 3, series of 2012 directed the formation of an FBI team for each province consisting of at least five (5) members, two of whom shall come from the Provincial Office and one (1) from the Community Service Center (Service Center) or vice versa and two (2) IP elders/leaders identified by the CSC. Based on the NCIP AO No. 3, the project proponent, presumably to avoid conflicts of interest, have no role in the conduct of the FBI. However, funding for the conduct of the FBI is to be provided by the project proponent.

100. DPWH participation in the FBI process is limited to the provisions of IPRA, and it is to the best interest of the DPWH that the FBI be conducted properly. The FBI process properly done can stand in place of the social assessment required by multilateral lending agencies whenever initial screening shows that Indigenous Peoples are likely to be affected by the project. The key elements of the FBI process include:¹⁹

- (i) Copy of the latest official barangay or municipal census record indicating the IP population in the affected area, and/or other available listings;
- (ii) Views and opinions of elders/leaders on what should cover the area affected following Section 11 (a) of the Guidelines, their approximation of the number of IP household heads within the area affected;
- (iii) Indicative map showing the extent of the overlap and the names of Sitios and Barangays affected;
- (iv) Initial documentation of concerned ICCs/IPs decision-making process for purposes of Section 25 of the guidelines;
- (v) Validation and listing of elders/leaders of the affected community;
- (vi) Initial documentation of concerned ICCs/IPs decision-making process for purposes of Section 25 of the guidelines;
- (vii) Recommendations needed for the proper conduct of the FPIC proceedings – should this be required; and
- (viii) Highlights of the discussions and attendance sheet duly signed/ thumb-marked by the IP elders/leaders.

D. Social Safeguards Planning

101. The appropriate social safeguards planning document should consider quantitative/demographic information, particularly with regard to level of poverty and educational attainment, and gender disaggregated data and Indigenous Peoples/ ethnic affiliation as generated from the social assessment. It should consider cultural aspects that support the

¹⁹ NCIP Administrative Order No. 3 or the Free, Prior and Informed Consent Guidelines of 2012

project and those aspects, which would possibly impede project implementation. In terms of environmental sustainability, IP planning shall set out the measures to mitigate potential risks through informed and meaningful consultations.

1. Resettlement Planning

102. To address involuntary resettlement impacts, DPWH will prepare either a RIPP or RP, the objective of which is to ensure that livelihoods and standards of living of displaced persons are improved, or at least restored to pre-project (physical and/or economic) levels and that the standards of living of the displaced poor and other vulnerable groups are improved, not merely restored, by providing adequate housing, security of land tenure and steady income and livelihood sources. The plans will address all relevant requirements specified in Safeguard Requirements 2, and its level of detail and comprehensiveness will be commensurate with the significance of involuntary resettlement impacts. Outlines of RIPP and RP are provided in Appendix 3.

103. The plans will be based on the social impact assessment and through meaningful consultation with the affected persons and will include measures to ensure that displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During impact identification, planning, and implementation, DPWH will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards.

104. DPWH will analyze and summarize national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in the social safeguards plans. DPWH will compare and contrast such laws and regulations with ADB's involuntary resettlement policy principles and requirements. If a gap between the two exists, DPWH will propose a suitable gap-filling strategy in the resettlement plan in consultation with ADB.

105. All costs of compensation, relocation, and livelihood rehabilitation will be considered as part of project costs. To ensure timely availability of required resources, land acquisition and resettlement costs may be considered for inclusion in ADB financing. Resettlement expenditure is eligible for ADB financing if incurred in compliance with ADB's safeguard policy statement and with ADB-approved resettlement planning documents. If ADB funds are used for resettlement costs, such expenditure items will be clearly reflected in the resettlement plan.

106. DPWH will include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plan. Income sources and livelihoods affected by project activities will be restored to pre-project levels, and DPWH will make every attempt to improve the incomes of displaced persons so that they can benefit from the project. For vulnerable persons and households affected, the plan will include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels. The plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule.

107. The information contained in the RIPP/RP may be tentative until a census of affected persons has been completed. Soon after the completion of engineering designs,

DPWH will finalize the plan by completing the census and inventories of loss of assets. At this stage, changes to the plan take the form of revising the number of displaced persons, the extent of land acquired, the resettlement budget, and the timetable for implementing the RIPP/RP. The entitlement matrix of the RIPP/RP may be updated at this stage to reflect the relevant changes but the standards set in the original entitlement matrix cannot be lowered when the RIPP/RP is revised and finalized. DPWH will ensure that the final plan (i) adequately addresses all involuntary resettlement issues pertaining to the project, (ii) describes specific mitigation measures that will be taken to address the issues, and (iii) ensures the availability of sufficient resources to address the issues satisfactorily.

108. Projects with significant involuntary resettlement impacts will need adequate contingency funds to address involuntary resettlement impacts that are identified during project implementation. DPWH will ensure that such funds are readily available. Moreover, DPWH will consult with displaced persons identified after the formulation of the final social safeguard document/plan and inform them of their entitlements and relocation options. DPWH will prepare an updated social safeguard document/plan upon (i) finalization of the detailed engineering design, (ii) completion of independent appraiser, and (iii) DPWH validation, and will submit it to ADB for review, approval and uploading to the ADB website before any civil works commence.

2. IP Planning

109. When an infrastructure project has been found through the social assessment to have potentially adverse effects on IPs/ICCs, there is need to formulate an IP plan, either as part of the combined social safeguard document or as a separate IPP. Whichever, the plan sets out measures through which the DPWH and other government agencies will ensure that IPs/ICCs affected by the project receive culturally appropriate social and economic benefits. It also specifies ways that the identified adverse effects are avoided, minimized, mitigated, or compensated.

110. There are two potential scenarios when working with IPs/ICCs: (i) Land Acquisition inside ancestral domains – with and without relocation, and (ii) Land Acquisition affecting IPs outside ancestral domains – with and without relocation, and resettled IPs occupying lands of the public domain. These are determined after the NCIP-led FBI (screening).

111. Whatever is applied, the end result is the social safeguards document/plan, IPAP or Memorandum of Agreement (MOA) to which DPWH shall bind itself as it enters into agreements with the affected ICC/IPs cooperation with NCIP. ***Per NCIP AO No. 3, series of 2012, the MOA shall serve as the IPAP which under this RIPP are equivalent to the required RIPP, IPP, RP, and DDR - collectively known as the social safeguards documents/plans.***

112. **Land Acquisition inside ancestral domains.** In the event land (including structures, improvements, crops, trees, and perennials) is to be acquired inside an ancestral domain, the DPWH and its agents shall observe the NCIP Administrative Order (AO) No. 3, series of 2012 or the provision of any agreement that the DPWH may have reached with the NCIP. The details of the *FPIC Guidelines* are likewise found in the DPWH SEMS Manual.

113. Free and Prior Informed Consent (FPIC) must be determined using methods appropriate to the social and cultural values of the affected Indigenous Peoples' Communities, *recognizing the primacy* of costumes, traditions, practices, and socio-political structures of the ICC/IPs concerned. The process must be *free from any external manipulation, interference and coercion and must give special attention to the concerns of Indigenous women, youth, and children.* Free and Prior Informed Consent is obtained *only*

after a full disclosure of the intent, scope, benefits, potential adverse effects of the project, and measures to avoid, reduce, minimize, and mitigate these effects in a language and manner that is culturally appropriate and understandable to the affected Indigenous Peoples' Communities.

114. As required by the *FPIC Guidelines of 2012*, the DPWH as the project proponent shall prepare a presentation of the project to be explained to the affected IP/ICCs during the Consultative Community Assembly (CCA) or the First Meeting whichever is applicable. DPWH shall present the goals and the scope of the project, the operation including timeframe if available, the cost and benefits of the project to the ICC/IP and their ancestral domains, its relationship to the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) if available, and the perceived disadvantages or adverse effects to the ICC/IP and the measures that the project proponent is proposing to mitigate and minimize these.

115. In addition, DPWH shall present and explain to NCIP and the ICCs salient contents of this RIPP, in particular the different modes of land acquisition, loss of assets, policy on eligibility, compensation and other entitlements and assistance, grievance mechanisms, and institutional arrangements for monitoring and evaluation.

116. Land Acquisition without relocation. The project may involve the acquisition of land and/or the structures, improvement, crops, trees, and perennials on it. The acquisition must ensure that non-replicable cultural property will not be damaged in the process in accordance with Chapter VI, Section 33 of the IPRA. All reasonable efforts should be done to ensure that road sections and linked activities projects, will not pass through religious and cultural properties of IPs, e.g. burial and the like that these be preserved, respected, and protected *in situ*.

117. If passage through, and hence damage to and/or partial or total relocation of religious and cultural properties is unavoidable, this should be presented to the ICC/IPs in the Consultative Community Assembly (CCA) or First Meeting whichever is applicable and obtain the Free and Prior Informed Consent of the affected ICC/IPs. If consent is obtained, modes of compensation will be guided by Chapter III of the LARRIPP.

118. The project may involve significant restrictions of access to religious and cultural sites and to traditional hunting, gathering grounds or natural resources that the IPs use. These restrictions plus the measures to minimize them will be disclosed by DPWH to the affected ICC/IPs to be included as part of the social safeguards document/plan. Temporary restrictions on indigenous peoples' access to natural resources and religious and cultural sites during project implementation plus the measures to minimize them shall be disclosed by DPWH. Measures to mitigate these temporary restrictions will also be contained in the social safeguards document/plan.

119. Compensation for lands acquired, for affected structures, other improvements, for crops, trees, and perennials inside ancestral domain where no removal and resettlement of ICC/IPs are involved shall be governed by LARRIPP Chapter II (*Legal Framework*) and III (*Policy on Eligibility, Compensation, and other Entitlements*) as adopted by this RIPP. The ICC/IPs may opt to receive the compensation in a culturally appropriate form consistent with their customary law. Other than those granted by Chapter III, benefits to be enjoyed by the host ICC/IPs will be spelled out in the MOA that will be executed between and among the ICC/IPs, the project proponent, and other related parties in accordance with the *FPIC Guidelines of 2012*.

120. In the event the impact on certain IPs is severe (involving land whose use is other than residential) and subject to the Free and Prior Informed Consent of the affected IP

group, land swapping may be explored. Conditions pertaining to land swapping and other types of assistance or entitlements due to severely affected as found in Chapter III of the LARRIPP will apply.

121. Land Acquisition with relocation. By policy, involuntary resettlement and relocation of ICC/IPs should be avoided where feasible. If resettlement is unavoidable, the project affected families will be resettled as much as possible within their ancestral domain and in proximity to their original property so as not to disrupt the exercise of traditional resource use right and livelihood activities.

122. In presenting the project, the adverse impacts, and the possible resettlement sites, DPWH and its agents shall observe the *FPIC Guidelines of 2012* or the provisions of any agreement that the DPWH may have reached with the NCIP. Following their customary law, the IP Communities will be consulted regarding the resettlement site. DPWH in cooperation with the relevant government agencies shall ensure that the resettlement site is of equivalent productive potential (or developed to make them so) and spatial advantages, e.g. providing the same degree of access to resources and to public and privately provided services and protection. The ensuing IPP or RIPP should include measures to mitigate the lack of access to natural resources, basic services, and to cultural and religious sites.

123. Compensation for those to be removed and resettled will be governed by Chapters II and III of the LARRIPP as upheld in this RIPP. Benefits agreed upon by the ICC/IPs and the DPWH other than those provided by law shall be contained in the MOA in accordance with Sections 43 to 46 of the *FPIC Guidelines of 2012*. The affected ICC/IPs may choose to receive the compensation and assistance.

124. In the exceptional case when the resettlement site is outside the affected ancestral domain, the *FPIC Guidelines of 2012* or the provisions of any agreement that the DPWH may have reached with the NCIP shall also apply. Following their customary law, the IPs will be consulted regarding the choice of resettlement site. DPWH in cooperation with the relevant government agencies shall ensure that the resettlement site is of equivalent productive potential (or developed to make them so) and spatial advantages, e.g. providing the same degree of access to resources and to public and private provided services and protection. The resulting IPP/RIPP should include measures to mitigate the lack of access to natural resources, basic services and to cultural and religious sites. Efforts must be made to prepare the receiving community.

125. If the receiving area were an ancestral domain or an area with a pending application for a CADT, the FPIC of the receiving IP community will be obtained following the procedures set forth in the *FPIC Guidelines of 2012*.

126. In the extremely rare case when some IPs would be resettled by their own choosing or by necessity outside of their ancestral domain while their kindred who are also affected would remain or be resettled in the ancestral domain, depending on the number of IPs to be resettled, either a social safeguards document/plan or a special section on IPs in the RP will be prepared for those to be resettled outside the ancestral domain. This is in addition to the MOA which only covers APs inside the ancestral domain. The IPs who choose to be resettled outside their ancestral domain would be resettled in the designated resettlement sites.

127. **Land Acquisition affecting IPs outside ancestral domains.** In the implementation of infrastructure projects, it may happen that land is taken outside of an officially declared ancestral domain or an area with a pending application to be declared such but IPs still among those to be affected.

128. Regardless of the impact, DPWH will conduct a separate, meeting with the IPs to obtain their broad support for the project using methods appropriate to the social and cultural values of the affected IP Communities, recognizing the primacy of customs, traditions, practices, and socio-political structures of the ICC/IPs concerned. The process must be *free from any external manipulation, interference, coercion and must give special attention to the concerns of Indigenous women, youth and children. There must be full disclosure of the intent, scope, benefits, potential adverse impacts of the project, and measures to avoid, reduce, minimize, and mitigate these effects in a language and manner that is culturally appropriate and understandable* to the affected Indigenous Peoples' Communities. DPWH shall also disclose this RIPP to the affected ICC/IPs. If necessary, separate consultation will be held with IP women and children with ICCs leaders. A representative of the NCIP will be invited and should be present in the meeting.

129. IPs are to be relocated. DPWH shall disclose the necessity of relocating the whole or large portion of the IP community or individual IP families during the IP meeting. If the IP community are migrants to the place and would have to be resettled, the project proponent can present the option of IPs returning to their place origin. If this option were chosen, transportation allowance or assistance would be provided along with compensation and other types of entitlements due to those to be resettled as found in Chapter III of the LARRIPP. DPWH with the NCIP will prepare the hosting community. If the place of origin and resettlement of the affected IPs were an ancestral domain or an area with a pending application to be declared such, the FPIC of the receiving ICC/IPs would be obtained first following the FPIC Guidelines of 2012.

130. If the IPs refuse this option, the proponent in cooperation with the relevant government agencies will fully disclose the resettlement site, aware of their possible preference to relocate and reside as a separate and distinct group in one neighborhood to preserve kinship and identity. The resettled IP community shall be compensated and enjoy entitlements the same as those given to non-IPs as provided in the LARRIPP and upheld in this RIPP. The IP community may opt to receive the compensation and entitlements in culturally appropriate from consistent with their traditions and customary law. DPWH shall then prepare the hosting or receiving community.

131. If resettlement would require a few IP families to be relocated but not others, and if the affected IPs prefer, DPWH will explore resettlement options within the immediate vicinity of the impact area so as not to destroy or weaken kinship and other social relations, limit their access to services, disrupt livelihoods, deprive them of traditional resources use rights, if any. The resettled IP families shall be compensated and enjoy entitlements the same as those given to non-IPs. DPWH will draft a social safeguards document/plan that covers those who will be resettled and another plan for those who will remain.

132. IPs are not to be relocated. IPs affected but do not require resettlement shall be compensated and enjoyed the same types and level of assistance and entitlements as non-IPs. The marginally affected IPs may choose to be compensated or to be assisted in their own manner, consistent with their culture and customary law. Depending on the number of IP APs, whether as a community or only a few families, DPWH will either draft a social safeguards document/plan or include a special section in the abbreviated plan pertaining to IP APs.

133. Resettled IPs occupying lands of the public domain. This group refers to IPs who have been removed from their ancestral domain and have been resettled in lands of the public domain because of a government project or displacement due to conflict, natural calamities, and forcible disposition of land. These IPs enjoy the right of security of tenure over lands to which they have resettled (Section 7d, IPRA) and shall not be treated as

migrants. The *Free and Prior Informed Consent Guidelines of 2012* apply to these types of IPs if they are affected by the projects.

134. **Land Acquisition affecting Muslims as IPs** shall observe the tenets and principles of IPRA. Some Muslim IP groups are recognized/documented with NCIP thus adhere to all NCIP administrative procedures as regards their engagement to projects. Muslim IP groups not under the NCIP shall be engaged through their respective LGU heads as may be coursed through traditional leaders in the community.

E. Unanticipated Impacts

135. Should unanticipated involuntary resettlement and indigenous people's impacts emerge during project implementation, DPWH shall ensure the conduct of a social assessment and update or formulate a new social safeguard planning document depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in this RIPP. DPWH shall submit these documents to ADB for disclosure on ADB's website as well as their project website and convey relevant information to the affected persons/community.

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

136. Meaningful consultation is upheld under the SPS 2009 to ensure issues, concerns, voices and potential of affected households are incorporated in the project preparation, implementation, monitoring and reporting. The following elements are included:

- (i) Begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;
- (ii) Provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;
- (iii) Is undertaken in an atmosphere free of intimidation or coercion;
- (iv) Is gender inclusive and responsive, 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;

137. DPWH will conduct meaningful consultation with affected persons, their host communities, and civil society for every subproject identified as having involuntary resettlement impacts. The DPWH will pay particular attention to the needs of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.

138. **Consultations at PPTA Stage.** A total of 16 consultations with APs, concerned LGUs, and representatives of other stakeholder groups was held for all the Project roads between August and September 2015 (Table 7). A total of 1,221 persons attended of which 52% were males and 48% females. The consultations were mixed with IP groups – largely the Subanons and Maguindanaoans. There was one case in Alicia where IPs requested for a separate session after attending the general assembly. In all of the municipalities and

cities traversed by Project roads, there was overwhelming approval and acceptance of the Project. One of the common questions in fact was: “when will the road improvement start”?

139. A Public Information Booklet (PIB) about the Project and its social safeguards component was prepared in English (Appendix 4). It was subsequently translated to Bisaya/Cebuano, the common lingua franca in Zamboanga Peninsula among non-IPs and IPs; this was distributed among the APs and other stakeholders who attended the consultations.

Table 6. Consultations Conducted at Preparation

No	Date	Location	Participants			Issues Raised
			Total	Male	Female	
5	Zamboanga del Sur		322	180	142	
1	6-Aug-15	Tukuran	179	91	88	Compensation
2	12-Aug-15	Alicia	38	22	16	AHs School Church IP identity/half-IPs
3	13-Aug-15	Malangas	33	17	16	AHs Institutional, and business structures Assurance on compensation
4	17-Aug-15	Pagadian City & Labangan	28	17	11	Compensation
5	17-Aug-15	Dumalinao	44	33	11	Compensation Project start date Provision of relocation site for households that will be displaced by the Project
5	Zamboanga Sibugay		277	142	135	
1	10-Aug-15	Olutanga	86	33	53	Project start Compensation When to move out
2	11-Aug-15	Mabuhay	75	37	38	Compensation Timing of compensation Payment rates that will be used
3	11-Aug-15	Talusan	35	17	18	Project start Compensation If Project construction will start before compensation of AHs Other assistance
4	12-Aug-15	Alicia	43	28	15	Project start Compensation Compensation for land per square Compensation of government-owned
5	13-Aug-15	RT Lim	38	27	11	compensation of affected property
5	Zamboanga del Norte		608	307	301	
1	10-Aug-15	Tampilisan	138	77	61	Compensation Relocation of persons whose houses will have to be dismantled for road widening
2	11-Aug-15	Siocon	119	53	66	Compensation Other improvements
3	12-Aug-15	Gutalac-Baliguian	73	53	20	Road improvement timetable Compensation Sacred areas for the Subanon may be affected by road civil works
4	17-Aug-15	Sirawai	252	106	146	Compensation Payment rates
5	17 and 20 Aug 2015	Sibuco	26	18	8	Compensation
1	Zamboanga City		14	7	7	
	14-Aug-15	Vitali	14	7	7	Project schedule Relocation to be provided for the landless

No	Date	Location	Participants			Issues Raised
			Total	Male	Female	
						Compensation for those who do not have land title
16	TOTAL		1,221	636	585	
	PERCENT		100%	52%	48%	

B. Disclosure

140. The social safeguards documents will be disclosed to APs and the disclosure will be carried out by the DPWH representatives, DEO Coordinator and the Consultants through consultation meetings. Basic information will be translated into the local language and shall be placed in public offices where APs can readily access these. A project information brochure (PIB) will be distributed to all APs indicating general contents which shall include the following items: (i) project profile (ii) project impacts (iii) compensation and entitlements (iv) grievance redress mechanism (v) resettlement procedures, timing of payments and schedule. The social safeguards planning documents will be disclosed and be made available to the all barangays where affected households can have access to examine its contents.

141. The DPWH will be guided by the ADB Public Communications Policy (2012) and Accountability Mechanism (2012) and submit the following documents to ADB for disclosure on ADB's website:

- (i) A draft social safeguards planning document and/or framework as endorsed by the DPWH before project appraisal;
- (ii) The updated or final social safeguards planning document endorsed by the DPWH after the census of affected persons has been completed (See para 100);
- (iii) A new or updated social safeguard planning document and a corrective action plan prepared during project implementation, if any; and
- (iv) Monitoring reports.

C. IP Consultation and Disclosure

142. The ADB SPS stipulates that broad community support is required for the following: (i) commercial development of their cultural resources and knowledge of indigenous people; (ii) physical relocation from their traditional or customary lands; (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define their identity and community of indigenous people. The project shall seek the consent of affected communities. Consent under IPRA will be through the Certificate Precondition/FPIC process.

143. Broad community support is deemed by ADB to exist if the following conditions are met²⁰: (i) The majority of recognized representatives of the affected IP communities formally express their support; (ii) A considerable majority of affected IP communities' members, and particularly those most severely affected, provides their support either through formal agreements or other informal means; and (iii) Any significant opposition or major disagreement has been resolved through a good faith negotiation process.

144. Subproject activities will be covered by broad community support. The procedures for securing broad community support shall emanate from NCIP Administrative Order (AO)

²⁰ ADB SPS 2009, Page 71.

No. 3, series of 2012 for subprojects located within ADs. While voluntary inclusion of subprojects will be recognized, these will have to be validated/verified by the NCIP and still go through the consultative process.²¹ All facets of the development cycle from planning, implementation, monitoring and evaluation will ensure that consultation and IP engagement is free from coercion or manipulation. Gender and intergenerational inclusion will be observed, and conducted with proper disclosure of information and in a manner appropriate to the social and cultural values of the affected IP communities and their condition. Hence, development project implementers apply for the Certificate Precondition (CP). Where there are IPs and ancestral domain claims, a prerequisite is to secure the FPIC before a CP is issued.

145. Mandatory FPIC activities starts with proponents required to post notices for the IP stakeholders at large and issuance of invitations by NCIP to the concerned Council of Elder/Leaders to attend the first of two Community Assemblies (CA). The 1st CA provides the avenue for the following salient matters to be discussed and/or acted upon: (i) Orientation on IPRA and the FPIC process; (ii) Validation of the FBI report and the area/s affected; (iii) The Census of IPs/Migrant IPs/Non-IPs; (iv) Identification and validation of IP Elders and Leaders; (v) Determination of the Decision-making or consensus-building process; (vi) Consensus on the involvement of NGOs/CSOs; (vii) Validation of the members of the FPIC Team²² representing the community; and (viii) Arrangements for conflict/dispute resolution mechanisms by the chosen/elected IP Elders/Leaders.

146. The 2nd CA shall undertake the following key activities: (i) Presentation by the applicant of the plan, program, project or activity that it seeks to undertake. The presentation shall include: a) The Operation Plan and the scope and extent of the proposal; b) The cost and benefits of the proposal to the ICC/IP and their ancestral domains; c) The perceived disadvantages or adverse effects to the community; and d) The measures adopted by the applicant to avoid or mitigate these; (ii) Sharing by an expert/s, if engaged or invited, to include presentation of the result of the EIA if available, expert opinion/s on any aspect, recommendations, and identification of affected area/s; (iii) Remarks or inputs of other stakeholders, e.g. concerned NGAs, LGUs, NGO, IPO; and (iv) Open forum to give the ICCs/IPs the chance to ask questions and to speak out their concerns relative to the presentations and the project. Towards the end of the 2nd CA, the ICCs/IPs are left alone to observe their consensus-building mechanisms.

147. When the ICCs/IPs are prepared with their decision or consensus, the duly authorized Community Elders/Leaders shall communicate to the FPIC Team such consensus. If it appears to be favorable, the FPIC Team shall immediately notify DPWH and the community representatives for the negotiation of the terms and conditions that shall be embodied in the MOA. Once the parties agree on the terms and conditions, the MOA is drafted in the vernacular and English. Thereafter, a validation assembly shall be convened within the AD, at which time the MOA provisions shall be explained to the community by the FPIC Team in a language that they speak and understand. If the consensus is not favorable, the Resolution of Non-consent is issued and a request for reconsideration may be applied. A validation assembly similar to a consensus- building activity is conducted to validate the rejection.

148. When the consent of the concerned community is obtained, the terms and conditions agreed upon shall be embodied in a MOA to be executed between and among

²¹ May be fast tracked if community-initiated and existence of ADSDPP, where proposed project is pre-identified in ADSDPP.

²² The FPIC Team in each province with provincial office, to be constituted by the Regional Director, shall be composed of the following: (i) The Provincial Officer, as Team Leader; (ii) The Provincial Legal Officer; (iii) One (1) Engineer from the Provincial or Regional Office; (iv) The head of the FBI Team; and Two (2) IP elders/leaders selected by the community in the first assembly.

the ICC/IPs, the DPWH, the NCIP, and any other party that may be necessarily involved. Pertinent to this RIPP, key elements of the MOA include:

- (i) Detailed benefit-sharing provisions;
- (ii) Mitigation and resettlement plans for potential risks;
- (iii) Redress mechanisms;
- (iv) List of responsibilities of the company and the affected community;
- (v) Inclusive dates/duration of agreement;
- (vi) Benefits to be derived by the host ICC/IPs indicating the type of benefits, specific target beneficiaries as to sector and number, the period covered, and other pertinent information;
- (vii) Detailed use of all funds to be received by the host ICC/IP communities;
- (viii) Transparency mechanism on transfer and disbursement of funds;
- (ix) Detailed measures to protect IP rights and value systems;
- (x) Detailed measures to conserve/protect any affected portion of the ancestral domain critical for watersheds, mangroves, wildlife sanctuaries, forest cover, and the like;
- (xi) Responsibilities of the applicant as well as the host IP community;
- (xii) The monitoring and evaluation system of the MOA, to include submission of reports and creation of monitoring teams; and
- (xiii) Remedies and/or penalties for non-compliance or violation of the terms and conditions which includes applicability of customary laws and imposition of sanction/s;

149. The indigenous people's development plan as appended to the NCIP-required MOA will be submitted to ADB for review and concurrence. However, should the consultative process not require a FPIC, DPWH shall submit the necessary social safeguard document – RIPP, IPP – depending on the identified impacts per result of the series of IP consultations.²³

150. The following are required to be disclosed: (i) draft social safeguards planning documents, as endorsed by DPWH; (ii) final social safeguards planning documents; (iii) new or updated social safeguards planning documents, if any; and (iv) monitoring reports. These documents will be generated and produced in a timely manner, and posted in both ADB and project websites, and at any locally accessible place in a form and language understandable to the affected communities and other stakeholders. The project information will be made available to affected Indigenous Peoples as leaflets or brochure in the prevailing local language, for greater IP community comprehension. DPWH shall also post the summaries of approved documents on their project website. During project implementation, DPWH will prepare monitoring reports on the implementation of the social safeguards planning documents and submit the same to ADB for review.

151. The ADB SPS (2009), Public Communications Policy (2012) and Accountability Mechanism (2012) as well as government issuances have been reflected in this RIPP and will be complied with. The documents listed above will be uploaded in the project management information system as well as on ADB website.

²³ A RIPP is resorted to only if impacts are limited to resettlement impacts.

V. COMPENSATION AND OTHER ENTITLEMENTS

A. Compensation and Entitlements

152. Compensation and assistance are designed to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the displaced poor and other vulnerable groups. Per this RIPP, DPWH will offer to the property owner concerned, as compensation price, the sum of: (i) the current market value of land (ii) the replacement cost of structures and improvements and (iii) the current market value of crops and trees. Replacement Cost — refers to the cost necessary to replace the affected structure or improvement with a similar asset based on current market prices.

153. To determine the appropriate price offer for the acquisition of ROW through negotiated sale, DPWH will engage the services of a government financial institution (GFI) with adequate experience in property appraisal or an independent property appraiser (IPA) accredited by: (1) the Bangko Sentral ng Pilipinas (DSP) or (2) a professional association of appraisers recognized by BSP.

154. Compensation and assistance are designed to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the displaced poor and other vulnerable groups. A range of entitlements is provided in Table 8.

Table 7. Compensation and Entitlement Matrix

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
A. LAND LOSS				
1.	Classified as Agricultural, Commercial	Severely affected 10% or more of the total landholding/ productive asset lost or where less than 10% lost but the remaining land holding become economically unviable	AP with Title, tax declaration and other proof of ownership	<ul style="list-style-type: none"> • 100% Cash compensation for loss of land at current market value • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs • Holders of free or homesteads patents and 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 No. 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 • Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act (RA 6657) shall be compensated at current market value • Holders of Certificates of Land Ownership

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
				<p>Award (CLOA) granted under CA 141. Public Lands Act will be compensated on land improvements only.</p> <ul style="list-style-type: none"> • Cash compensation for damaged crops at market value at the time of taking. • Rehabilitation assistance in the form of skills training equivalent to the amount of Php15, 000.00, per family, if the present means of livelihood is no longer viable and the AP will have to engage in a new income activity.
		<p>Severely affected</p> <p>10% or more of the total landholding/ productive asset lost or where less than 10% lost but the remaining land holding become economically unviable</p>	<p>APs with tax declarations without Titles</p> <p>Provided that the land owner shall present:</p> <p>a. Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least thirty (30) years;</p> <p>b. Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable; and</p> <p>c. Other documents that may show proof of ownership</p>	<ul style="list-style-type: none"> • 100% Cash compensation for loss of land at current market value • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs • Holders of free or homesteads patents and 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 No. 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 • Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act (RA 6657) shall be compensated at current market value • Holders of Certificates of Land Ownership Award (CLOA) granted under CA 141. Public Lands Act will be compensated on land improvements only. • Cash compensation for damaged crops at market value at the time of taking. • Rehabilitation assistance in the form of skills training equivalent to the amount of Php15, 000.00, per family, if the present means of livelihood is no longer viable and the AP will have to engage in a new income activity.
	Classified as Residential and industrial		AP with titles, tax declarations and other proof of ownership	<ul style="list-style-type: none"> • 100% Cash compensation for loss of land at current market value • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			<p>APs with tax declarations without Titles</p> <p>Provided that the land owner shall present:</p> <p>a. Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least thirty (30) years;</p> <p>b. Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable; and</p> <p>c. Other documents that may show proof of ownership</p>	<ul style="list-style-type: none"> • 100% Cash compensation for loss of land at current market value • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs
		<p>Severely affected</p> <p>Loss 20% and above of the total landholding or where less than 20% loss but the remaining become economically unviable (Refer to RIPF and Table 11 #2)</p>	<p>With Titles, Tax Declaration and other proof of ownership</p>	<ul style="list-style-type: none"> • Cash compensation for loss of land at 100% at current market value • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs
			<p>APs with tax declarations without Titles</p> <p>Provided that the land owner shall present:</p> <p>a. Tax Declaration</p>	<ul style="list-style-type: none"> • Cash compensation for loss of land at 100% at current market value • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to Aps

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			<p>showing his and his predecessor s' open and continuous possession of the property for at least thirty (30) years;</p> <p>b. Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable; and</p> <p>c. Other documents that may show proof of ownership</p>	
		<p>Less than 20% of the total landholding lost or where less than 20% lost or where the remaining landholding still viable for continued use (Refer to RIPF and Table 11 #2)</p>	<p>AP with titles, tax declarations and other proof of ownership</p>	<ul style="list-style-type: none"> • Cash compensation at 100% for the affected portion of the land • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to APs • Holders of free or homesteads patents and 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 No. 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 • Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act (RA 6657) shall be compensated at current market value • Holders of Certificates of Land Ownership Award (CLOA) granted under CA 141. Public Lands Act will be compensated on land improvements only. • Cash compensation for damaged crops at

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
				<p>market value at the time of taking.</p> <ul style="list-style-type: none"> • Rehabilitation assistance in the form of skills training equivalent to the amount of Php15, 000.00, per family, if the present means of livelihood is no longer viable and the AP will have to engage in a new income activity.
			<p>AP without Titles</p> <p>Provided that the land owner shall present:</p> <p>a. Tax Declaration showing his and his predecessor s' open and continuous possession of the property for at least thirty (30) years;</p> <p>b. Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable; and</p> <p>c. Other documents that may show proof of ownership</p>	<ul style="list-style-type: none"> • Cash compensation at 100% for affected portion only • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to Aps
B. STRUCTURES				
1.	(Classified as Commercial)	Severely affected persons/HHs: When the loss of the AP is equivalent to 10% or more of its total productive assets (e.g., farmland, fish farm) and	AP with Title or tax declaration (Tax declaration can be legalized to full title)	• 100% Cash compensation for the entire structure at replacement cost.
			AP without Title	• 100% Cash compensation for the entire structure at replacement cost
			<p>Provided that meeting all of the following criteria:</p>	

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
		incomes from other sources (e.g., business/shops), and/or when the AP loses its house totally and must reorganize behind the right-of-way or relocate elsewhere	1. Must be a Filipino citizen 2. Must not own any real property or any other housing facility whether in an urban or rural area; and 3. Must not be a professional squatter or a member of squatting syndicate, as defined in Republic Act No. 7279	
		Less than 10% of the productive asset lost or where the remaining structure as productive asset can still function and is viable for continued use	AP with Title, tax declaration and other proof of ownership AP without Title Provided that meeting all the following criteria: 1. Must be a Filipino citizen 2. Must not own any real property or any other housing facility whether in an urban or rural area; and 3. Must not be a professional squatter or a member of squatting syndicate, as defined in Republic Act No. 7279	<ul style="list-style-type: none"> • 100% Compensation for affected portion of the structure at replacement cost • 100% Compensation for affected portion of the structure at replacement cost
	(Classified as Residential, Commercial and Industrial	Loss 20% and above of the total area of the structure or where less than 20% loss but the remaining become economically unviable (Refer to RIPP and Table 11 #2)	AP with Title or tax declaration AP without Title Provided that meeting all the following criteria: 1. Must be a Filipino citizen	<ul style="list-style-type: none"> • 100% Cash compensation for the entire structure at replacement cost. • 100% Cash compensation for the entire structure at replacement cost.

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			<p>2. Must not own any real property or any other housing facility whether in an urban or rural area; and</p> <p>3. Must not be a professional squatter or a member of squatting syndicate, as defined in Republic Act No. 7279</p> <p>4. Must not occupy an existing government ROW</p>	
		Loss of 20% below the total area of the structure or where the remaining structure can still function and is viable for continued use (Refer to RIPF and Table 11 #2)	AP with Title, tax Declaration, and other proof of ownership	• 100% Cash compensation for the affected portion at replacement cost
			<p>AP without Title</p> <p>Provided that meeting all of the following criteria:</p> <p>1. Must be a Filipino citizen</p> <p>2. Must not own any real property or any other housing facility whether in an urban or rural area; and</p> <p>3. Must not be a professional squatter or a member of squatting syndicate, as defined in Republic Act No. 7279</p> <p>4. Must not occupy an existing government ROW</p>	• 100% Cash compensation for the affected portion at replacement cost
C. IMPROVEMENTS				
1.	Loss of other improvements	Severely or marginally affected	AP with or without Titles,	• Cash compensation for the affected improvements at replacement cost

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			<p>tax declaration, etc.</p> <p>Provided that meeting all of the following criteria:</p> <ol style="list-style-type: none"> 1. Must be a Filipino citizen 2. Must not own any real property or any other housing facility whether in an urban or rural area; and 3. Must not be a professional squatter or a member of squatting syndicate, as defined in Republic Act No. 7279 4. Must not occupy an existing government ROW 	
D. CROPS, TREES AND PERENNIALS				
1.	Loss of Crops, tress and perennials		<p>AP with or without Titles, tax declaration, etc.</p> <p>Provided that meeting all of the following criteria:</p> <ol style="list-style-type: none"> 1. Must be a Filipino citizen 2. Must not own any real property or any other housing facility whether in an urban or rural area; and 3. Must not be a professional squatter or a member of squatting syndicate, as defined in Republic Act No. 7279 	<ul style="list-style-type: none"> • Cash compensation for crops, trees, and perennials at current market value as prescribed by the concerned LGUs, DA, and DENR.

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			4. Must not occupy an existing government ROW	
E. OTHER ENTITLEMENTS				
1.	For Agricultural and commercial and including commercial establishment	Severely affected 10% or more of the total landholding/ productive asset lost or where less than 10% lost but the remaining land holding become economically unviable	Land owner, Agricultural tenants/settlers/ lessee with title, tax declaration and other proof of ownership or in compliance with RA 10752	<ul style="list-style-type: none"> Rehabilitation assistance (skills training and other development activities) equivalent to P 15,000 per family will be provided in coordination with other government agencies, if the present means of livelihood is no longer viable and the PAF will have to engage in a new income activity
2.	For Agricultural Land	Severely affected Loss 20% and above of the total area of the landholding or where less than 20% loss but the remaining become economically unviable (Refer to RIPF and Table 11 #2)	Agricultural Lessee	<ul style="list-style-type: none"> Disturbance Compensation equivalent to five (5) times the average gross harvest for the past three (3) years but not less than ₱15,000.00
			Agricultural tenants and settlers	<ul style="list-style-type: none"> Financial assistance equivalent to the average gross harvest for the last three (3) years and not less than P15,000 per hectare (EO 1035)
3.	For commercial/ business	Severely affected Loss 20% and above of the total area of the commercial structure or where less than 20% loss but the remaining become economically unviable (Refer to RIPF and Table 11 #2)	APs with latest copy of APs tax record for the period corresponding to the stoppage of business activities	<ul style="list-style-type: none"> Income rehabilitation assistance not to exceed ₱15,000.00.
4.	For main structure	Severely affected Loss 20% and above of the total area of the main structure or	APs that needs relocation and new construction	<ul style="list-style-type: none"> Inconvenience Allowance in the amount of ₱10,000.00

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
		where less than 20% loss but the remaining become economically unviable (Refer to RIPF and Table 11 #2)		
F. FOR RELOCATION				
5.	Severe loss of residential structure	Families displaced who opt to be relocated	APs/Informal Settlers Families (ISFs)	<ul style="list-style-type: none"> • Transportation Allowance or Assistance. If relocating, free transportation will be provided to APs to include informal settlers in urban centers who opt to go back to their places of origin in the provinces or be shifted to government relocation sites.
6.	Loss of structures	Severely affected without land	For APs and qualified Informal Settlers Family	<ul style="list-style-type: none"> • For relocation (in coordination with the LGUs and NHA) or • Should relocation not be possible within the said period financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by 6 months shall be extended to the affected families by LGUs concerned (RA 7279) • APs will be provided with relocation options suitable to their preference. Options are (i) self-relocation, (ii) on-site relocation, and (iii) relocation to project-sponsored resettlement sites in cooperation with key actors – local governments and other entities as mandated by law.

155. **Compensation for land.** The compensation offer will be at current market value at the time of taking. DPWH will pay, for the account of the AP, the capital gains tax, documentary stamp tax, transfer tax, and registration fee. The owner will pay any unpaid real property tax. Other modes of compensation will be explored when feasible, such as land swap for a new parcel of land of equivalent market value, at a location acceptable to the AP and compliant with zoning laws, or a plot of equivalent value, whichever is larger, in a nearby relocation site with adequate physical and social infrastructure. When the affected landholding has higher value than the relocation plot, cash compensation will cover the difference in value.

156. Holders of Certificates of Land Award (CLOA) granted under Comprehensive Agrarian Reform Act will be compensated at current market value at the time of land acquisition. In case of lands granted through Commonwealth Act No 141, otherwise known as "The Public Land Act", the Project will:

- (i) Follow modes of acquisition enumerated in RA 10752, if the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title; or
- (ii) Follow the provisions under CA No. 141, as amended, regarding the acquisition of ROW on patent lands is the original patent holder or the acquisition of the land from the original patent holder is through a gratuitous title.

157. **Compensation for structures and other improvements.** Compensation for structure at replacement cost, defined as cost necessary to replace the affected structure or improvement with a similar asset based on current market. The following applies in compensation for other improvements on the affected land: (i) Cash compensation at replacement cost for the affected structures belonging to the government or non-government agencies or the community; and (ii) Cash compensation to cover the cost of reconnecting damaged facilities, such as water, power and telephone lines.

158. **Compensation for crops, fruit trees, and perennials.** The following applies in compensation for affected crops, fruit trees, and perennials: (i) Cash compensation for perennials at current market value; (ii) APs will be given sufficient time to harvest crops on the subject land; (iii) Compensation for damaged crops (e.g., rice and corn) at current market value at the time of taking (compensation will be based on the cost of production per hectare pro-rata to the affected area); and (iv) Cash compensation for fruit trees will be based on current market value.

B. Relocation Strategy

159. APs will be provided with options suitable to their preference. Options are:

- (i) **Self-relocation.** Entitled parties may take the initiative to relocate to a place of their choice instead of resettlement sites provided by the project.
- (ii) **On-site relocation.** Displaced persons occupy the part of the land not required for the project.
- (iii) **Relocation to project-sponsored resettlement site.** This is the option to relocate to sites selected by the executing agency in consultation with the potential resettlers and their host population. A Resettlement site with housing units and complete basic amenities will be provided by the concerned LGUs to accommodate APs who will opt to resettle in these sites.

160. Should preference be (i) and (ii) above, cash compensation will be paid for affected assets at replacement cost, and APs will not be displaced until after they have received in full the compensation and applicable allowances due them. If on the other hand (iii) is chosen, implementers must be ready to link with mandated agencies to fulfill requisites to site development. Site selection should also take into account the perceptions and potential impacts on host communities. Issues like land quality, carrying capacity of the site, common property resources, social infrastructure, and population composition should be carefully considered.

C. Livelihood Restoration and Special Measures for Indigenous Peoples, Severely Affected, Displaced Persons, and Vulnerable Sector

1. Income/Livelihood Restoration

161. DPWH will include special measures for income restoration and livelihood improvement of affected persons in the social safeguard document/plan. Income sources and livelihoods affected by project activities will be restored to pre-project levels or better, and make every attempt to improve the incomes of displaced persons so that they can benefit from the project. For vulnerable and severely affected persons and households affected, the social safeguards plans will include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels. The plans will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule.

2. Vulnerability

162. DPWH will identify individuals and groups who may be differentially and disproportionately affected by the project because of their disadvantaged or vulnerable status. Vulnerable groups include children under 5, undernourished children, pregnant women, old and disabled persons, landless and informal settlers whose combined household income falls below the poverty threshold, indigenous peoples, those with income below the poverty threshold, and households headed by women.

163. Vulnerable APs will be entitled to participate in income restoration measures such as training, access to credit assistance, and other support.

3. Severity

164. Clarity was made at the onset under the legal framework as regards severity. Under country system, properties to be acquired for the project may include the entire area or a portion of it. Hence, compensation for such assets or properties depends on whether the entire property will be affected or just a portion of it. Severity therefore refers to the portion of the property to be affected is more than 20% of the total land area or even less than 20% if the remaining portion is no longer economically viable or it will no longer function as intended. The owner of this property (land or structures, etc.) shall be entitled to full compensation in accordance to RA 8974. Compared to another concept – marginal – is when the impact is only partial and the remaining portion of the property or asset is still viable for continued use. Compensation will be on the affected portion only.

165. The ADB uses a threshold of 10% in defining severity when an AP is severely affected by the loss of **productive assets and sources of income**. Similarly, the viability of an affected asset for continued use is the primary criterion used in determining if the project will acquire partially or totally an affected asset.

166. DPWH therefore applies its current use of the term marginally affected person to the severity concept as defined by ADB in that when the loss of the AP is equivalent to less than 10% of its total productive assets (e.g., farmland, aqua farm) and incomes from other sources (e.g. business/shops). As such, severely affected persons will be entitled to participate in income restoration measures such as training, access to credit assistance, and other support.

4. Gender Strategy

167. Men and women may experience benefits and risks associated with project-sponsored activities differently. Resettlement and livelihood changes stand to impact both men and women, though households led by single-women may face additional challenges where they are reliant on the availability of existent social networks and extended family for the care of their children. This RIFP follows ADB's SPS and DPWH's gender policies which mandates the active participation of men and women during public consultation and project monitoring; representation of women in resettlement committees; and capacity-building activities.

168. The Project will advocate gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in all phases of resettlement activities, and that their needs are explicitly addressed in the decision-making process. Gender mainstreaming shall be carried out following guidance provided for in DPWH Department Order No. 48 Series of 2011 that prescribe guidelines and procedures in mainstreaming gender equality actions in all phases of road infrastructure projects and prescribe the mechanics for monitoring gender equality actions in DPWH. Gender equality

actions are to be executed at the planning, design, pre-construction, construction and maintenance stage and the execution will be guided by gender tools developed in a *Toolkit for Making Road Infrastructure Projects Gender Responsive*²⁴.

169. Specific to this RIPP, the following shall be observed to ensure women's meaningful participation:

- (i) Both women and men will participate during consultations, conduct of DMS, and when necessary, discussions on relocation options,
- (ii) Gender issues, including HIV/AIDS and human trafficking prevention measures, will be included in the training to be provided during social safeguards planning document implementation.
- (iii) Both husband and wife will be invited to receive compensation and other allowances/assistance due to the household for affected assets.
- (iv) Women will be given equal chance in getting hired for jobs related to the project and to receive equal remuneration for the same work as the men.
- (v) Special measures will be taken in helping elderly, disabled and women-headed households relocate or reconstruct their affected shops and houses.
- (vi) Women will be prioritized in livelihood restoration programs.
- (vii) Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities.

VI. GRIEVANCE REDRESS MECHANISMS

170. A GRM is a systematic process to receive, evaluate, and address the project-related grievances of affected persons (AP) and/or groups.

171. The Resettlement Implementation Committee (RIC) will be formed through a Memorandum of Understanding between DPWH and the concerned local government unit, and with the NCIP provincial or regional office to attend to grievances. All complaints received in writing (or prepared in written form, when received verbally) from the APs shall be properly documented. All complaints shall be acted upon immediately and addressed through negotiation processes to arrive at a consensus, pursuant to the procedures detailed below.

172. There are four levels of grievance redress open to APs and other stakeholders during the social safeguard document/plan implementation.

173. **Level I - Municipal Level** – AP representatives, representatives of affected Barangays and LGU Stakeholders shall comprise the Committee to be set up and shall meet in case a complaint is lodged. A decision should be made within 15 calendar days after receipt of the complaint. The AP or stakeholder will be informed in writing of the decision within two working days. The committee will be chaired by the Municipal Mayor. If the Municipal Mayor is an AP, the chair of the committee may be represented by the deputy. The grievance shall be filed by the AP (or the Punong Barangay) with the chairperson of the municipal grievance level committee. A record of the grievance will be

²⁴ This toolkit was developed using the Harmonized Gender and Development (GAD) Guidelines for Project Development, Implementation, Monitoring and Evaluation as a guiding framework and the tools were enhanced during the Training of Trainor's (ToT) conducted during the implementation of World Bank GAP supported project, namely: *Gender Integration in Transport Planning, Design and Implementation and Gender and Transport: From Integration to Institutionalization Project*. These tools were pilot-tested in Eastern Samar, Philippines, through the *Millennium Challenge Corporation (MCC)* supported *Secondary National Road Development Project (SNRDP) – Wright-Taft-Borongon-Guian Road*.

provided to the MRIC within a working day of receipt by the municipal level Grievance Committee chairperson.

174. **Level II** - If not satisfied by the municipal level committee, the AP can appeal before the DPWH Regional Office. The Regional Office has 10 calendar days within which to resolve the complaint. The resolution will be officially communicated in writing to the AP within five working days from the date of the issuance of the decision.

175. **Level III** - Project Level – If the decision by the Regional Office is not satisfactory to the AP, then the complainant may appeal to the project level, represented through the DPWH Project Management Office and the DPWH ESSD. The complaint shall be resolved within 15 calendar days and the decision shall be communicated in writing within seven working days.

176. **Level IV** – Legal Procedures - If the Project Level decision is unsatisfactory, then the matter will be taken to the appropriate court of the Republic of the Philippines for adjudication.

177. Other Grievances - Grievances related with officials conducting the resettlement process will be handled as described in the DPWH *Infrastructure Right-of-Way (IROW) Procedural Manual*, 1 April 2003, as outlined below:

- (i) Complaints against local government executives shall be filed with the Department of Interior and local government.
- (ii) Complaints against subordinate officials shall be filed with the office of the local chief executive concerned.
- (iii) Complaints against officials of other national agencies may be filed with the office of the Presidents, or the office of the Ombudsman.
- (iv) Aggrieved parties may also direct their complaints to and/or seek the assistance of the Commission on Human Rights or the Presidential Commission for the Urban Poor.

178. **IP Grievance Redress Procedure.** Conflicts within the affected IP community will be addressed within the community itself in the context of its customary law and customary dispute resolution process and mechanisms, in the presence of the relevant staff of the NCIP office with jurisdiction over the area, and if so invited, project-related staff and other stakeholders, e.g. formal local leadership in the barangay and/or the municipality. Inter-community conflicts will be addressed between the communities themselves, according to their customary or agreed upon dispute resolution processes and mechanisms. If an outside facilitator, mediator, or arbiter is required or requested for, the UPMO and project implementing and monitoring units in the field will seek the intervention of the NCIP to act as facilitator, mediator, or arbiter. This guideline applies to conflicts or disputes between the IP community and any of the project units and implementers.

179. The social safeguards focal person at the District Engineering Office with the assistance of regional and central office counterparts shall document the proceedings of the discussion or negotiations. This is in addition to the documentation done by the IP community themselves and by the NCIP. If no satisfactory result or impasse results, the IP communities shall be allowed to elevate their complaints and grievances to the RIC. The grievance procedure established herein in no way substitutes for or replaces the grievance procedure set forth in The Free and Prior Informed Consent (FPIC) Guidelines of 2012. At their choosing, the IPs may avail of the grievance procedure and mechanisms spelled out in The Free and Prior Informed Consent (FPIC) Guidelines of 2012.

180. **ADB's Accountability Mechanism.** In addition to the project GRM, ADB's accountability mechanism (May 2012) also applies to the project. The accountability mechanism provides opportunities for people that are adversely affected by ADB-financed projects to express their grievances, seek solutions, and report alleged violations of ADB's operational policies and procedures, including safeguard policies. ADB's accountability mechanism comprises of (i) consultation led by ADB's special project facilitator to assist people adversely affected by ADB-assisted projects in finding solutions to their concerns and (ii) providing a process through which those affected by projects can file requests for compliance review by ADB's Compliance Review Panel.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Current DPWH Capacities on Social Safeguards

181. Effective resettlement depends on the capacity and commitment of the agencies responsible for resettlement planning and management. In the past few years, DPWH has improved its management processes, however, the capacity across all levels need to be further strengthened. ADB will continue to assess the adequacy institutional capacity of DPWH, including NCIP at the National, Regional and Local levels and provide technical assistance to address the issue of institutional development and capacity building by financing the conduct of IR/IP management training seminars and workshops

B. Institutional Arrangements

1. National Level

182. **DPWH.** The Department of Public Works and Highways (DPWH) will be the Executing Agency (EA) for the Project. The overall direction and leadership for implementing the social safeguards document/plan will be exercised by the Secretary, supported by the Undersecretary of UPMO Operations and other members of the Executive Committee (EXECOM) of the DPWH composed of the Undersecretaries and Assistant Secretaries of the Department.

183. **Unified Project Management Office-ROW Task Force.** The UPMO shall be responsible for implementing and monitoring the Project, including land acquisition and other resettlement related activities. It will ensure that funds for the timely implementation of the social safeguards document/plan are available and that all costs are properly accounted for.

184. **The Roads Management Cluster II, Multilateral, Unified Project Management Office** as the overall project management unit, shall manage and supervise the implementation of the social safeguards document/plan. Plan implementation shall be in accordance with this RIPF which harmonizes all GOP laws and the ADB SPS (2009), covering eligibility, compensation, entitlement and relocation, measures that ensure proper coordination and meaningful participation with stakeholders and APs. Resettlement activities and land acquisition will be carried out in close coordination with the Planning Service, through its ESSD, RO, DEO, Local Government Units (LGUs), NCIP and all other pertinent agencies and instrumentalities of the government to fully address the impacts of involuntary resettlement.

185. **Environmental and Social Services Division, DPWH.** The ESSD shall provide technical guidance and support in the implementation and monitoring of the social safeguards document/plan. They are tasked to:

- (i) carry out overall preparation and planning of the social safeguards document/plan;
- (ii) submit social safeguards document/plan budget plans (to include compensation, relocation costs, operations) for approval and allocation of needed resources by the DPWH central office;
- (iii) in accordance with the Department's resettlement policies, guide the District Engineering Offices and the Regional Offices in their tasks, such as the verification of APs, final inventory of affected assets, consultation, and information dissemination;
- (iv) amend or complement the social safeguards document/plan in case problems or potential problems are identified during the internal and/or external monitoring of its implementation;
- (v) in collaboration with its counterpart in the Region, work closely with the DPWH Regional Office on the processing of compensation claims of APs;
- (vi) in collaboration with UPMO, monitor the progress of compensation payment to APs and other resettlement-related activities stated in the social safeguards document/plan; and;
- (vii) In collaboration with its regional counterpart, prepare semi-annual monitoring reports on social safeguards document/plan implementation for submission to the UPMO and ADB.
- (viii) For uploading the social safeguards document/plan, the District Engineering Office with assistance of the RIC shall conduct inventory of loss, detailed measurement surveys and socio-economic surveys for the validation of the ESSD and UPMO.
- (ix) Provide social safeguards document/plan orientation to DPWH Regional and District Engineering Office Team and RIC to strengthen the social, legal, and technical capabilities of these resettlement implementing entities.
- (x) Assist the RIC in community awareness raising activities for the resettlement implementation.

2. Site Level

186. **District Engineering Office, DPWH.** The DEO will act as Technical Coordinator and will (i) oversee the staking-out and verification of affected properties; (ii) review, and if found correct, prepares and approves disbursement vouchers/payments; (iii) cause the prompt delivery of payments to the affected persons with the assistance of the Resettlement Implementation Committee (RIC) (iv) submit reports on disbursements and payments to APs to the RO and the UPMO; and (v) submit monthly progress reports to ESSD, the ROs and the UPMO. The DEO will chair the RIC and will actively participate in its functions.

187. **Regional Office, DPWH.** The RO will act as the liaison between ESSD and the DEO and will ensure that the social safeguard document/plan is implemented as planned. Specific activities of the RO are: (i) monitor the social safeguard document/plan implementation and fund disbursement; (ii) submit the monthly progress reports to ESSD; (iii) monitor payments to APs; (iv) monitor assistance provided to the poor and vulnerable households and (v) address grievances filed by the APs for speedy resolution.

3. Interagency Coordination

188. **Resettlement Implementation Committee.** It shall be composed of representatives from the RO and DEO, the City/Municipal, the NCIP provincial and/or regional office, affected barangays, and APs with separate representation for IP/ICC communities affected by the project. Selection of these ICC/IP representatives shall follow the procedures of the NCIP. Its functions are:

- (i) Assist the DPWH staff engaged in resettlement activities in (a) validating the list of APs; (b) validating the assets of the APs that will be affected by the project (using a prepared compensation form); and (c) monitoring and implementing the social safeguards document/plan;
- (ii) Assist the DPWH and NCIP staff in identifying who among the APs are IPs or belong to ICCs.
- (iii) Assist the DPWH and staff engaged in the social safeguards document/plan activities in the public information campaign, public participation and consultation.
- (iv) Assist DPWH in the payment of compensation to APs;
- (v) Receive complaints and grievances from APs and other stakeholders and act accordingly;
- (vi) Maintain a record of all public meetings, complaints, and actions taken to address complaints and grievances; and
- (vii) In coordination with concerned government authorities, assist in the enforcement of laws/ordinances regarding encroachment into the project site or RROW.

189. The Municipal RIC shall be formed through a Memorandum of Understanding (MOU) between DPWH, the concerned local government unit, with the National Commission on Indigenous Peoples (NCIP) Provincial or regional office.

190. **National Commission on Indigenous Peoples (NCIP).** The NCIP is the primary government agency through which ICCs/IPs can seek government assistance. The IPRA vests upon the NCIP the power to issue certificate of ancestral land/domain title (CALT/CADT) (IPRA, Section 44e). It has the power to issue appropriate certification as a pre-condition to the grant of permit, lease, grant or any other similar authority for the disposition, utilization, management, and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned.

191. NCIP AO No. 3 S. 2012 vests upon the NCIP Regional Office the responsibility to receive applications for the issuance of Certification Precondition. It is responsible for the conduct of the Field Based Investigation (FBI) and overseeing the process for obtaining the Free and Prior, Informed Consent (FPIC) from the affected IPs/ICC. The NCIP also validates expressions of voluntary initiation or solicitation for certain projects made by IP communities.

192. **Local Government unit.** Secure legal instruments in the municipality government (e.g., Executive Orders, Municipal Resolutions, Memorandum Orders, etc.) that is necessary for the implementation of the social safeguards document/plan. In particular, LGUs shall (i) provide the necessary land for relocation purposes, (ii) cooperate with UPMO to form and mobilize RIC to direct and oversee implementation, and monitoring of social safeguards document/plan implementation; and (iii) address issues, grievances and complaints as indicated in the GRM section of this document.

193. **National Housing Authority.** Per RA 7279, the local government unit, in coordination with the National Housing Authority (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 is tasked with the development of shelters/housing for relocation.

C. Capacity Building

194. In order to realize the implementation of the social safeguards planning documents, the ESSD and the District and Regional units of DPWH will require capacitation on the provisions of the RIPF as well as the overall ADB SPS (2009). Trainings will be conducted prior to social safeguards planning. Specific topics recommended for the training are:

- (i) Strengthen knowledge and awareness of DPWH key units on provisions in this RIPF including ADB SPS (2009) on involuntary resettlement and indigenous peoples.
- (ii) Where there are IPs, an orientation on the cultural sensitivities of the particular group will have to be conducted;
- (iii) Requirements and procedures for social safeguards planning;
- (iv) Update as well as understanding use of the detailed measurement survey instruments.
- (v) Conduct of meaningful consultations.
- (vi) Orientation and finalization of detailed plans for livelihood restoration, plan for compensation disbursement and its required document, and required document for grievance handling.
- (vii) Monitoring of resettlement and IP development plan and reporting.

195. DPWH as the primary executing agency, shall retain adequate staff for handling social safeguards with relevant qualifications and experience to be able to adequately design and deliver the social safeguards planning documents.

VIII. BUDGET AND FINANCING

196. DPWH shall provide adequate budget for appropriation that will allow acquisition of the required right-of-way, site or location for national government infrastructure projects in advance of the project implementation. These appropriations shall include the funds needed to cover the following expenses for activities directly related to right-of-way acquisition for the subprojects, to include:

- (i) Cost of parcellary surveys and appraisal of properties affected by the projects;
- (ii) Compensation for the project-affected land, structures and improvements, including relocation or replacement of compensable utilities, crops and trees;
- (iii) Cost of development and implementation of resettlement projects, including planning, social preparation, in accordance with HUDCC design standards and costings. Where necessary, this may include land development and housing construction, provision of basic services and community facilities, livelihood restoration and improvement and other activities under the social safeguard document/plan in coordination with concerned government agencies; and
- (iv) Related expenses of the IA, including CGT in the case of negotiated sale, DST, transfer tax and registration fees for the transfer of titles, and other relevant administrative expenses for right-of-way management, including the cost of ECC application.

197. An itemized budget in the social safeguard document/plan is required for all social safeguards activities, including compensation for land acquisition. An annual resettlement budget is prepared, showing the budget- scheduled expenditure for key items. Land acquisition and resettlement costs are reflected in the project costs. Income restoration and resettlement costs may be through the project entity. LGU contributions to

development of income restoration schemes and resettlement sites and services may similarly be valued and reflected as part of the cost.

198. Allowable social safeguard document/plan costs by category are presented in Table 9.

Table 8. Social Safeguards Budgetary Line Items

Category	Cost Item
Social safeguards plan preparation and compensation for acquired assets	<ul style="list-style-type: none"> • Social assessment • Indigenous Peoples and AHs planning and consultations • Census and survey of affected people and inventory of assets • Replacement Cost Study by an independent property appraiser • IEC and consultation • Compensation for lost assets (land, structures, trees, crops, etc.) and other entitlements • preparation of replacement land • Updating of social safeguards planning document
Relocation and Transfer (if applicable – and includes for host communities)	<ul style="list-style-type: none"> • Moving and transporting movable items • Replacement housing • Site and infrastructure development and services • Subsistence allowances during transition • Replacement businesses and downtime
Livelihood restoration plans	<ul style="list-style-type: none"> • Livelihood restoration plans (e.g., training, livelihood/small business, community enterprise) • Incremental services (extension, health, education) • Environmental enhancement packages (agricultural or fisheries, etc.)
Administrative costs	<ul style="list-style-type: none"> • Physical facilities (office space, staff housing, etc.) • Transport/vehicles, materials • Operation staff (managerial, technical), and support staff • Staff training for capacity development and monitoring • Information disclosure, consultations, and grievance redress mechanism • NGO services for resettlement plan implementation
Contingency	<ul style="list-style-type: none"> • About 15 percent of the estimated resettlement project costs

IX. MONITORING AND REPORTING

199. This section involves the monitoring of land acquisition, payment of compensation for lost assets and resettlement of persons severely affected by the project. As for IPs/ICCs, the main objective is to monitor the implementation of the social safeguards documents and determine whether or not these social safeguards documents/plans are being carried out in accordance with this RIPP.

A. Monitoring Arrangements

200. As this project is category A for involuntary resettlement, there will be two types of monitoring for this project: internal and external monitoring. This framework combines involuntary resettlement and indigenous peoples safeguards thus the monitoring of IP safeguards will be subsumed in both internal and external monitoring. The UPMO in coordination with the ESSD shall set schedules for the required monitoring types taking into account the projects implementing schedule. It is expected that one month prior to the start of the civil works, all social safeguards documents/plan activities have been determined by the independent monitoring agent (IMA) and external monitoring agent

(EMA) as having been concluded. Key points for monitoring are provided, though not limited to these:

- (i) Payment of compensation to all APs/IPs in various categories, according to the compensation policy described in the social safeguards planning document.
- (ii) Delivery of livelihood restoration and social support entitlements.
- (iii) Public information dissemination and consultation procedures.
- (iv) Adherence to grievance procedures and outstanding issues requiring management's attention.
- (v) Priority of APs/IPs regarding the options offered.
- (vi) The benefits provided from the project.

B. Internal Monitoring

201. The ESSD will serve as the Project's internal monitoring body on resettlement. Quarterly monitoring reports will be submitted to the UPMO starting from the commencement of social safeguards documents/plans, which coincide with the conduct of detailed design and the other resettlement related activities. The UPMO in turn will submit the semiannual monitoring reports to ADB for review and uploading on the ADB website.

202. Internal monitoring objectives are:

- (i) Compensation and/or other entitlements are provided as per approved social safeguards documents/plans, with no discrimination per gender, vulnerability, or any other factors;
- (ii) Livelihood restoration measures/programs are designed and implemented including modifications in the programs and provision of additional cash and in-kind assistance to the participating affected households as and when necessary;
- (iii) Public information, public consultation and grievance redress procedures are followed as described in the agreed social safeguards documents/plans;
- (iv) Capacity of APs/IPs to restore/re-establish livelihoods and living standards in the new relocation sites. Special attention given to severely affected and vulnerable households. Focus will also be given to assess and if the objective of improving socio-economic condition of vulnerable households is achieved.
- (v) Affected public facilities and infrastructure are restored promptly; and
- (vi) The transition between resettlement and commencement of civil works is smooth and that sites are not handed over for civil works until affected households are satisfactorily compensated, assisted and relocated.

203. The tasks of the IMA are to:

- (i) Regularly supervise and monitor the implementation of the social safeguards documents/plans (for those affected IPs living outside ancestral domains) in coordination with the concerned DEO, RO, and the RIC. The findings will be documented in the quarterly report to be submitted to the UPMO, which in turn will submit the report to the bank.
- (ii) Coordinate with the NCIP regarding the monitoring and evaluation of the situation of affected IP communities, whether inside or outside ancestral domains.
- (iii) Verify that the re-inventory baseline information of all APs has been carried out and the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation, if any, has been carried out in accordance with this RIPF and the respective social safeguards

- documents/plans.
- (iv) Ensure that the social safeguards documents for those affected IPs living outside ancestral domains are implemented as designed and planned.
 - (v) Verify that funds for implementing the social safeguards documents/plans are provided by the UPMO in a timely manner and in amounts sufficient for the purpose.
 - (vi) Record all grievances and their resolution and ensure that complaints are dealt with promptly.
 - (vii) With the relevant branch of the NCIP and the RIC, monitor the implementation of social safeguards documents/plans covering affected IP communities living outside ancestral domains.

204. The suggested internal monitoring indicators, to be disaggregated by gender, ethnicity and vulnerability, as applicable, are presented in Table 10.

Table 9. Suggested Internal Monitoring Indicators

Monitoring parameters	Suggested indicators
RESETTLEMENT	
Consultation and Grievances	<ul style="list-style-type: none"> • Consultations organized as scheduled including meetings, groups, and community activities. • Knowledge of entitlements by the APs/IPs. • Use of the grievance redress mechanism by the APs/IPs. • Information on the resolution of the grievances. • Information on the implementation of the social preparation phase. • Implementation of special measures for customary communities.
Communications and Participation	<ul style="list-style-type: none"> • Number of general meetings for APs/IPs. • Number of meetings exclusively with IPs. • Percentage of women out of total participants. • Number of meetings exclusively with women/IP women. • Number of meetings exclusively with vulnerable groups. • Number of meetings between hosts and the APs/IPs. • Level of participation in meetings APs/IPs. • Level and adequacy of information communicated. • Information disclosure. • Translation of information disclosed in the local languages.
Delivery of Entitlements	<ul style="list-style-type: none"> • Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix. • Disbursements against timelines. • Identification of APs/IPs losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps, have been included. • Timely disbursements of the agreed transport costs, income substitution support, and any resettlement allowances, according to schedule. • Quality of new plots and issuance of land titles. • Restoration of social infrastructure and services. • Progress on income and livelihood restoration activities being implemented as set out in the livelihood restoration plan. • Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.
Budget and Time Frame	<ul style="list-style-type: none"> • Social safeguards staff appointed and mobilized on schedule for field and office work. • Capacity building and training activities completed on schedule. • Achieving resettlement and customary community implementation activities against the agreed implementation plan.

Monitoring parameters	Suggested indicators
	<ul style="list-style-type: none"> • Funds allocation for resettlement-to-resettlement agencies on time. • Receipt of scheduled funds by resettlement offices. • Funds disbursement according to the social safeguards documents/plans. • Social preparation phase as per schedule. • Land acquisition and occupation in time for implementation.
Livelihood Restoration	<ul style="list-style-type: none"> • Number of APs/IPs under the rehabilitation programs. • Number of APs/IPs who received vocational training. • Types of training and number of participants in each program. • Number of APs/IPs who have restored their income and livelihood patterns. • Number of new employment activities. • Extent of participation in rehabilitation programs. • Extent of participation in vocational training programs. • Degree of satisfaction with support received for livelihood programs. • Percentage of successful enterprises breaking even. • Percentage of APs/IPs who improved their income. • Percentage of APs/IPs who improved their standard of living. • Number of households with agricultural equipment • Number of households with livestock
Benefit Monitoring	<ul style="list-style-type: none"> • Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation. • Noticeable changes in income and expenditure patterns compared to the pre-project situation. • Changes in cost of living compared to the pre-project situation. • Changes in key social and cultural parameters relating to living standards. • Changes occurred on customary communities and other vulnerable groups benefiting from the project.
IP/ICC	
Demographic baseline	<ul style="list-style-type: none"> • The numbers of IPs/ICCs by category of impact, gender, age, village, income, and status • Number of female headed households • Number of vulnerable households (poor, elderly, disabled) • Number of households by IP/ICC group • Number of births and deaths
Consultation and participation	<ul style="list-style-type: none"> • Number of consultation and participation activities that occur - meetings, information dissemination, brochures; flyers, training • Percentage of IP women as participants; number of meetings exclusively with IP women • Percentage of vulnerable members of IPs/ICCs / attending meetings; number of meetings exclusively with vulnerable IPs/ICCs • Languages used at meetings • Good faith negotiations—recording of process, participants, locations, correspondence • Broad community support—record of processes, participants, locations and agreement obtained • Consultation and participation progress against plan and budget
Mitigation measures	<ul style="list-style-type: none"> • Progress of implementation of mitigation / beneficial measures against plan • Number of activities that occur/completed—such as construction, livelihood restoration, disbursements, training • Percentage progress against timelines and budget
Grievance redress	<ul style="list-style-type: none"> • Total number of members of IPs/ICCs using the grievance redress procedure • Number of distinct IPs/ICCs - any of these with significantly more grievances • How many times has a household submitted the same grievance • Number of grievances resolved • Length of time taken to be resolved

Monitoring parameters	Suggested indicators
Implementation problems	<ul style="list-style-type: none"> • Types of grievance categories and prevalence • Identified delays - (days, cost) due to personnel, capacity, insufficient funds, etc • Number of times implementation schedule revised

C. External Monitoring

205. The main objectives of external monitoring are to provide an independent periodic review and assessment of (i) achievement of resettlement objectives; (ii) changes in income, living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures.

206. The tasks of the EMA shall be the following:

- (i) Verify results of internal monitoring;
- (ii) Coordinate with the NCIP regarding the monitoring and evaluation of the situation of affected IP communities, whether inside or outside ancestral domains as covered in pertinent social safeguards documents/plans;
- (iii) Verify and assess the results of the information campaign for APs rights and entitlements, including the consultation with affected IPs living outside ancestral domain;
- (iv) Verify that the compensation process has been carried out with the procedures communicated with the APs and affected IPs during the consultations;
- (v) Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced
- (vi) Assess efficiency, effectiveness, impact and sustainability of social safeguards documents/plans implementation drawing lessons as a guide to future resettlement and indigenous people's policy making and planning;
- (vii) Ascertain whether the social safeguards document/plan entitlements were appropriate to meet the objectives, and whether the objectives were suited to AP and to IP conditions;
- (viii) Suggest modification in the implementation procedures of the social safeguards document/plan, if necessary, to achieve the principles and objectives of the RIPP.
- (ix) Review on how compensation rates were evaluated; and
- (x) Review of the handling of compliance and grievances cases.

207. The services of the EMA will be procured through selection process of DPWH. Relative to compliance monitoring during resettlement implementation, the main activities of the external monitor will revolve around the following:

- (i) To verify ongoing internal monitoring information;
- (ii) To verify whether the overall project and resettlement objectives are being met in accordance with the social safeguards document/plan, and if not to suggest corrective measures;
- (iii) To assess the extent to which implementation of the social safeguards document/plan complies with ADB's Safeguards Policy Statement (SPS);
- (iv) To identify problems or potential problems;
- (v) To identify methods of responding immediately to mitigate problems and advise the [name of the borrower or client] accordingly; and;

- (vi) To verify if the livelihoods and the standard of living of APs, including those of the non-titled displaced persons, are restored or improved.

208. External monitoring will be conducted on a semi-annual basis. Semi-Annual reports will be submitted simultaneously to UPMO and ADB. Strategic lessons for future policy formulation and planning will also be drawn from the monitoring and evaluation of resettlement. This is possible through a Post-Resettlement Implementation Evaluation Study that will be carried out 6-12 months following completion of all resettlement activities.

209. The EMA will submit to UPMO and ADB a "Social Safeguard Compliance Report" following completion of resettlement activities per subproject or specific sections of the subproject road. This will allow ADB to review and issue a no objection letter (NOL) to commence construction activities following review of social safeguard compliance report.

Table 10. Suggested External Monitoring Indicators

Monitoring Indicators	Basis for Indicators
1. Basic information on AP/IP households	<ul style="list-style-type: none"> • Location • Composition and structures, ages, education and skill levels • Gender of household head • Ethnic affiliation • Access to health, education, utilities and other social services • Housing type • Land use and other resource ownership patterns • Occupation and employment patterns • Income sources and levels • Agricultural production data (for rural households) • Participation in neighborhood or community groups • Access to cultural sites and events • Value of all assets forming entitlements and resettlement entitlements
2. Restoration of livings standards	<ul style="list-style-type: none"> • Were house compensation payments made free of depreciation, fees or transfer costs to the APs/IPs? • Have APs/IPs adopted the housing options developed? • Have perceptions of "community" been established? • Have APs/IPs achieved replacement of key social cultural elements?
3. Restoration of Livelihoods	<ul style="list-style-type: none"> • Were compensation payments free of deduction for depreciation, fees or transfer costs to the APs/IPs? • Were compensation payments sufficient to replace lost assets? • Was sufficient replacement land available of suitable standard? • Did transfer and relocation payments cover these costs? • Did income substitution allow for re-establishment of enterprises and production? • Have enterprises affected received sufficient assistance to re-establish themselves? • Have vulnerable groups been provided income-earning opportunities? Are these effective and sustainable? • Do jobs provided restore pre-project income levels and living standards?
4. Levels of AP Satisfaction	<ul style="list-style-type: none"> • How much do APs/IPs know about resettlement procedures and entitlements? • Do APs/IPs know their entitlements? • Do they know if these have been met? • How do APs/IPs assess the extent to which their own living standards and livelihood been restored?

Monitoring Indicators	Basis for Indicators
	<ul style="list-style-type: none"> • How much do APs/IPs know about grievance procedures and conflict resolution procedures? How satisfied are those who have used said mechanisms?
5. Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> • Were the APs/IPs and their assets correctly enumerated? • Were any land speculators assisted? • Was the time frame and budget sufficient to meet objectives? • Were entitlements too generous? • Were vulnerable groups identified and assisted? • How did resettlement implementers deal with unforeseen problems?
6. Other impacts	<ul style="list-style-type: none"> • Were there unintended environmental impacts? • Were there unintended impacts on employment or incomes?

D. Monitoring Disclosure

210. For internal monitoring, DPWH will generate the data for a full and consolidated semiannual monitoring report (SMR) to be submitted to ADB (See Appendix 6 for the guidance of report preparation). Semiannual monitoring reports are subject to review by ADB and posted on the ADB and project websites for disclosure purposes.

211. DPWH through its implementing units shall disclose results of internal and external monitoring pertinent to the sites, specifically to the affected communities/persons in summary form, to wit: updates and status of the social safeguards planning document, information on benefits sharing, and corrective action plans, if any. Community disclosures will be in the language commonly understood by the AHs/IPs and posted at a location commonly agreed with AHs/IPs and village leaders.

Appendix 1: Subproject Resettlement Screening Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
A. Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
B. Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
C. Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from Indigenous Peoples? <input type="checkbox"/> No <input type="checkbox"/> Yes				

Note: The project team may attach additional information on the project as necessary

Appendix 2: Sample Survey Instruments – IOL and SES

Detailed Engineering and Tendering of Asset Preservation (AP) and Road Improvement (RI) Projects under Road Improvement and Institutional Development Project (RIIDP) and Future Financing

Part 1: PERCEPTION SURVEY

Ang Department of Public Works and Highways (DPWH) ay magpapatupad ng proyekto upang mapaganda ang kalagayan ng kasalukuyang kalsada. Ang survey na ito ay naglalayon na malaman ang inyong pananaw sa proyektong ito at maitala ang mga epekto ng proyektong ito sa inyo, inyong pamilya, at kumunidad. Malaking tulong kung inyo pong mapaglalaanan ng panahon ang survey na ito at mailahad ang wasto at kumpletong sagot sa mga katanungan sa lubos ng inyong makakaya.

Petsa: _____ Time start: _____ Number: _____
(date) (month) (year) Time finished: _____ Code: _____

Interviewer: _____ Supervisor: _____

Interview status: [] 1st visit [] 2nd visit [] 3rd visit [] refused Reason for refusal: _____

1 KATANUNGAN TUNGKOL SA SARILI:		
1.1 Pangalan/name of respondent		PR No: _____
1.1.1 Surname: _____		Coordinates _____
1.1.2 Given name: _____		Purok: _____
1.1.3 Middle name: _____		Barangay: _____
1.2 Sex/Kasarian: [] 1= male 2= female		Municipality: _____
1.3 Age/Edad: _____		Notes: _____
1.4 Contact No: _____		
1.5 Civil status: [] 1= Single 2= Married 3= Widow/er 4= Live-in		
1.6 Religion: [] 1= Catholic 2= Muslim 3= INC 4= Non Catholic Christian/Protestant 5= Jehova's witness 6= Aglipayan 7= CDCLDS 8= Others		
1.8 Educational attainment: [] 0= no formal educ 1= not of school age 2= pre-school 3= Elem undergrad 4= Elem graduate 5= HS undergrad 6= HS graduate 7= Vocational/Tech 8= Certificate course 9= College undgrad 10= College grad 11= Some post grad 12= Post graduate		
1.9 Employment: [] 1= May hanap-buhay 2= Walang hanap-buhay		
1.10 Occupation: [] 00= Not applicable 1= Magsasaka 2= Mangingisda 3= Gov't employee 4= Private employee 5= Mangagawa 6= Negosyante o kalakal. 7= Serbisyo 8: others: _____		
1.11 Monthly income/Buwanang Kita (estimate): _____		
1.12 Place of origin (nakagisnan) [] 1= Sa barangay 2= Sa ibang barangay sa munisipyo/city 3= Sa ibang munisipyo/city sa loob probinsya 4= Sa ibang probinsya sa loob ng rehiyon 5= Sa ibang rehiyon. Ano? 6= Sa ibang bansa. Ano? _____		
1.13 Ilang taon nang naninirahan sa barangay? [] 1= less than 1 year 2= 1-5 years 3= 5-10 years 4= more than 10 yrs		
1.14 Kasapi ba kayo ng organisasyon sa inyong lugar? [] 1= oo 2= hindi		1.15 Ilang organisasyon? _____
1.16 Aktibo ba kayo sa organisasyong ito? [] 1= oo 2= hindi		

2. KATANUNGAN TUNGKOL SA KASAMBAHAY (HOUSEHOLD)

2.1	Ilan ng iyong mga kasambahay? _____	
2.2	Kapamilya ba ninyo ang lahat ng kasambahay? [] 1= oo 2= hindi	2.3 Ilan ang hindi kapamilya? _____
2.4	Ilang kapamilya ang edad 18 pababa? _____	2.5 Ilang kapamilya ang edad 65 pataas? _____
2.6	Mayroon bang kapamilya/kasambahay na nagbibigay ng tulong pinansyal sa inyo? [] 1= oo 2= hindi	2.7 Kung oo, ilan sila? _____
2.8	Monthly income/Buwanang Kita (estimate, buong household): _____	
2.9	Monthly income/Buwanang Gastos (estimate, buong household): _____	

3. KATANUNGAN TUNGKOL SA BAHAY

3.1	Kayo ba ang nagmamay-ari ng bahay? [] 1= oo 2= hindi	3.2 Kung hindi, sino? (kunin ang pangalan) _____
3.3	Kayo ba ang gumastos sa pagpapatayo ng bahay? [] 1= oo 2= hindi	
3.4	Kayo ba ang nagmamay-ari ng lupa? [] 1= oo 2= hindi	3.5 Kung hindi, sino? (kunin ang pangalan) _____
3.6	Materyales ng bubong []	1= Kahoy 2= Simento 3= Nipa/cogon 4= Kawayan 5= Yero 6= Tiles 7= others: _____
3.7	Materyales ng dingding []	1= Kahoy 2= Simento 3= Nipa/cogon 4= Kawayan 5= Yero 6= Tiles 7= others: _____
3.8	Source ng ilaw []	1= Kuryente 2= Gaas/kerosene 3= Generator 4= Baterya 5= Solar 6= Tiles 7= others: _____
3.9	Source ng tubig []	1= Gripo/pipe 2= Bukal/ilog 3= Balon (open) 4= Poso (close) 5= Ulan 6= Others: _____
3.10	Gamit pangluto []	00= wala 1= LPG 2= Kuryente 4= kahoy/uling 5= Gaas/kerosene 6= Others: _____
3.11	Toilet/Palikuran []	00= wala 1= Flush-type 2= Antipolo-type (may takip ang butas) 3= Open pit (walang takip ang butas)
3.12	May iba bang tao, maliban sa kasambahay, na gumagamit ng palikuran/toilet? [] 1= oo 2= wala	

4. KATANUNGAN TUNGKOL SA KAPALIGIRAN

4.1	Sa nakalipas na 5 taon, may napansin ba kayong pagbabago sa infrastruktura dito tulad ng tulay o kalsada? [] 1= oo 2= wala	4.2 Kung mayroon, anu-ano ito? _____
4.3	Kung mayroon, kuntento ba kayo sa pagbabagong ito? [] 1= oo 2= hindi	
4.4	Bakit? (sagot sa tanong 4.3) _____	

5. KATANUNGAN TUNGKOL SA PROYEKTO

5.1	Alam ba ninyo na may planong magproyekto dito ang DPWH? [] 1= oo 2= hindi	
5.2	Kung oo, paano ninyo nalaman? (Maaaring maraming sagot)	
	<input type="checkbox"/> Government/barangay official <input type="checkbox"/> Kamag-anak/kaibigan/kapitbahay <input type="checkbox"/> Tauhan ng DPWH <input type="checkbox"/> Radyo/TV/Pahayagan	<input type="checkbox"/> Public meeting/consultation <input type="checkbox"/> Survey/research <input type="checkbox"/> Others _____
5.3	Sa iyong palagay, anu-ano ang magiging positibong epekto ng proyektong ito? (maaaring maraming sagot)	

	<input type="checkbox"/> Pagkakaroon ng trabaho (tulad ng: _____) <input type="checkbox"/> Uunlad ang bayan/barangay <input type="checkbox"/> Uunlad ang mga negosyo/tindahan sa tabi ng daan <input type="checkbox"/> Gaganda ang kapaligiran (ex. Hindi maputik)	<input type="checkbox"/> Hindi na mabilis masira ang mga sasakyan <input type="checkbox"/> Bababa ang bilang ng mga aaksidente <input type="checkbox"/> Hindi ko alam <input type="checkbox"/> Others _____
	Sa iyong palagay, anu-ano ang magiging negatibong epekto ng proyektong ito? (maaaring maraming sagot)	
5.4	<input type="checkbox"/> Pagkawala o pagliit ng bahay <input type="checkbox"/> Polusyon ng hangin <input type="checkbox"/> Polusyon ng tubig <input type="checkbox"/> Pagkawala o pagdumi ng inuming tubig <input type="checkbox"/> Pagkasira o pagdumi ng kapaligiran	<input type="checkbox"/> Hihina o masisira ang mga halaman <input type="checkbox"/> Pagdami ng tao o pagsikip ng lugar <input type="checkbox"/> Pagkawala ng trabaho/kabuhayan <input type="checkbox"/> Hindi ko alam <input type="checkbox"/> Others _____
5.5	Kung may negatibo o hindi magandang epekto, paano ito malulutas? _____	
5.6	Sa inyong palagay, paano makakatulong ang binabalak na proyekto ng DPWH sa inyong kumunidad at sa mga residente nito? _____	
5.7	Pumapayag ba kayo na ituloy ang pinaplanong proyekto ng DPWH? []1= oo 2= hindi 3= hindi ko alam	
5.8	Bakit? (sagot sa 5.7) _____	

6. KARAGDAGANG KATANUNGAN PARA SA MYEMBRO NG KATUTUBO/INDIGENOUS PEOPLE

6.1	Anong katutubong grupo ang inyong kinabibilangan? _____
6.2	Gaano na katagal ang inyong katutubong grupo sa lugar na ito? _____
6.3	Sa inyong palagay, paano makakatulong ang binabalak na proyekto ng DPWH sa katutubong grupo? _____
6.4	Sa inyong palagay, paano makakatulong ang inyong katutubong grupo para sa proyektong ito? _____
6.5	May makakahadlang bas a pagtanggap ng inyong katutubong grupo sa proyektong ito? []1= oo 2= hindi 3= hindi ko alam
6.6	Kung mayroon, ano ang mga ito at paano ito malulutasan? _____

7. KARAGDAGANG TANONG HINGGIL SA HOUSEHOLD

Bilang	Name of household member (mula pinakamatanda hanggang pinakabata)	Relasyon sa HH Head	Place of origin	Kasarian	Edad	Civil status	Educational attainment	Schooling status	Present residence	Physical health	Occupation income source	Employment status	Work place	Social security membership		
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)		
1																
2																
3																
4																
5																
6																
7																
8																
9																
10																
Other household members																
11																
12																
(1)	Relasyon sa HH Head	1= Household head 2= Asawa/partner 3= Son/Daughter		4= Son/daughter in-law 5= Grandson/daughter 6= Grandfather/mother 7= Parent			8= Other relative 9= Helper 10= Others: _____									
(2)	Place of origin (nakagisnan)	1= Sa barangay 2= Sa ibang barangay sa munisipyo/city		3= Sa ibang munisipyo/city sa loob probinsya			4= Sa ibang probinsya sa loob ng rehiyon		5= Sa ibang rehiyon. 6= Sa ibang bansa.							
(3)	Kasarian	1= male						2= female								
(4)	Edad	Isulat ang edad														
(5)	Civil status	1= Single		2= Married			3= Widow/er		4= Live-in							
(6)	Educational attainment	0= no formal educ 1= not of school age 2= pre-school		3= Elem undergrad 4= Elem graduate 5= HS undergrad			6= HS graduate 7= Vocational/Tech 8= Certificate course		9= College undgrad 10= College grad 11= Some post grad 12= Post graduate							
(7)	Schooling status	1= enrolled		2= not enrolled			3= Not school age (6-21)									
(8)	Current address	1= Sa barangay 2= Sa ibang brgy		3= Sa ibang munisipyo/city			4= Sa ibang probinsya		5= Sa ibang rehiyon. 6= Sa ibang bansa.							
(9)	Physical health	1= normal		2= Elderly		3= with disability		4= Chronically ill		5= Others						
(10)	Occupation / income source	00= Not applicable 1= Magsasaka 2= Mangingisda		3= Gov't employee 4= Private employee			5= Mangagawa 6= Negosyante o kalakal.		7= Serbisyo 8: others							
(11)	Employment status	1= permanent/regular		2= Contractual		3= seasonal		4= self-employed		5= others						
(12)	Workplace	1= Sa barangay 2= Sa ibang brgy		3= Sa ibang munisipyo/city			4= Sa ibang probinsya		5= Sa ibang rehiyon. 6= Sa ibang bansa.							
(13)	Social security	1= SSS/GSIS 5= SSS/GSIS + Philhealth		2= Pag-ibig 6= Pag-ibig + PhilHealth			3= Philhealth		4= SSS/GSIS + Pag-ibig 7= All three		8= None					

-End of Part 1-

Improving National Roads for Inclusive Growth in Mindanao
Part 2: INVENTORY SURVEY

A. ASSET SURVEY

A.1 Land-Based Disturbance Losses

A1.1	What is the total lot area?	[] sqm			
A1.2	What is the total area of affected parcel?	[] sqm	Percent of affected lot? []%		
A1.3	Type of Land ownership	[]	1= Private	2= Government	3= Hindi alam
A1.4	Land use	[]	1= Residential 2= Commercial	3= Residential/Commercial 4= Agricultural	5= Industrial 6= Institutional 6= Others: _____
A1.5	Tenure	[]	1= Owner 2= Co-owner	3= Free Occupation w/ permit 4= Free occupation w/o permit	5= tenant/rent 6= sharer 7= others _____
A1.6	If not the owner, who is the owner/co-owner? _____				
A1.7	If tenant/sharer, how much is the rent/share? _____				
A1.8	Proof of ownership/ Occupation	[]	00= None 1= Title	2= Contract 3= Deed of sale/Mortgage	4= Tax declaration 5= Others _____

A.2 Structure-Based Disturbance Losses

A2.1	What is the total floor area of the affected structure?	[]			
A2.2	Type of Structure	[]	1= Shanty/light material (nipa, cogon, bamboo) 2= Semi-permanent (combination of wood & concrete)	3= Wood 4= Concrete 5= Others _____	
A2.3	Use of structure	[]	1= Residential 2= Commercial	3= Residential + Commercial 4= Others _____	
A2.4	Tenure	[]	1= Owner 2= Co-owner	3= Free Occupation w/ permit 4= Free occupation w/o permit	5= tenant/rent 6= sharer 7= others _____
A2.5	If not the owner, who is the owner/co-owner? _____				
A2.6	If tenant/sharer, how much is the rent/share? _____				
A2.7	Proof of ownership/ Occupation	[]	00= None 1= Title	2= Contract 3= Deed of sale/Mortgage	4= Tax declaration 5= Others _____
A2.8	Other Structures (i.e. fence, pathway, shed, etc) Please list down _____				

A.3 Other Losses

A3.1 Trees

Kind of tree	Age in year

A3.2 Crops

C. Attitude for Resettlement

C.1	Kung kinakailangan kayong lumikas para sa proyekto, papayag ba kayo? <input type="checkbox"/>		
	1= oo	2= hindi, pero maaaring ikonsidera	3= Hindi 4= Hindi alam
C.2	Kung hindi (2 or 3 ang sagot), ano ang mga posibleng solusyon para pumayag kayong lumikas? _____		
C.3	Kung kailangang lumikas, saan ninyo nais lumipat? <input type="checkbox"/>	1= Same lot 2= Same brgy	3= Ibang brgy 4= Ibang munisipyo 5= Relocation site 6= Iba pa _____
C.4	Anong serbisyo o pasilidad ang nais ninyong mayroon sa relocation site? (rank, 1= pinakagusto)		
	Health center/clinic _____	Iba pa: (ilista)	
	Police/barangay outpost _____	_____	_____
	Paaralan _____	_____	_____
	Pamilihan _____	_____	_____
C.5	Anong assistance ang nais ninyong matanggap? (rank, 1= pinakagusto)		
	Skills development _____	Iba pa: (ilista)	
	Micro-financing/loan _____	_____	_____
	Job placement _____	_____	_____
	Cooperative formation _____	_____	_____
C.6	Ikaw ba, o sinuman sa inyong kasambahay, ay may mga skills o kaalaman na magagamit para magkaroon ng trabaho o kabuhayan? Ilista ang mga ito sa baba <input type="checkbox"/>		
C.7	_____ _____ _____		
C.6	Mayroon pa po ba kayong ibang nais ipahayag hinggil sa proyekto? (Mas mainam kung ang kinakapanayam mismo ang magsusulat) _____ _____		

Pangalan ng kinapanayam

Lagda

Petsa

D. SURVEY OF AFFECTED BUSINESS/ESTABLISHMENT

Sub-Project _____ Province: _____ Household Number: _____
 Road: _____ Municipality/City: _____ Barangay: _____ Survey Date: _____

1.0 Respondent Information

1.1 Name of Respondent: _____
 1.2 Contact/Cell Phone Number: _____
 1.3 Complete Address of Respondent: _____
 1.4 Position in Establishment: [1] Owner [2] Manager [3] Employee [4] Others specify _____

2.0 Business/Establishment Owner Information

2.1 Name of Household Head (HHH): _____
 2.2 Home Address: _____
 2.3 Business Address: _____
 2.4 Nature of Business: [1] Variety/convenience store
 [2] Roadside stand selling seasonal products like fruits/indicate how many months in business in a year _____
 [3] Canteen/carinderia [4] Government office
 [5] Service (specify if parlor, barber shop, photocopy, etc.): _____
 [6] Other, specify _____
 2.5 Religious Affiliation: [1] Roman Catholic [2] Islam [3] Protestant [4] Animist [5] No religion
 [6] Others, specify _____

3.0 Management and Staff Profile

3.1 Number of Employees (including owner): _____

4.1 Management and staff data: [start from the Owner(s)]

Line No.	Household Members	(A) Relation to HH head (use code)	(B) Civil Status (use code)	(C) Age	(D) Birth Province	(E) Sex (M=1) (F=2)	(F) Educational Attainment	(G) If still Going to School (Yes=1) (No=2)	(H) Primary Employment/Income Source (use code)	(I) Estimated Monthly Income from Primary Source (use code)
01										
02										
03										
04										
05										
06										
07										

- (A) 1=Owner, 2=Manager, 3=Employee, 4=Others please specify in the box
 (B) 1=Married, 2=Single, 3=Separated/Annulled, 4=Widowed
 (E) 1=Bisaya, 2=Subanen, 3=Yakan, 4=Sama, 5=Tausug, 6=Others, please specify in the box
 (F) 1=Cebuano/Bisaya, 2=Subanen, 3=Yakan, 4=Others please specify in the box
 (G) 1=No formal education, 2=Preparatory, 3=Elementary undergrad, 4=Elementary grad, 5=High School undergrad, 6=High School grad, 7=College undergrad, 8=College grad, 9=Some post-graduate, 10=Post-graduate, 11=Vocational/Technical undergrad, 12=Vocational/technical grad, 13=Apprenticeship
 (I) 1=Officials of Government, Executives, Managers, 2=Managing proprietors and supervisors, 3=Professionals, 4=Tehcnicians and associate professionals, 5=Clerks, 6=Service workers, shop and market sales, 7=Farmers, 8=Fisherman, 9=Forestry workers, 10=Traders/Business, 11=Plant and machine operators and assemblers, 12=Laborers/Unskilled workers/farm laborers, 13=Remittance from OFW/Pension, 14=OFW him/herself, 15=4Ps beneficiary, 16=No other income source

Printed Name and Signature of the Enumerator

Signature of Respondent

Sub-Project _____ Province: _____ Household Number: _____
 Road: _____

4.0 Business Income

- 4.1 Estimated Monthly Income from Business: PhP _____
- 4.2 Estimated Annual Business Expense (may not be applicable to seasonal roadside stands except manpower)
- 4.2.1 Rent: PhP _____ 4.2.4 Taxes: PhP _____
 4.2.2 Utilities: PhP _____ 4.2.5 Other Expenses: PhP _____
 4.2.3 Manpower: PhP _____ 4.2.6 TOTAL Annual Expense: PhP _____

5.0 Land and Structure Ownership

5.1 Land utilized or owned by Business Establishment affected by Project

Type of Use See (1) below	Tenure See (2) Below	Area (in SQ.M)	Location (address)	Number of Years Owned/utilized	If owned, price of land when purchased. Indicate year of purchase. If tenant, what is payment terms and amount If leased or rented, what is payment terms and amount

- Codes: (1) Type of Use: 1 – Business cum Residential 2 – Commercial/Business only
 3 – Industrial 4 - Others pls specify _____
 (2) Tenure: 1 – Owner 2 – Tenant 3 – Lessee 4 – Renter
 5 – Borrowed 6 – Using without permission 7 – Other _____

5.2 What proof of ownership or occupancy do you have for this land along the Project site?
 [1] Land Title [2] Tax Declaration [3] CLOA [4] Ancestral Land/CADT [5] None [6] Others specify _____

5.3 If not the owner of the land, who is the owner/land title holder and his/her address? _____

5.4 Structure utilized or owned by Business/Establishment affected by Project

Type of Use See (1) below	Tenure See (2) Below	Area (in SQ.M)	Location (address)	Number of Years Owned/utilized	If owned, price of land when purchased. Indicate year of purchase. If tenant, what is payment terms and amount If leased or rented, what is payment terms and amount

- Codes: (1) Type of Use: 1 – Business cum Residential 2 – Commercial/Business only
 3 – Industrial 4 - Others pls specify _____
 (2) Tenure: 1 – Owner 2 – Tenant 3 – Lessee 4 – Renter
 5 – Borrowed 6 – Using without permission 7 – Other _____

5.5 What proof of ownership or occupancy do you have for this structure along the Project site?
 [1] Tax Declaration [2] Lease Contract [3] None [4] Others, specify _____

5.6 If not the owner of the structure, who is the owner and his/her address? _____

6.0 Local Income and Livelihood Opportunities

- 6.1 Aside from your business in this area, what are other livelihood and employment opportunities here?
 For women:

 For men:

Printed Name and Signature of the Enumerator

Signature of Respondent

-End of Interview-
 Maraming Salamat Po

Appendix 3: Templates for Social Safeguards Documents

Guide in the Preparation of a Resettlement and IP Plan

I. PROJECT DESCRIPTION

- A. Project Overview
- B. Project Location and Route
- C. Project Components Resulted from Land Acquisition and Involuntary Resettlement
- D. Measures Adopted to Minimize Resettlement Impacts

II. SOCIAL IMPACT ASSESSMENT AND SCOPE OF LAND ACQUISITION AND RESETTLEMENT

- A. Potential Adverse and Positive Impact of The Project To The Affected Persons And Indigenous Peoples And Necessary Measures To Avoid Or Minimize Adverse Impacts
- B. Characteristic of Affected Persons and Indigenous Peoples
- C. Socioeconomic Survey
- D. Inventory of Losses and Detailed Measurement Survey
- E. Replacement Cost Study and Assessment

III. SOCIO ECONOMIC PROFILE OF AFFECTED HOUSEHOLDS

- A. Basic Socioeconomic Information from the Census of APs
- B. Educational Attainment
- C. Livelihood and Household Income
- D. Health and Sanitation
- E. Amenities in AHs Surveyed
- F. Perception About the Project and Suggestions

IV. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

- A. Consultation and Participation
- B. Institutional Roles in the Conduct of Consultations
- C. Disclosure

V. GRIEVANCE REDRESS MECHANISM

- A. Related to Location of Project Component
- B. Related to Compensation
- C. Related to Other Aspects of the Project

VI. LEGAL AND POLICY FRAMEWORK

- A. Relevant Laws and Regulations In the Philippines
- B. ADB Safeguards Policy Statement of 2009
- C. Gaps Analysis and Project Principles
- D. Principles of Land Acquisition and Resettlement Policy for the Project
- E. Land Acquisition Process
- F. Measures to Address Gender Issues

VII. PROJECT ENTITLEMENTS, ASSISTANCE AND BENEFICIAL MEASURES

- A. Eligibility and Compensation
- B. Relocation/Replacement Land
- C. Livelihood Restoration Program
- D. Special Attention to the Vulnerable Groups and Gender Strategy
- E. Unanticipated Impacts

VIII. BUDGET AND FINANCING PLAN

- A. Procedures for flow of funds
- B. Cost estimates and inflation adjustment

- C. Implementation, administration and contingency costs
- D. Estimated Cost of Resettlement

IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

- A. Institutional arrangement responsibilities
- B. Capacity building program

X. IMPLEMENTATION SCHEDULE

- A. RIPP Updating and Implementation
- B. Detailed measurement survey and updated census of AHs

XI. MONITORING AND REPORTING

- A. Internal Monitoring and Reporting
- B. Assessment and Evaluation

APPENDICES

Guide in the Preparation of a Resettlement Plan

(Source: ADB-SPS 2009)

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:

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

F. Grievance Redress Mechanisms

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements

This section:

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

J. Livelihood Restoration and Rehabilitation

This section:

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

K. Resettlement Budget and Financing Plan

This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of

- resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items)
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs
- (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section:

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

M. Implementation Schedule

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

N. Monitoring and Reporting

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

Guide in the Preparation of an IP Plan (Source: ADB-SPS 2009)

A. Executive Summary of the IPP

This section concisely describes the critical facts, significant findings, and recommended actions.

B. Description of the Project

This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

C. Social Impact Assessment

This section:

- (i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
- (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
- (iv) assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

This section:

- (i) describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;
- (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
- (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

E. Beneficial Measures

This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigative Measures

This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

G. Capacity Building

This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

H. Grievance Redress Mechanism

This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

I. Monitoring, Reporting and Evaluation

This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

J. Institutional Arrangement

This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.

K. Budget and Financing

This section provides an itemized budget for all activities described in the IPP.

Guide in the Preparation of a Due Diligence Report

A typical DDR/audit report includes the following major elements:

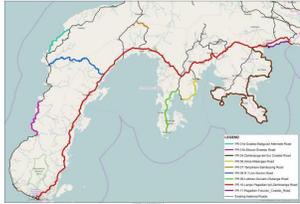
- (i) Executive summary;
- (ii) Introduction that includes the audit and site investigation procedure;
- (iii) Facilities description, including both past and current activities;
- (iv) Summary of national, local, and any other applicable laws, regulations, and standards;
- (v) Findings and areas of concern;
 - Scope of land acquisition
 - Presence / Absence of indigenous peoples
 - Scope of impacts / losses
 - Consultations
 - Prevailing policies and methods for valuation of associated losses
 - Livelihood restoration and assistance to vulnerable and severely affected
 - Perceptions on land and non-land acquisition
 - Grievance redress
 - AP perception about the proposed subproject
- (vi) Corrective action plan that provides the appropriate corrective actions for each area of concern, including costs and schedule.

Appendix 4: Draft Project Information Booklet

PIB during PPTA

Improving National Roads for Inclusive Growth in Mindanao Project

A Department of Public Works and Highways (DPWH) Project with assistance from the Asian Development Bank (ADB)



1. What is the project called “Improving National Roads for Inclusive Growth in Mindanao Project”?

This Project supports the Government of the Philippines’ priorities for improvement of the country’s road network and development of Mindanao. Nine roads in western Mindanao with a total length of about 596 km have been proposed for inclusion in the road improvement project. The road sections are along and/or near the Zamboanga – Pagadian road (Asian Highway 26) or PR10. The potential for the roads to form parts of the economic corridors are examined under the Project.

The location of the nine project roads with corresponding lengths are as follows:

Province/City	Road Project	Length (in km.)
Zamboanga Del Sur	PR11 Pagadian-Tukuran Road	11.00
	PR04 Zamboanga Del Sur Coastal Road	81.838
Zamboanga Sibugay	PR06 Alicia-Malangas Road	25.200
	PR09 Lutiman-Guicam-Olutanga Road	37.171
Zamboanga Del Norte	PR01a Gutalac-Baliguian Road	34.911
	PR01b Sirawai-Sibuco Alternate Road	17.825
	PR07 Tampilisán-Sandayong Road	11.100
Zamboanga Sibugay, Zamboanga Del Norte	PR08 RT Lim-Siocon Road	67.800
Zamboanga Del Sur, Zamboanga Sibugay, Zamboanga City	PR10 Lanao-Pagadian-Zamboanga City Road	309.012

Other roads have been added to the Project: PR12 Cruan-Cibuco Road, PR13 Slay-Gapol Road, PR14 Kumalarang-San Miguel Road, PR15 Pagadian Northern Bypass, and PR10 Zamboanga City Bypass or the Vitali-Tagasilay Diversion Road.

2. With the road improvement works, will there be impacts on land, houses, crops, and trees or even businesses?

Yes, for all road projects that will involve widening, and opening of road segments, there will be impacts on land, houses, crops, trees as well as businesses. Land, structures, and other improvements on the land will have to be acquired from the owners. Impacts are measured within a 20m right-of-way (ROW) width of all roads, except PR10 where its present ROW is established at 30m to 60m. Payment of affected property is based on replacement cost with the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments.

3. Has the affected land and other properties been identified already?

The Feasibility Study (FS) for the roads project is still being carried out. This involves, among others the inventory of affected property as well as livelihood and income sources and opportunities that may be lost permanently or temporarily from the civil works.

4. Who are the Affected Persons (APs)?

“Affected Persons (APs)” refer to any person, household, company or private business that are subject to change from the Project with

adverse effects on (i) living, and (ii) rights, legal rights or interests of the land, water resources or any fixed and not fixed assets, when requisitioned or occupied or adversely affected in part or whole whether temporary or permanent. Business, workplace or residence are eligible to get compensation and assistance if they meet the **Project's cut-off date**. The cut-off date is the Local Government Unit's (LGU's) announced date in coordination with DPWH– the last day of the Detailed Measurement Survey (DMS) that is done during the Detailed Engineering Design (DED) phase of the Project.

5. When will the roads improvement start?

Project starts implementation during the detailed design phase expected to begin towards the end of 2015. Actual construction may start in 2017.

6. What is a Resettlement Plan and an Indigenous People Development Plan?

A **Resettlement Plan (RP)** contains the profile of all AP's and determines the impacts and mitigation measures to improve, or at least restore, the livelihoods of all affected households as well as to improve the standard of living of the displaced poor and other vulnerable groups by compensating for lost assets at replacement costs and by providing, as necessary, various forms of support.

An **Indigenous People Development Plan (IPDP)** contains the profile of affected Indigenous People (IP), any specific Project impacts on their cultural heritage, identity, and customary livelihoods and the mitigating measures for adverse effects in the form of projects and programs that will be implemented to at least restore or improve their level of living in pre-project level while observing/respecting their traditional beliefs and practices.

7. Will there be consultations with the APs?

Yes. DPWH, supported by the Local Government will conduct consultations with the APs, their communities, and other stakeholders.

Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to APs; (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.

8. What is the Grievance Redress Mechanism (GRM) cited in the RP and IPDP?

The Grievance Redress Mechanism is a way to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other project impacts, especially on impacts on vulnerable groups. It addresses APs concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution. The mechanism should not impede access to courts or administrative remedies of the Philippines. DPWH, will inform the AP's about the GRM.

For more information, you may contact your Municipality/City Local Government Unit (LGU) and the Regional and/or District Engineering Office of the DPWH nearest you.

PIB for PRO-7

English Version

IP Grievance Procedure

□ *Conflicts within the affected IP community* will be addressed within the community itself in the context of its customary law and customary dispute resolution process and mechanisms, in the presence of the relevant staff of the NCIP office with jurisdiction over the area.

□ *Intercommunity conflicts* will be addressed between communities themselves, according to their customary or agreed upon dispute resolution processes and mechanisms. Monitoring units in the field will seek the intervention of the NCIP to act as facilitator, mediator, or arbiter, if needed. This guideline applies to conflicts or disputes between the IP community and any of the project units and implementers

If no satisfactory results are obtained, IP Communities can elevate complaints to the R/C.

Who might be contacted for any inquiries about the project?

Emil K. Sadain
Undersecretary for UPMO Operations
(02) 304-3555

Sharif Madsmo H. Hasim
Project Director
Road Management Cluster II-Multilateral
(02) 304-3788



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAY
CENTRAL OFFICE
Manila

PR-07: Tampilisan - Sandayong Road
(K1981+490 to K1999+065.86)
Zamboanga del Norte

An ADB Assisted Project

Soledad R. Florencio
 Project Manager III, ADB Assisted Projects
 (02) 304-3776
 District Engineer, Labason, ZDN
 (065) 311-4592

"Improving Growth Corridors in Mindanao
 Road Sector Project"

"Improving Growth Corridors in Mindanao
 Road Sector Project"
 IGCMRSP

PR-07: Tampilisan-Sandayong Road
 Zamboanga del Norte
 (K1981+490 to K1999+065.86)

Project Objectives:

Upgrade existing combined barangay and municipal roads to standards of a secondary national road.

To provide a direct link between Dipolog and Pagadian Cities bypassing Ipil Poblacion the capital town of Zamboanga Sibugay.

Project location:

The project will be constructed within the Municipality of TAMPILISAN, ZDN passing through the barangays of:

- Sto. Niño,
- Poblacion,
- New Dapitan,
- Farmington,
- Situbo

How will the project be implemented?

The project will be implemented by the Department of Public Works and Highways (DPWH) thru the Roads Management Cluster II (Multilateral), Unified Management Office (UPMO) and is directly responsible for the implementation of Civil Works, Engineering Designs as well as Project Coordination.



Who are eligible to be assisted under the project?

- Legal landowners
 - Agricultural (CLOA)
 - residential
 - commercial
 - institutional

Are the Affected Persons (APs) entitled anything for their losses?

- Compensation for land. The offer will be current market value at the time of taking.
- Compensation for structures, and improvement
- Compensation for structure/ Improvement: replacement cost, defined as cost necessary to replace the affected structure or improvement
- Compensation for crops, fruit trees, perennials

The cut-off date of eligibility was on December 2016 and is the start date of the AP census of the detailed measurement survey (DMS) of land and/or non-land assets.

How are the grievances of APs heard resolved?

- A Resettlement Implementation Committee (RIC) will be formed through a MOU between DPWH and the LGU, with the NCIP provincial or regional office to attend to grievances.
- All complaints received will be in writing from APs and shall be properly documented.

- Sandayong

Target Length : 17.58 KMS

Project Description:

Road Improvement/ Upgrading

- Scopes of Work:
 - Road Concreting
 - Construction of 3 bridges
 - Installation of 12 RCBC
 - Installation of 48 RCPC

- Owners of land with full title, tax declaration, or covered by customary law with acceptable proof of ownership.

Owners of Structures /Improvements

- Owners of structures who have full title, tax declaration, or who are covered by customary law.
- Owners of the structures and Improvements, including shanty dwellers, who have no land title or tax declaration or other acceptable proof of ownership to be duly attested by the Local Government Unit (LGU).



Proposed Roadway upon completion of ;

Appendix 5: Guidance in the Preparation of the Semiannual Monitoring Report

OUTLINE FOR THE SEMIANNUAL MONITORING REPORT

To be refined by ESSD at Implementation

Date of Monitoring Period

I. GENERAL INFORMATION ABOUT THE PROJECT

A. Project Objectives

State the project objectives as consistently as possible. Refer to stipulations in both the PAM and the RIPP.

B. Project Components

Again, with reference to the PAM and RIPP, enumerate and briefly describe the subproject components.

C. Scope of Project Impacts

Present impacts by loss per subproject as applicable, discuss each and should there be changes through each monitoring period.

- Per IOL/DMS – Losses (land, structure, trees, and crops)
- Impact on IP community (Group and number of AHs)
- By severity (Number of AHs)
- Permanent/Temporary (Number of AHs)
- By vulnerability (Number of AHs)

II. OBJECTIVES AND SCOPE OF SOCIAL SAFEGUARDS SEMIANNUAL MONITORING

A. Objectives of Semiannual Monitoring

Refer to RIPP Chapter on monitoring. Always remember to balance involuntary resettlement (IR) and indigenous peoples (IP) safeguards under the ADB SPS (2009):

B. Scope of Internal/Semiannual Monitoring: Required Social Safeguards Documents

Table 1: Status of Required Social Safeguards Documents as of (Date, Month, Year)

Subproject	Social Safeguards Document	Remarks
PR07 Tampilisan	RIPP	

III. DETAILED SOCIAL SAFEGUARDS IMPLEMENTATION PROGRESS

There are 5 key areas of concern as regards social safeguards implementation and these are:

- (i) Consultation and participation of Indigenous Peoples, where applicable
- (ii) Public information, disclosure and consultation
- (iii) Payment of compensation, allowances, and assistance viz civil works
- (iv) Livelihood restoration
- (v) Grievance redress

A. Consultation and Participation of Indigenous Peoples and AHs

B. Public Information Disclosure and Consultation

1. Disclosure

Provide text for Table 2.

Table 2: Disclosure on Social Safeguards Planning Documents and Related Activities as of (Date, Month, Year)

Subproject	Safeguards Document	Information disseminated	Date	Method of dissemination	Key issues
PR07 Tampilisan	RIPP				

2. Consultations

Provide text for Table 3 that summarizes the Public Consultation and Participation activities and outcomes during the monitoring period. Attendance will be disaggregated by gender and ethnicity (IP).

Table 3: Consultation / Meetings Conducted as of (Date, Month, Year)

Subproject	Social Safeguards Document	Consultation topic	Date	Venue	Participants				Key Issues
					Male		Female		
					IP	Non-IP	IP	Non-IP	
PR07 Tampilisan	RIPP								
Totals									

B. Payment of Compensation, Allowances, and Assistance Viz Civil Works

1. DMS Process

Complete Table 4 and discuss particulars in text.

Table 4. Updated Progress of Social Safeguards Implementation as of (Date, Month, Year)

Subproject	Safeguards Document	DMS		Payment of Compensation		Resettlement and site clearance		Bid awarded
		Start	End	Start	End	Start	End	
PR07 Tampilisan	RIPP							

2. Progress of Payments for Compensation, Relocating AHs and Civil Works

This section covers two key areas as operationalized for this monitoring period: (i) compliance to payment of compensation and allowances - noting relocation, and (ii) start of civil works. The purpose of this section is to assess progress and readiness to hand land over for civil works as well as compliance with conditions for handing over. Complete Table 5 below and present key points in text.

specifically addressed by management when engaging at the site level.

B. Funding Allocation and Disbursement

Funds disbursement refers to handing over payments from DPWH down to the APs per stipulated social safeguard document budget allocation. Discuss Table 8.

Table 8: Disbursement of Funds as of (Date, Month, Year)

Subproject	Safeguards Document	Social Safeguards Budget	Funds Disbursed this Monitoring Period	Comment/s
PR07-Tampilisan	RIPP			
Totals				

V. OVERALL STATUS, ISSUES, CONCERNS, AND PROPOSED ACTIONS

Under this section, provide information on identified issues impacting the implementation of social safeguards compliance. You may choose to divide this section by crosscutting issues or by social safeguard document type. These may include resource constraints, changes in scope of impacts, etc.

For succeeding internal monitoring reports, it is imperative to include resolution of issues cited in previous internal monitoring reports as well as those that may be cited during independent evaluation from ADB Headquarters.

With Table 9 below, indicate the estimated percentage of work accomplished eventually through time reflecting cumulative achievements per subproject up to the point of the current monitoring period.

Table 9: Social Safeguards Implementation Progress as of (Date, Month, Year)

KEY ACTIVITIES	PR07 (Tampilisan)	Subproject x	Subproject y	Subproject z

For Table 10, indicate the issues and concerns per subproject as indicated in the headings and the way forward to overcome issues and concerns.

Table 10: Social Safeguards Issues, Concerns and Proposed Actions as of (Date, Month, Year)

Subproject	Safeguards Document	Issues and Concerns		Proposed Action/s
		New/Current	Pending from previous monitoring reports	
PR07-Tampilisan	RIPP			

Attachment 1. Minutes of Consultations Conducted as of (Date, Month, Year)

Attachment 2. Photo-documentation for the Monitoring Period