

Resettlement and Indigenous Peoples Plan

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PHI: Improving Growth Corridors in Mindanao Road Sector Project

PR07: Tampilisan-Sandayong Road

Currency Equivalents

(as of 21 July 2017)

Currency unit	–	peso (P)
P1.00	=	\$0.02
\$1.00	=	P50.75

Abbreviations

AD	–	Ancestral Domain
ADB	–	Asian Development Bank
AH	–	Affected Households
AP	–	Affected Persons
BIR	–	Bureau of Internal Revenue
CADC	–	Certificate of Ancestral Domain Claim
CADT	–	Certificate of Ancestral Domain Title
CCA	–	Community Consultative Assembly
CALT	–	Community 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 – Agent
EO	–	Executive Order
ESSD	–	Environment and Social Safeguards Division
FPIC	–	Free and Prior Informed Consent
GOP	–	Government of the Philippines
GRM	–	Grievance Redress Mechanism
IGCMRSP	–	Improving Growth Corridors in Mindanao Road Sector Project
IMA	–	Internal Monitoring Agent
IOL	–	Inventory of Loss
IP/ICC	–	Indigenous Peoples/ Indigenous Cultural Communities
IPP	–	Indigenous Peoples Plan
IPRA	–	Indigenous Peoples Rights Act
LA	–	Land Acquisition
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

Definitions 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/ persons 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 Revised Guidelines on Free, Prior and Informed Consent Guidelines and Related Processes of 2012.
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 of RIPP 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 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

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.

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)

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. e.g. resettlement, process of conducting FBI, issuance of Certification Precondition (CP), and conduct of FPIC.
Memorandum of understanding	It refers to the document signed by DPWH, the concerned local government unit, NCIP Provincial or Regional Office governing their relationship regarding aspects of the project, e.g. creating resettlement committee for the implementation of RIPP.
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 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	Refers to the cost necessary to replace the affected structure or improvement with a similar asset based on current market prices. (IRR, RA 10752)

Resettlement and Indigenous Peoples 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	<p>Those APs with 10% or more of the total property affected (agricultural land/commercial structures) with productive asset loss or where less than 10% loss but the remaining property become economically unviable</p> <p>Those APs with 20% and above loss of the total property affected (agricultural land/commercial structures) or where less than 20% loss but the remaining property become economically unviable</p>
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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Table of Contents

Page

<i>Currency Equivalents</i>	<i>i</i>
<i>Abbreviations</i>	<i>i</i>
<i>Definitions of Terms</i>	<i>ii</i>
<i>Table of Contents</i>	<i>i</i>
<i>List of Tables</i>	<i>ii</i>
EXECUTIVE SUMMARY	iii
I. PROJECT DESCRIPTION	7
A. <i>Background</i>	7
B. <i>Description of the Subproject</i>	7
C. <i>Civil Works to be conducted</i>	8
D. <i>Measures Adopted to Minimize Involuntary Resettlement Impacts</i>	9
E. <i>Anticipated Social Safeguards Impacts</i>	9
II. SCOPE OF IMPACTS	9
A. <i>Data Sources on Project Impacts and Replacement Costs</i>	9
B. <i>Project Impacts</i>	10
III. SOCIO-ECONOMIC PROFILE OF THE AFFECTED AREAS	13
A. <i>Background</i>	13
B. <i>Municipality of Tampilisan and Affected Villages</i>	16
C. <i>The Affected Households</i>	18
IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE	20
A. <i>Consultation and Participation</i>	20
B. <i>Consultations Conducted at Preparation Stage</i>	20
C. <i>IP Consultations: Application for Certification Precondition (CP)/Certificate of Non-Overlap</i>	24
D. <i>Disclosure</i>	25
V. GRIEVANCE REDRESS MECHANISM	25
VI. LEGAL AND POLICY FRAMEWORK	27
A. <i>Relevant Laws and Regulations in the Philippines</i>	27
B. <i>ADB Policies</i>	33
C. <i>Gap Analysis and Project Principles</i>	37
D. <i>Social Safeguards Policy Principles for the Project</i>	41
E. <i>Voluntary Land Donation</i>	42
VII. COMPENSATION, ASSISTANCE, AND VALUATION	43
A. <i>Affected Persons and Eligibilities</i>	43
B. <i>Entitlements</i>	44
C. <i>Valuation and Replacement Costs</i>	53
D. <i>Compensation and Assistance</i>	55
E. <i>Relocation</i>	58
F. <i>Special Assistance to Severely Affected Persons and Vulnerable APs</i>	60
VIII. RIPP BUDGET	61

IX. INSTITUTIONAL ARRANGEMENTS	61
A. <i>Current DPWH Capacities on Social Safeguards.....</i>	<i>61</i>
B. <i>Institutional Arrangements.....</i>	<i>62</i>
C. <i>Capacity Building.....</i>	<i>64</i>
D. <i>Implementation Schedule of the RIPP.....</i>	<i>64</i>
X. MONITORING AND EVALUATION.....	65
A. <i>Monitoring Arrangements.....</i>	<i>65</i>
B. <i>Internal Monitoring</i>	<i>65</i>
C. <i>External Monitoring.....</i>	<i>68</i>
D. <i>Reporting and Disclosure.....</i>	<i>70</i>
APPENDICES.....	72
Appendix 1. <i>Affected Household by Loss Type</i>	<i>73</i>
Appendix 2. <i>Tables on Sample Survey Results.....</i>	<i>74</i>
Appendix 3. <i>Documentation of Consultations: Public Consultation and Interagency Coordination</i>	<i>84</i>
Appendix 4. <i>Letter Request for NCIP Clearance</i>	<i>96</i>
Appendix 5. <i>Minutes of and Attendance to Disclosure Consultation</i>	<i>98</i>
Appendix 6. <i>Powerpoint Presentation During Disclosure Consultation.....</i>	<i>102</i>
Appendix 7. <i>Project Information Booklet.....</i>	<i>103</i>
Appendix 8. <i>Independent Appraiser Mobilization Documents</i>	<i>106</i>
Appendix 9. <i>NHA Relocation and Resettlement Cost.....</i>	<i>111</i>
Appendix 10. <i>MOU and Pertinent Documents</i>	<i>112</i>
Appendix 11. <i>Template for Semiannual Monitoring Report</i>	<i>117</i>

List of Tables

Table 1. <i>Subproject Scope and Coverage</i>	<i>8</i>
Table 2. <i>Subproject Summary of Impacts</i>	<i>10</i>
Table 3. <i>AHs by Loss of Land and Severity</i>	<i>11</i>
Table 4. <i>AHs by Loss of Structures</i>	<i>11</i>
Table 5. <i>AHs by Loss of Trees and Crops.....</i>	<i>12</i>
Table 6. <i>AHs by Loss of Business.....</i>	<i>12</i>
Table 7. <i>Vulnerability of AHs.....</i>	<i>13</i>
Table 8. <i>Total Number of IPs.....</i>	<i>13</i>
Table 9. <i>Provincial 2015 Statistic by Administrative Unit</i>	<i>14</i>
Table 10. <i>2015 Population of Tampilisan by Barangay</i>	<i>17</i>
Table 11. <i>Summary of Issues and Concerns.....</i>	<i>22</i>
Table 12. <i>Assessment on Involuntary Resettlement Policy Gaps.....</i>	<i>38</i>
Table 13. <i>Assessment on Indigenous Peoples Policy Gaps.....</i>	<i>40</i>
Table 14. <i>Compensation and Entitlement Matrix.....</i>	<i>44</i>
Table 15. <i>Matrix of IRP Measures.....</i>	<i>57</i>
Table 16. <i>Indicative Budget for RIPP Implementation</i>	<i>61</i>
Table 17. <i>Resettlement Schedule.....</i>	<i>65</i>
Table 18. <i>Suggested Internal Monitoring Indicators</i>	<i>66</i>
Table 19. <i>External Monitoring Indicators</i>	<i>69</i>

EXECUTIVE SUMMARY

1. The Government of the Philippines is requesting the Asian Development Bank 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.

2. IGCMRSP will help improve the physical, economic and social access for people living in less developed areas; increase agricultural production and productivity; and increase industrial production. The project will contribute to achieve these 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.

3. IGCMRSP 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. 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.

4. The proposed Tampilisan-Sandayong Road (PR-07) is one of the nine project roads under IGCMRSP. Tampilisan, Zamboanga del Norte is the sole municipality traversed by the project road, with a total population of 23,056 (2010) 24, 307 (2015) living in 111.00 sq. km. of land. PR07 is a road improvement project that aims to upgrade the existing combined barangay/municipal roads to standard specifications of a secondary national road. The existing road has a width of 3-4m which is generally made up of gravel. This proposed road will provide a direct the link between Dipolog and Pagadian Cities by-passing Ipil which is the capital town of Zamboanga Sibugay. The start of the project road is at the junction of the Dipolog-Ipil National Highway and the Sto. Nino barangay road (K1981+490) traversing Barangays New Dapitan, Poblacion, Farmington, Situbo and ends at Barangay Sandayong’s road crossing (K1999+065.86) with road to Naga town proper, Zamboanga Sibugay. The total length of PR07: Tampilisan-Sandayong is 17.58 km.

5. The civil works to be constructed are (i) road improvement, upgrading and concreting (ii) construction of 3 bridges and (iii) replacement of existing spillways and construction and installation of 12 RCBC and 48 RCPC. The road improvement will follow the existing alignment and widening requires a 30m right-of-way inclusive of 6.7m carriageway and 1.5m shoulders.

6. Impacts from PR07 will involve road improvements to include widening, realignment and slope protection that will 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 Involuntary Impact (IR) of the Project will be the permanent loss of land, 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 (ICCs).

7. The project impacts were identified through the data/information collected with the following: (i) Inventory of Losses (IOL), (ii) Census (iii) Socio-economic Survey and (iv) Parcellary Survey. The IOL and Census were carried out along with the socioeconomic survey from early December 2016 to early February 2017 and further validated in July 2017 to identify the magnitude of resettlement impacts. Details on the IOL obtained information on names of APs and all assets that are within the scope of the thirty (30) meters width RROW which include productive and residential land, housing structures, business establishments, other miscellaneous items (fence, and wells).

8. A total of 415 affected households (AH) were determined, amounting to 2,075 affected persons (AP). Of the 415 AHs, 24 are indigenous peoples belonging to the Subanen and Kolibugan ethnic groups. Loss of land amounts to 500,434 m² affecting 117 households (HH). Around 352 structures (12,901.15 ms) will be affected belonging or occupied by 303 AHs and 78 AHs considered for relocation. For croplands, a total area of 31,841 m² will be lost to 52 AHs. With respect to trees, impacts are as follows: 3,371 fruit trees owned by 92 AHs and 8,563 forest trees of 100 AHs. Thirty-eight business establishments belonging to 38 AHs will be affected in terms of business income and 31 community infrastructures will be affected. A total of 327 AHs will be severely affected in terms of productive land and structural assets. About 140 AHs are deemed vulnerable comprising of 95 poor HHs, 58 elderly-headed HHs, 5 disable-headed HHs, and 15 female-headed HHs.

9. A Socioeconomic Survey (SES) was carried out from early December 2016 to early February 2017 and further validated in July 2017. The SES was administered to a sample of 263 AHs who will be physically and/or economically displaced. Of the 263 AH heads, 168 (63.88%) are male and 95 (36.12%) are female. In terms of civil status of AH heads, 73.76% are married, 69% are Catholics, 25.48% are elementary under, and 73.38% have resided in the affected barangays for more than 10 years; 73.38% are privately owned; 79.85% of affected lands are residential in nature, 61.60%(162) had no proof of ownership of land they occupy but 68.44%(180) said they own the structure, 39 % are farmers, 75.29% have a monthly income of less than P10,000.00 while 79.09% are spending 10,000 pesos and below monthly; 72.62% used galvanized sheets as roofing material; 50.95% use wood as wall material 8.27% have access to electricity and use it as their primary source of light; 30.59% use water straight from the water pipes; Majority of the affected households said that their primary fuel source for cooking is wood/charcoal (85.17%) and 63.88% of the affected households use the flush type toilet.

10. Consultations for PR07 started in early December 2016 when the DPWH Project Director UPMO sent letters to the Regional Office, District Engineering Office and the LGUs relative to the conduct of coordination meetings and public consultations with Project Affected Persons (PAPs) in six (6) barangays traversed by PR07 as part of the preparation of this RIPP. Coordination meetings and public consultations were undertaken to share information concerning the project by presenting to the primary and secondary stakeholders the project background, scope, RIPP objectives, benefits, updates, basic resettlement policies (Philippines and ADB), cut-off-date and announcement of succeeding resettlement activities such as conduct of perception, census, socioeconomic survey and inventory of losses. The

cut-off date for PR07 is December 9, 2016 as disclosed in the PIB and during the disclosure consultation amongst APs and local officials.

11. A preliminary Pre- FBI Conference at the regional level was held in late January 2017 in the DPWH Zamboanga City District Office (ZC DEO) after three-long months of coordination work that started in October 2016 when DPWH filed the Certification of Precondition (CP)/Certificate of No-Overlap (CNO) application to NCIP covering the seven priority and candidate project roads. The conference was attended by regional officers and staff of DPWH, NCIP and the DED Consultant. The step by step procedure of the FBI/FPIC process was presented by NCIP while DPWH with the assistance of the DED Consultant presented the project brief in broad strokes with the following outline: (a) project background (b) location maps of the seven priority/candidate project roads; (c) project description of PR07: Tampilisan (d) Project Updates and (e) Next Steps. NCIP assessment is still ongoing (See Appendix 4).

12. This draft RIPP was disclosed to APs and the disclosure by DPWH Representatives, DEO Coordinator and the Consultants through consultation meetings from 8-9 August 2017. Basic project information were presented and translated into local language. A Project Information Brochure (PIB, Appendix 5) was provided the DEO for later distribution to all APs through the Resettlement Implementation Committee (RIC) once convened.

13. The 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.

14. Four levels of grievance redress are open to APs and other stakeholders during the RIPP implementation. (i) Level I - Municipal Level (ii) Level II - DPWH Regional Office Level (iii) Level III- Project Level (iv) Level IV- appropriate court of the Republic of the Philippines for adjudication. Other 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.

15. 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.

16. 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.

17. This RIPP combines the Resettlement and Indigenous Peoples issues and is developed based on the Government's policies and ADB's SPS allowing for Involuntary Resettlement and Indigenous Peoples issues to be addressed in a single comprehensive document.

18. With the approval of Republic Act 10752 on 7 March 2016, the policies of the Government to acquire land, improvements, crops and trees using valuation modalities anchored on current market value has significantly improved as compared to RA 8974. 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. To determine the appropriate price offer to acquire 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.

19. The indicative budget for RIPP Implementation of PR07, Tampilisan Sandayong is **PhP 110,636,932.410 or USD 2,179,176**, coming from government counterpart. The indicative budget items cover (i) compensation for loss of land, structures, trees, crops and other entitlements (ii) other assistance to include related expenses of DPWH including capital gains tax (CGT), documentary stamp tax (DST) and transfer tax; (iv) livelihood restoration program (v) relocation and resettlement (vi) administrative cost (vi) external monitoring and (vii) an allocation for contingencies. The indicative budget item for compensation will be updated after DPWH validation upon submission of the appraisal report of the Independent Property Appraisal tasked to undertake property valuation for loss of land, structures, crops and trees for PR07.

20. As the executing agency, the institutional arrangements for this project revolves around DPWH. 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) will have direct and distinct roles in the implementation of this RIPP.

21. The creation of the 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 will require coordinated actions. The RIC shall be formed through Memorandum of Understanding (MOU) between DPWH, the concerned local government unit, with the National Commission on Indigenous Peoples (NCIP) Provincial or regional office. The National Housing Authority (NHA) shall provide shelters for relocation as mandated by law.

22. There will be two types of monitoring for PR07, the internal and external monitoring. The UPMO in coordination with the ESSD shall establish quarterly monitoring of the RIPP. In turn, UPMO shall submit a semiannual monitoring report to ADB. To ensure RIPP 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 and uploading to the ADB website.

I. PROJECT DESCRIPTION

A. Background

23. 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.

24. 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.

25. 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.

26. 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. Description of the Subproject

27. The proposed Tampilisan-Sandayong Road (PR-07) is one of the nine project roads under IGCMRSP. Tampilisan, Zamboanga del Norte is the sole municipality traversed by the project road, with a total population of 24, 307 (2015) living in 111.00 sq. km. of land.

28. PR07 is a road improvement project that aims to upgrade the existing combined barangay/municipal roads to standard specifications of a secondary national road. The existing road has a width of 3-4m which is generally made up of gravel. This proposed road will provide a direct link between Dipolog and Pagadian Cities by-passing Ipil which is the capital town of Zamboanga Sibugay. The start of the project road is at the junction of the Dipolog-Ipil National Highway and the Sto. Nino barangay road (K1981+490) traversing Barangays New Dapitan, Poblacion, Farmington, Situbo and ends at Barangay Sandayong's road crossing

(K1999+065.86) with road to Naga town proper, Zamboanga Sibugay. The total length of PR07: Tampilisan-Sandayong is 17.58 km.

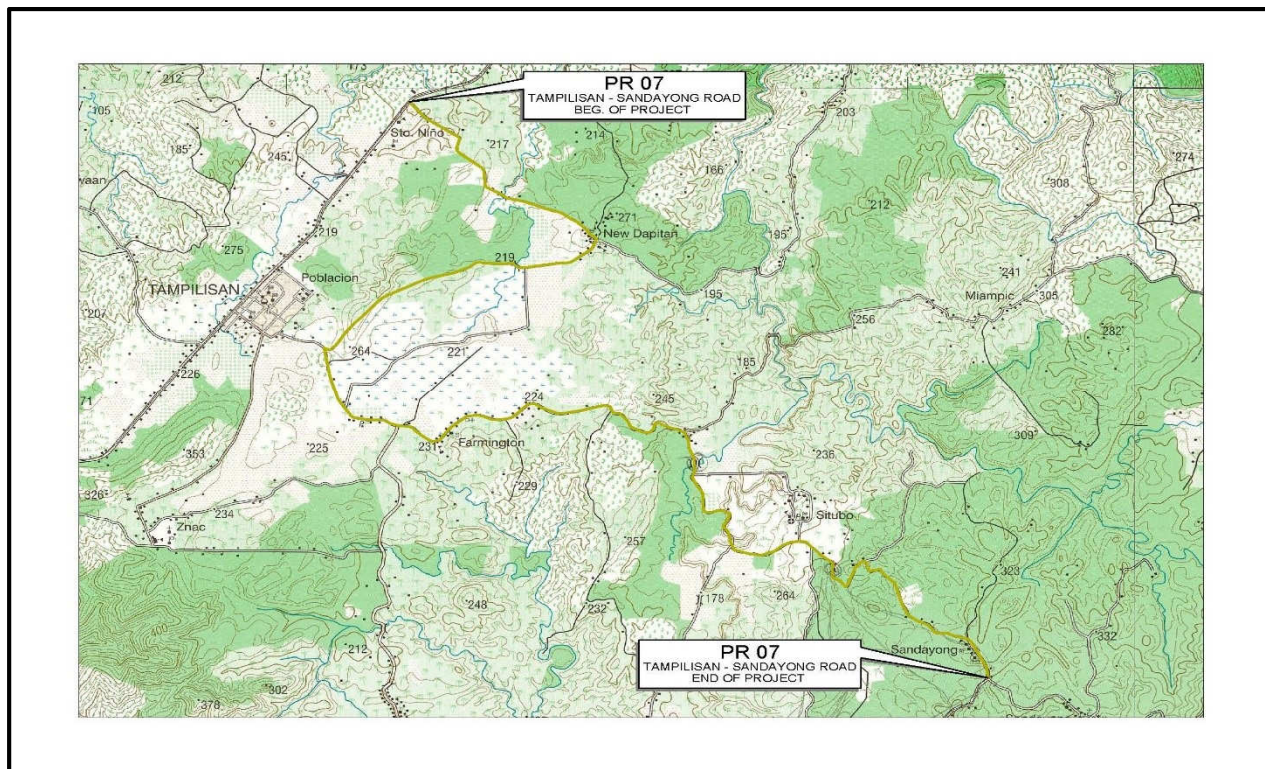


Figure 1. Subproject Location

C. Civil Works to be conducted

29. There are three road sections with existing PCC pavement: Sta 1983 + 100-1983 +200, where the 6.10m width PCCP is in poor condition with scaling, Sta.989+100-1983+200m where the 6.10m width scaling, sta. 989+600-1989+750, where 4.00m PCC width is also in poor condition with scaling and longitudinal cracks and Sta. 1996+400-1998+000, the unfinished project by the DPWH Zamboanga del Norte 2ND DEO, with 5.00m wide PCCP and 150mm in thickness. There is a 700m. overlapping section starting from Sta. 1988+300.

Table 1. Subproject Scope and Coverage

Road Project	Province	City/Municipality (Barangay)	Total Length (km)	Project Scope
PR07, Tampilisan-Sandayong	Zamboanga del Norte	Tampilisan (Sto. Niño, Poblacion, New Dapitan, Farmington, Situbo & Sandayong)	17.58	<ul style="list-style-type: none"> a) Road Improvement, Upgrading Concreting (gravel to concrete) b) Construction of three bridges c) Replacement of existing spillways and construction and installation of 12 RCBC and 48 RCPC

30. An existing bridge (Situbo 1), with 15m. Steel girder will be replaced by a longer bridge. Two (2) other bridges (New Dapitan Bridge and Situbo Bridge II) are proposed to replace existing spillways (10m. and 15m. long respectively). The spillways are often filled with debris during flooding occurrences. All existing culverts are proposed to be replaced in addition to the construction and installation of 12 Reinforced Concrete Box Culverts (RCBC) and 48 Reinforced Concrete Pipe Culverts(RCPC).

31. The road improvement will follow the existing alignment. The proposed widening will require a 30m right-of-way inclusive of 6.7m. Carriageway and 1.5m shoulders.

D. Measures Adopted to Minimize Involuntary Resettlement Impacts

32. The preferred sub-project alignment followed the existing alignment that has strategic interconnection with the other barangays of and to the town centers, hence minimizing the effect on resettlement. This had been considered after consultations with relevant stakeholders during the project preparation and appropriate technical investigation for the project. While considerable effort had been exerted to further minimize or avoid involuntary resettlement, detailed engineering activities necessitate realignment of a few sections to consider community safety and applicable geometric improvements.

E. Anticipated Social Safeguards Impacts

33. PR07 will involve road improvements to include widening, realignment and slope protection that will 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).

34. 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).

II. SCOPE OF IMPACTS

A. Data Sources on Project Impacts and Replacement Costs

35. The project impacts were identified through the following activities: (i) Inventory of Losses (IOL) (ii) Census (iii) Socio-Economic Survey (SES), and (iv) Parcenary Survey.

36. The IOL, Census and SES were carried out from early December 2016 to early February 2017 to identify the magnitude of resettlement impacts. Details on the Census and IOL obtained information on names of PAPs and all assets that are within the scope of the thirty (30) meters width ROW which include productive and residential land, housing structures, business establishments, other miscellaneous items (fence, and wells). These were further validated on site in July 2017.

37. The Census and IOL were administered to 100% of affected household heads who will be physically and/or economically displaced. Enumerators and surveyors, after undergoing training, were introduced to the stakeholders/Project Affected Persons (PAPs) during the conduct of Coordination Meetings with LGU officials and the conduct of Public Consultations in the Barangays in early December 2016 to pave the way for their smooth entry in the community.

38. The enumerators interviewed affected Household Heads (HH) and or in the absence of HH, the wife or next person of aged who can make decision for the family as a replacement. Gathered information are the following (a) Summary data on household, gender of head of household whether the household is headed by women, elderly, ethnic minority, person with disability (PWD); household size, primary and secondary source of livelihood, income level (b) tenurial status and duration of tenure; ownership of occupied structure (c) whether affected land or affected livelihood is primary source of income (d) APs knowledge on the project, preference for compensation, relocations sites and rehabilitation assistance.

39. Following the household interview, a tag sticker containing control number, date when the interview was conducted and the name of enumerator – was affixed to the affected structure. A photograph of the household and owner, whenever possible, was also taken.

40. The preliminary parcellary survey report was also used as reference to establish ownership of affected lots. The ROW Land Data Matrix shows the names of the claimant, lot number, survey number, lot area, affected area etc.

B. Project Impacts

41. The total number of affected households (AH) is 415 with 1,196 affected household members. The total number of structures is 352 with a total area of 12,901 sq. m. The total area of land needed for the ROW is 500,434 square meters. Further summaries of impacts are provided in Table 2. Breakdown of impacts by AHs is provided in Appendix 1.

Table 2. Subproject Summary of Impacts

Loss Category	Unit	Quantity
Total affected households	HH	415
Affected persons	APs	2,075
Loss of land	m2	500,434
<i>Affected households</i>	HH	117
Affected structures	Unit	352
<i>Total area of affected structures (m2)</i>	m2	12,901.15
<i>AHs by loss of structure</i>	HH	303
<i>Households to be relocated</i>	Unit	78
Affected cropland	m2	31,841
<i>Affected household by loss of cropland</i>	HH	52
Affected fruit trees	Unit	3,371
<i>Affected household by loss of fruit trees</i>	HH	92
Affected forest trees	Unit	8,563

Loss Category	Unit	Quantity
<i>Affected household by loss of forest trees</i>	HH	100
Affected business income	HH	38
Affected community infrastructure	Unit	31
Severely Affected Households (land and structures)	HH	327
Vulnerable Households	HH	140
<i>Poor household (PSA 2015 thresholds for ZDN)</i>	HH	95
<i>Household with elderly household head >60</i>	HH	58
<i>Household with disabled household head</i>	HH	5
<i>Household with women household head</i>	HH	15

1. Impacts on Land

42. The total land area required from AHs is 500,484m² belonging to or being utilized/occupied by 117 AHs (Table 3). The lands are largely agricultural belonging to 112 AHs and 5 parcels declared as residential by 4 AHs. Computations on individual AH severity of land loss resulted to an average of 9.7%.

Table 3. AHs by Loss of Land and Severity

Barangay/ Village	Agricultural	Residential	Total Area (m ²)	Affected Area (m ²)	Remaining Area (m ²)	Severity (10% or more)		Total No AHs
						% Severity	# Severe AHs	
TOTAL	112	5	5,258,528	500,434	4,758,094	9.52%	62	117
Farmington	40		1,565,575	120,724	1,444,851	7.71%	14	40
New Dapitan	25		1,015,740	96,219	919,521	9.47%	15	25
Poblacion	11		308,325	27,100	281,225	8.79%	6	11
Sandayong	2		150,000	15,984	134,016	10.66%	1	2
Situbo	27		1,868,679	202,989	1,665,690	10.86%	17	27
Sto. Nino	7	5	350,209	37,418	312,791	10.68%	9	12

2. Impacts on Structures

43. The total number of affected structures is 304 having a total affected area of 12,901m² as seen in Table 4. Severity of structural impacts as computed from the individual household losses resulted to an average of 80% severity with 304 severely AHs. These are mostly clustered in Farmington, New Dapitan, and Situbo. A total of 31 community infrastructures will be affected.

Table 4. AHs by Loss of Structures

Barangay / Village	Total Affected				Severity (10% or more)	
	No AHs	No Affected Structures	Area (m ²)	Affected Area (m ²)	% Severity	# Severe AHs
TOTAL	303	352	16,081.38	12,901.15	80.22%	301
Farmington	110	125	7,394.08	6,037.87	81.66%	109
New Dapitan	85	102	3,839.01	2,898.78	75.51%	85

Barangay / Village	Total Affected				Severity (10% or more)	
	No AHs	No Affected Structures	Area (m2)	Affected Area (m2)	% Severity	# Severe AHs
Poblacion	17	19	730.62	303.32	41.51%	17
Sandayong	23	23	969.29	824.85	85.10%	23
Situbo	62	75	2,873.19	2,581.30	89.84%	61
Sto. Nino	6	8	275.20	255.03	92.67%	6

3. Impacts on trees and crops

44. There are 100 AHs that will suffer loss of 8,563 forest trees, 92 AHs with loss of 3,371 fruit trees, and 52 AHs with loss of 31,841m2 croplands (Table 5).

Table 5. AHs by Loss of Trees and Crops

Barangay / Village	Forest Trees		Fruit Trees		Crops	
	No of AHs	QTY	No AHs	QTY	No AHs	Area (m2)
TOTAL	100	8,563	92	3,371	52	31,841
Farmington	25	2664	23	1342	11	8,390
New Dapitan	26	1526	24	584	21	12,048
Poblacion	15	507	14	364	11	7,198
Sandayong	4	748	3	250	0	0
Situbo	21	2180	20	669	5	1,645
Sto. Nino	9	938	8	162	4	2,560

*some AHs have loss of trees & crops in other barangays

4. Impacts on business

45. Businesses are mostly of the variety stores commonly called “sari-sari” stores and these amount to 38 units as shown in Table 6.

Table 6. AHs by Loss of Business

Name of Barangay	Variety/Sari-sari Store/Service
Farmington	12
New Dapitan	9
Poblacion	1
Sandayong	4
Situbo	11
Sto. Nino	1
Total	38

5. Impacts resulting to vulnerability and severity

46. There are 140 vulnerable households of which 92 are considered poor, 58 elderly-headed, 5 disabled-headed, and 15 female-headed. It will be noted that some AHs have multiple indicators of vulnerability.

Table 7. Vulnerability of AHs

Barangay	Vulnerability					Vulnerable AHs	
	Poor	Elderly	Disabled	Single FHH	Total	No	Percent
Farmington	31	19	2	8	60	47	34%
New Dapitan	23	16	2	3	44	38	27%
Poblacion	7	4	0	0	11	9	6%
Sandayong	9	3	1	0	13	11	8%
Situbo	23	15	0	4	42	32	23%
Sto. Nino	2	1	0	0	3	3	2%
Total No	95	58	5	15	173	140	100%
Percent	55%	34%	3%	9%	100%		

6. Indigenous Peoples

47. Twenty-four AHs identify to be IPs belonging to the Subanen (22 AH) and Kolibugan (2 AH) tribes. The IP Households are distributed in five barangays: 8 in Farmington, 3 in New Dapitan, 2 in Poblacion, 10 in Situbo and one in Sandayong.

Table 8. Total Number of IPs

Barangays	Total
Farmington	8
New Dapitan	3
Poblacion	2
Sandayong	1
Situbo	10
Sto. Nino	0
Total	24

III. SOCIO-ECONOMIC PROFILE OF THE AFFECTED AREAS

A. Background

1. Provincial Profile

48. Zamboanga del Norte Province is located within the Zamboanga Pensinsula region in Mindanao with Dipolog City as its capital. The province borders Zamboanga del Sur and Sibugay to the south, Misamis Occidental to the east, and the Sulu Sea to the west. It is the largest province of the peninsula in terms of land area covering 7,301.00 square kilometres and is the 26th populous province in the country.¹ About half of the provincial land area is devoted to agriculture with corn, coconut, and rice as major crops. The province is abundant with marine and mineral sources, with fish production accelerated through the development of fishponds. The main

¹ National Statistical Coordination Board, 2013.

language spoken is Cebuano and other languages include Subanen, Tausug, Chavacano, Tagalog, and English.

49. Republic Act No. 711 issued on June 6, 1952 split the province of Zamboanga into Zamboanga del Norte and Zamboanga del Sur with Zamboanga del Norte covering a total area of 7,301.00 square kilometers occupying the northern portion of the peninsula in western Mindanao (Table 9). It is comprised of 25 municipalities and 2 cities: Dipolog City and Dapitan City, further subdivided into 691 barangays. Sibuco is the largest municipality by land area, constituting 10.72% or 782.54 square kilometers of the total provincial area and Sibutad is the smallest, with 0.90% or 65.57 square kilometers).²

Table 9. Provincial 2015 Statistic by Administrative Unit

City / municipality	Population	Area (km2)	Density (Person/km2)	Brgy.
Baliguian	22,588	439.26	51	17
Dapitan	82,418	390.53	210	50
Dipolog	130,759	241.13	540	21
Godod	17,424	190.00	92	17
Gutalac	34,654	492.86	70	33
Jose Dalman	27,388	135.00	200	18
Kalawit	23,633	217.89	110	14
Katipunan	45,577	244.12	190	30
La Libertad	8,406	69.51	120	13
Labason	41,357	169.58	240	20
Leon B. Postigo	26,221	255.50	100	18
Liloy	39,812	128.43	310	37
Manukan	36,526	246.35	150	22
Mutia	12,675	73.58	170	16
Piñan	20,161	93.75	220	22
Polanco	39,347	206.88	190	30
President Manuel A. Roxas	39,323	206.25	190	31
Rizal	14,021	80.03	180	22
Salug	32,204	206.60	160	23
Sergio Osmeña Sr.	30,220	556.44	54	39
Siayan	34,966	494.75	71	22
Sibuco	34,620	782.54	44	28
Sibutad	17,645	65.57	270	16
Sindangan	99,435	451.00	220	52
Siocon	46,907	503.20	93	26
Sirawai	28,799	222.50	130	34
Tampilisan	24,307	137.75	180	20
Total	1,011,393	7,301.00	140	691

Source: Census of Population (2015). "[Region IX \(Zamboanga Peninsula\)](#)". Total Population by Province, City, Municipality and Barangay. [PSA](#).

50. Table 9 further shows that the population of Zamboanga del Norte in the 2015 census was 1,011,393 people, with a density of 140 inhabitants per square kilometre. Household population is 224,828 households averaging 4.5 persons per household. Among population, poverty incidence for Zamboanga del Norte is estimated at 51.6% much higher than both regional national poverty incidence of 21.6 %. This translates to about 521,879 persons within the province who cannot

² PSGC Interactive. Quezon City, Philippines: [Philippine Statistics Authority](#), 2016.

afford to buy their basic food and nonfood needs. As far back as 2006, a study by the National Statistics Coordination Board (NSCB) revealed that Zamboanga del Norte Province was the poorest province in the country with a population poverty incidence rate of 64.6%.

2. Indigenous Peoples of the Project Area

51. **Lumad of Mindanao.**³ **Lumad** is a Bisayan term meaning “native” or “indigenous”. It is adopted by a group of 15 from a more than 18 Mindanao ethnic groups in their Cotabato Congress in June 1986 to distinguish them from the other Mindanaons, Moro or Christian. Its usage was accepted during the Cory Administration when R.A. 6734, the word Lumad was used in Art. XIII sec. 8(2) to distinguish these ethnic communities from the Bangsa Moro. 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: **Subanon/Subanen, B’laan, Mandaya, Higaonon, Banwaon, Talaandig, Ubo, Manobo, T’boli, Tiruray, Bagobo, Tagakaolo, Dibabawon, Manguangan, and Mansaka.**

52. Economically, Lumads practiced swidden agriculture depending on the land’s productivity. Communal sharing of resources based on the belief of the sacredness of land and nature as divine endowments define their relationship with their environment. Their socio-political arrangements were varied. The Mandaya were led by their bagani or warrior while the Bagobos, Manuvu as well as most of the Lumads by their datu. The Datu’s subjects were his *sacops*. The Lumad remained isolated and withdrawn from the hills and forest that were difficult to penetrate. The Spanish colonial strategy was to begin colonization along the coast towards the plains for purposes of trade and political consolidation. During the Revolution of 1896, Lumads joined a band of *deportados* and *boluntarios* who started a mutiny in Marawi City against their Spanish superiors. They roamed the Misamis Oriental area, harassing and wreaking havoc on Chinese and Spanish-owned business establishments. They were fully armed and looked “healthy”. They were led by an armed Lumad named Suba who had his own trumpeteers announce their coming. They were later known to have joined a group of rebels on the Agusan area who left to join the Katipuneros of Luzon.

53. The **Subanon** is a tribe indigenous to the Zamboanga Peninsula living in mountainous areas that can be traced as far back as 500 BC before the Neolithic Era, or New Stone Age.⁴ They speak the Subanon language. These people originally lived in low-lying areas, however due to disturbances and competition from other settlers like the Muslims, and migration of non-IPs and non-Muslims were pushed into the interior parts of the region.⁵ Subanons generally refer to themselves as a whole as the *gbansa Subanon*, meaning “the Subanon nation”. They distinguish themselves from each other by their roots or point of origin, largely based on names of rivers, lakes, mountains, or locations. The Subanon groups that traditionally remained animist call themselves “Subanen” in areas closer to Zamboanga City while other groups who are linguistically members of the Subanen language subgroup but adopted Islam call themselves Kolibugan in western areas and Kalibugan in the central parts of the Peninsula.

54. In 1912, the Subanon were officially estimated to number 47,164. By 1988, their population had grown to about 300,000. The whole of Zamboanga has always been the ancestral

³ Lumad in Mindanao. Republic of the Philippines. Office of the President. National Commission for Culture and the Arts. 16 April 2015.

⁴ Subanen History. (1981). “The History of Subanon since the Neolithic Era or the Stone Age.

⁵ Al Gedicks (2001). *Resource Rebels: Native Challenges to Mining and Oil Corporations*. South End Press. pp. 24. ISBN 978-0-89608-640-1.

domain of the Subanon, with some areas of the peninsula occupied by Muslims, and a few others by Christian settlers. Towards the tip of the peninsula live the Kalibugan, who number some 15,000.

55. **Economy.** The Subanen are mainly agriculturists who practice three types of cultivation. Along the coastal area, wet agriculture with plow and carabao is the method of producing their staple rice. Beyond the coasts, both wet and dry agriculture is found. Swidden farming is the norm in the interior, particularly the uplands. Along the coasts, coconuts are raised aside from rice. Further inland, corn becomes an additional crop aside from the first two. Apart from the principal crops raised—which are mountain rice and corn—the root crops camote, cassava, gabi (taro), and ubi (yam) are also grown. These are roasted, boiled, or made into preserves and sweets. In some places, tobacco is planted. The people supplement their income and their food supply by fishing, hunting, and gathering of forest products. The extra rice they can produce, plus the wax, resin, and rattan they can gather from the forest are brought to the coastal stores and traded for cloth, blades, axes, betel boxes, ornaments, Chinese jars, porcelain, and gongs.

56. **Relationship with the Environment.** The relationship between natural phenomena and the agricultural cycle is well established in the folk knowledge of the Subanon. They study wind patterns, looking out for tell-tale signs of imminent weather changes. Based on their native methods of meteorology, the Subanon identify three distinct seasons within the agricultural cycle: pendupi, from June to September, characterized by winds blowing from the southwest; miyan, from December to January, a time of winds and northeast monsoon rains; and pemeres, from March to April, the hot and dry season. The Subanen also reckon agricultural time by the stars, notably the constellation Orion - the appearance of this star group signals the time for the clearing of a new swidden. The monthly rotation of the stars is a guide for the swidden cycle during the first months of the year.⁶

57. **Political System.** Subanen society is patriarchal, with the family as the basic governmental unit. There is no political hierarchy at the village level. Timuay is the traditional title for the communal leader who is also the chief arbiter of conflict between the families of a community or a confederation. The word “timuay” means “chief” or “leader.” It connotes both civil and religious authority for the bearer of the title. The title of timuay may be recalled by the community and given to another tasked with the responsibility of leading the community.⁷

B. Municipality of Tampilisan and Affected Villages

58. The Municipality of Tampilisan, a 4th class municipality, is the sole municipality traversed by the project road. Tampilisan⁸ is bounded by the following municipalities: Liloj in the north, Salug in the northeast, Godod in the east, Naga, Zamboanga Sibugay in the southeast, Titay, Zamboanga Sibugay, in the southwest, and Kalawit in the west. It is composed of 20 barangays located in 13,775 hectares of land. This represents 1.9 percent of the total Provincial land area. Based on the 2015 Census on Population and Housing, Tampilisan has a population of 24,307 representing 2.4% of the Provincial population with a density of 180 persons per km².

⁶ Casal, Cabriel S. Kayamanan: Mai: Panoramas of Philippine Primeval. Manila: Central Bank of the Philippines, Ayala Museum, 1986.

⁷ Finley, J.P. and William Churchill. The Subanu: Studies of a sub-Visayan Mountain Folk of Mindanao. Part I, Ethnographical and Geographical Sketch of Land and People. Washington, DC: Carnegie Institution of Washington, 1913.

⁸ ADB PPTA Final Report – Appendix D: Social/Gender. February 2016.

Table 10. 2015 Population of Tampilisan by Barangay

Municipality / Barangay	Population
Tampilisan	24,307
Cabong	778
Galingon	1,590
Lawaan	1,242
Molos	1,273
New Dapitan	1,417
Situbo	1,494
Poblacion (Tampilisan)	4,366
Balacbaan	891
Banbanan	1,019
Barili	709
Camul	1,367
Farmington	1,315
Lumbayao	1,045
Malila-t	755
Sandayong	592
Santo Niño	1,246
Tilubog	391
Tinggaan	429
Tubod	768
Znac	1,620

Source: Census of Population (2015). "Region IX (Zamboanga Peninsula)". *Total Population by Province, City, Municipality and Barangay*. PSA

59. The male population in Tampilisan is relatively higher (52%) than the number of women (48%) indicating a sex ratio of 100 females for every 103 males. In terms of age, the population less than 15 years old constitutes 36% while the productive or 15 – 64 years of age is 60%. The elderly or 65 years and above is 4%. This places the dependency ratio or the number of dependents 0-14 years and 65 years and over for every 100% in the productive age 15-64 at 67.26. The combined population of Subanens and Kolibugans comprises more than half (56%) of the total population of Tampilisan.

60. Municipal revenues are derived from taxes, licenses, and fees as well as the Internal Revenue Allotment (IRA). The major land use in Tampilisan is agricultural. Rubber is listed as the major crop raised in Tampilisan. Looking at the involvement of employed males and females in the area of business and industry, more than 70% are in Agriculture, Forestry and Fishery.

61. Per the 2012 City and Municipal-Level Small Area Poverty Estimates, the poverty incidence in Tampilisan is 44.2%. Of the 6,040 employed males, more than half (3,286 or 54.40%) are Self-employed without any paid employee and more than twenty percent (1,366 or 22.61%) Worked for private business/enterprise/farm. Meanwhile, nearly thirty percent (29.87%) of the

1,292 employed females are self-employed without any paid employee and more than a fourth (341 or 26.39%) worked for government/government corporation.

62. In terms of occupational groups, more than half (3,411 or 56.47%) of the employed males are Farmers, Forestry Workers and Fishermen and more than a fourth (1,609 or 26.63%) are Laborers and Unskilled Workers. For the employed females, nearly a third (432 or 33.43%) reported that they are Laborers and Unskilled Workers and more than twenty percent (296 or 22.91%) are Farmers, Forestry Workers and Fishermen.

63. In the area of early childhood education, the LGU has established 24 Day Care Centers in all its barangays. There are 18 public elementary schools with 120 teachers and a teacher-pupil ratio of 1:32. Further, there are three secondary school, Tampilisan National High School and two extension schools, one in Sibuto and the other in Tininggaan. Tampilisan High School has 24 teachers with a teacher-student ratio of 1:36. Further, there are two public tertiary educational institutions. These are the Jose Rizal Memorial State University Tampilisan campus and the Zamboanga del Norte Agricultural College.

64. Tampilisan has one Municipal Health Infirmary. The five-bed capacity facility is tasked, among other duties, with the following: provide basic health service to the residents; administer first aid treatment for emergency cases, and perform minor surgical operations.

C. The Affected Households

65. A Socioeconomic Survey (SES) was carried out from early December 2016 to early February 2017 and further validated in July 2017. The SES was administered to a sample of 263 AHs who will be physically and/or economically displaced. Below are results of the sample survey, tabular results are provided in Appendix 2.

1. Sociodemographic Characteristics

66. The total number of sample affected households (AH) is 263, distributed in six Barangays as follows: Sto. Nino-5, New Dapitan-71, Poblacion-17, Farmington-93, Situbo-57 and Sadayong-20. Of the 263 AH heads, 168 (63.88%) are male and 95 (36.12%) are female. Age distribution of the AH heads are as follows: ages 20-24, 3.42% (9) ages 25-29, 8.37%(22) ages 30-34, 11.79% (31) ages 35-39, 11.41%, ages 40-44, 14.07%(37) ages 45-49, 9.13%; ages 50-54, 12.17%(20); ages 55-59, 7.6% (20); ages 60-64,6.8%(18); ages 60-64, 6.84%(18); ages 65-69, 7.98%(21) ages 70-74, 1.9% (6) ages 75-79, 2.28%. In terms of civil status of AH heads, 5.7% (15) are single, 73.76% (194) are married, 7.22% (19) are widow/er 11.41 % are Live-in and 1.9% (5) no response. Majority (69%) or 183 of the AHs are Catholic, 2.28% (6) Islam; 9.13% (24) are Protestant and 17% (17.11) belong to other religions while 1.14 % (3) No response.

67. In terms of AH heads' educational attainment, about 1.52% (4) did not have any formal education; 1.52%(4) reached pre-school; 25.48% (67) are elementary under graduates; 16.73%(44) are elementary graduates; 17.87% (47) are high school under graduate; 16.35 (43) are HS graduates; 1.52% (4) attended vocational/technical school .76% (2) with certificate courses; 6.84% (18) are college undergraduates and 7.22% (19) are college graduates and 4.18% (11), no response.

68. As to place of origin, 33%(87); 11.79% (31) are from other Barangays within Tampilisan, 23% (63) said they are from other municipalities of Zamboanga del Norte; 13.31% (35) said they are from the provinces in Region 9; 15.59 % (41) are other regions of the country; one AH head

from other country and 1.9% (5), no response. In terms of residency, 3.42% (9) said the length of their stay in the Barangay is less than one year affected barangay; 9.89% (26) 1-5 years; 11.03% (29) 6-10 years and the majority of 73.38% have resided in the affected barangays for more than 10 years, while 2.28 % (6) with no response.

2. Ownership of Land and Structures

69. **Land Ownership.** Most (73.38% or 193) of the land of AHs are privately owned; 14.07%(37) are owned by government and 11.41% do not know who owns the land they occupy. The rest failed to respond to the query. About 79.85% of affected lands are residential in nature, with the rest being distributed amongst commercial (1.2%), residential-commercial (3.42%), agricultural (.76%), and institutional (3.04%). Around 11.41% did not respond. About proof of ownership, 61.60%(162) had no proof whatsoever, 17.87% (47) with titles, 4.18%(11) with Deed of Sale/Mortgage; 9.13%(24) with tax declarations, 5.7% (15) with contracts, and 7% with contracts. The remaining 1.52%(4) either had no response.

70. **Structure.** Use of structures are generally for residential purposes (76% or 200), followed by commercial (3.42%), and combined residential-commercial (2.66%). About 6.46 % with no answer. About 68.44%(180) said they own the structure; 6.84%(18) are co-owners; 6.08% are with free occupation permit; 11.4% no response.

3. Socioeconomic Profiles

71. In terms of occupation 27 % (72) are farmers, 43.35% (114) have no occupation or no response, 7.22% are government employees and 4.94% are private employees. Majority (75.29 or 198) of the affected households have a monthly income of less than P10,000.00; 7.98%(21) earns an income range of 10,000-20,000 per month; 3.04% (8) earns from 20,000-30,000; 2.66% (7) from 30,000-40,000; 1.52% (4) makes 40,000-50,000 7.6% (20) did not have any response. A high of 79.09% (208) are spending 10,000 pesos and below monthly; 4.56%(12) spends a range of 10,000-20,000 per month; 1.52% (4) spends 40,000-50,000 per month and 13.31% (35) with no response

4. Quality of Life

72. **Housing.** Majority (72.62% or 191) of the affected households are using galvanized sheets as roofing material for their house, around 20.91% (55) uses Nipa, and the other households use Wood, Bamboo, or other materials. For the walls of their house, around 50.95% (134) households use wood, 20.53%(54) use cement, 14.45%(38) use Bamboo, and the other affected households use other materials such as Nipa or Galvanized Sheets; 6.84 % (18) did not answer.

73. **Electricity.** Around 83.27%(219) of the affected households have access to electricity and use it as their primary source of light. There are still households who use Kerosene (7.6%), Battery (0.76%), Solar (0.38%), and other sources that are available to them (7.22%).

74. **Water source.** There are 30.59% households that gets water straight from the water pipe, 26.67% from the well, 19.22% from the water pump, 13.33% from the nearby river, and 3.14% from another source. One respondent from Situbo claimed that rain is their primary source of water. Around 6% did not answer.

75. **Fuel source for cooking.** Majority of the affected households said that their primary fuel source for cooking is electricity (84.03%). Some of the affected households use LPG (3.42%), Wood/charcoal (1.14%), Kerosene (0.39%), Other source (0.39%); 4.18% of the Affected households said that they are not using anything for cooking, and 4.18% (11) of the households use other fuel sources.

76. **Toilet.** For the availability of toilet, 63.88% of the affected households use the flush type, 4.56% use the *antipolo* type, 13.69% use open pit, 7.22% do not use anything, and 10.65% did not answer.

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

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

78. DPWH will conduct meaningful consultation with affected persons, their host communities, and civil society for every sub-project identified as having involuntary resettlement impacts. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts of affected communities. The DPWH will pay attention to the need 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.

B. Consultations Conducted at Preparation Stage

79. Consultations for PR07 started in early December 2016 when the DPWH Project Director UPMO sent letters to the Regional Office, District Engineering Office and the LGUs relative to the conduct of coordination meetings and public consultations with APs in the six (6) barangays traversed by PR07 as part of the preparation of this RIPP (See Appendix 3).

80. The primary goal of the coordination meetings and public consultations was to share information concerning the project by presenting to the primary and secondary stakeholders the project background, scope, objectives, benefits, updates, basic resettlement policies (Philippines and ADB), cut-off-date and announcement of succeeding resettlement activities such as conduct of perception, census, socioeconomic survey and inventory of losses. The following RIPP objectives were also discussed in detail:

- (i) To determine the number of APs affected and identify the assets (land, structures and improvements) they will lose due to the acquisition of IROW for the project;
- (ii) To identify the extent of impacts of the project IROW on the APs and their assets, and the measures to mitigate these impacts;
- (iii) To determine the compensation and entitlements to be given to APs for the acquisition of the assets to be affected by the IROW
- (iv) To determine the budget estimate for compensation and entitlement, relocation and resettlement, information dissemination, consultation, monitoring and other tasks for implementing the RIPP;
- (v) To provide the timetable, manner of payment and institutional arrangements for implementation; and
- (vi) To ensure public participation in the implementation and monitoring of the RIPP.

81. The meetings and consultations also gave the participants the opportunity to respond to the project presentation, present real or perceived issues and allow concerns to surface in an atmosphere free of intimidation or coercion in the open forum segment.

82. The meetings and consultations used the following format (i) welcome/opening remarks by the host LGU, (ii) introduction of DPWH representatives and the DED Consultant(s); (iii) brief presentation of the Project and resettlement impacts; (iv) overview of DPWH and ADB Policy on social safeguard, and (v) open forum. LGU officials and District DPWH helped the Consultants in interpreting discussions in Bisaya/Cebuano and other dialects used.

83. The stakeholders were briefed about the entire Project (IGCMRSP) and PR-07. Key issues were raised: (i) compensation - query about inclusion of improvements to include crops and water wells, and payment guarantees for land, structures, improvements, trees and crops, (ii) lot ownerships requiring perfection of titles, (iii) proper notification and provision of sufficient time to build new houses after payment, (iv) avoid removal of the covered court in Barangay New Dapitan, and (v) need for a suitable relocation site. To date, only Barangay Poblacion was able to identify a 1-hectare property as relocation site available for its residents, deemed as AHs.

84. A total number of 239 likely APs attended the Public Consultations held in six Barangays from December 5-10, 2016. Three central themes recur every time the APs or designated barangays officials render their opening remarks: first, the positive impact of the project to their community; second, admonition to the residents to take advantage of the chance to raise individual concerns/queries that are project related and third, a common appeal to redesign the road alignment to avoid existing structures particularly those owned by the barangay.

85. Table 11 provides the summary of issues and concerns raised during consultations as well as during the disclosure consultation.

Table 11. Summary of Issues and Concerns

QUESTIONS AND ISSUES		RAISED BY	RESPONSE BY DPWH AND CONSULTANTS
Public Consultations December 5-9, 2016			
1	If the document possessed is a Tax Declaration, will it be accepted as proof of ownership?	Ms. Mary Cajucon	No, if the only document the owner can show is a Tax Declaration. However, if the land owner can present a Tax Declaration showing open and continuous possession for a period of 30 years and a DENR Certification that the land is alienable and disposable, it will be treated as a special case under the ROW law (RA10752) and it will be accepted as proof of ownership.
2	In previous Public Consultations, it was announced that the right-of way to be acquired for road widening is only 20 meters width. Why is government planning to acquire 30 meters this time?	Mr. Francisco Dondoyano	The 30 meter RROW is in accordance with the updated DPWH Design Guidelines, Criteria and Standards (DGCS, 2015 Edition)
3	How will the PAPs know the face to face interview and the survey schedule?	Ms. Elsa Docoy	The schedule of surveys and interviews will be coordinated with the Punong Barangay at least three days prior to its conduct.
4	When will construction start?	Mr. Francisco Dondoyano	Construction may start in 2018 if ROW acquisition, tendering and bidding is completed next year.
5	If the only document possessed is a Deed of Sale, what options are available so that the PAPs can be compensated?	Ms. Lalang Cacho	If the lot that was purchased is covered by a title, the PAP can request the Seller to execute a Waiver in favor of the Buyer or the Buyer can go to the Register of Deeds to request the annotation of title / entry of the Deed of Sale.
6	Apprehension was expressed that lot owners will not get full payment when the government acquires the lots for ROW.	Ms. Helen Gongob	6. Government will pay pay the property owner (a) Fifty Percent (50%) of the negotiated price of the affected land, and the remaining 50% of the negotiated price after the transfer of the tile to RP. For structures, crops and trees, government will pay seventy percent of the negotiated price and pay the remaining 30% after the land is completely cleared of structures, improvements, crops and trees.
7	When will they know the price offer of the government?		The price offer will be known after the surveys, inventory of losses, census and appraisal are completed. To determine the appropriate price offer, appraisal will be done either by a Government Financial Institution or an independent property appraiser pursuant to RA 10752.
8	Opposition was expressed against the implementation of the project because the road alignment will affect the newly constructed covered court.	PB Victorina Tuse	The compensation price for government properties, including those owned by the Barangays that will be affected by the project will be at replacement cost of structures and improvements.
9	What is the cut-off- date?	Kagawad Winnie Jauculan	The cut-of date is the first day of census undertaken as part of the LAPRAP preparation. This means, no informal settlers will be eligible for payment after structures are built after the cut-off-date.
10	Will the PAPs be given enough time to build their new homes/transfer to ne sites/ will it be different with what they see on television where force is used against homeowners and heavy equipment are used to demolish the structures?	Mr. Eleuterio Bagul	Yes, PAPs will be given enough time to build their new homes or transfer to ne sites.

QUESTIONS AND ISSUES		RAISED BY	RESPONSE BY DPWH AND CONSULTANTS
11	Are water wells that would be affected by the road project included in the list of improvements that will be paid?	PB Myrna Libres	Yes, water wells, improvements and other structures would be paid at replacement cost.
Disclosure Consultation August 8-9, 2017			
12	Need to relocate affected deep well	Chairman Libres of Barangay Poblacion	APs will be assisted
13	Some names listed in the list of claimants who were not the owners of the affected properties. What if payment was received by a different person?	Chairman Tuse of New Dapitan and Chairman Larato of Situbo	validation will still be undertaken jointly by the DEO in coordination with the LGU of the locality, to verify if the person to be paid based on the appraisal of the IPA, are the rightful owners of the affected properties, as this will be duly attested by the Barangay Chairmen. The claims must also be supported with a proof of ownership as will be required by office.
14	What if lot under CLOA is not yet registered with the Registry of Deeds and not divided?		
15	Relocation of IPs who were affected by the project		
16	Hiring of laborers within the locality during the course of the project's implementation.		
17	If only small portion of lot will be affected, will the DPWH take the whole lot to compensate?	Emmanuel Deguilmo of Sto Nino	A validation will be conducted and only affected lots will be compensated accordingly. Moreover, the body was informed that claims must all be supported with proof of ownership to the property being claimed.
18	Some lots along the project limits were bought and owned by different persons but with no TCT issued to their name.		
19	His name is included in the list of affected persons gathered by the survey team; seeking clarification on hearsays that 70% initial payment followed by the remaining 30% final payment will be the mode of payment that will be adopted by the DPWH.	Romeo P. Campasas of Sto Nino	The proposed mode of payment is not yet decided and still to be signed by the Undersecretary, However, if the ADB mode of payment governs, APs will be paid of 100%. But if the Philippine mode of payment governs, it would be pegged on a 70/30 payment scheme.
20	How compensation will be made because 25% of his structure will be affected. Will he be compensated for only ¼ of his structure, or will it be the whole of it?	Francisco Dondoyano of New Dapitan	If the structure will be severely affected for more than 20%, then the whole structure will be compensated.
21	How will a lessee be compensated, Knowing that they do not own the lot?		A lessees will only be compensated based on the crops, trees and perennials accordingly.
22	Her house was marked during the survey of the consultant but her name was not included in the list. While, Nestorio Campos claimed that	Erlinda Baracol of New Dapitan	A validation of information gathered by the survey team will still be conducted by the DPWH for veracity of claims.

QUESTIONS AND ISSUES		RAISED BY	RESPONSE BY DPWH AND CONSULTANTS
	his house was not marked during the survey of the consultant.		
23	She was not included in the list of APs. She then inquired if she can now improve her house?	Corazon D. Maglangit of New Dapitan	A validation of information gathered will still be conducted therefore, so she is not advised to improve her structure before the final validation.
24	For a lot without a structure, will a tax declaration suffice?	Mary Gine Cajucom of New Dapitan	Yes with the necessary supporting documents as assessed by the IPA and validated by DPWH in coordination with local officials.
25	If salvaged materials after the demolition of structures can be retrieved for reuse by the APs?	Poblacion barangay chairman	These materials can be retrieved for reuse and recycling. They were further advised that it would be preferable that the owner himself demolish his own structure to maximize reuse of materials. A grace period of 30 days after receipt of payment is allocated to the APs to vacate, retrieve all reusable materials and transfer to a new location.
26	What if the project will commence in say, two (2) years and the value of the property at time of assessment is different from the current market value of the present time.		This happens where waiting time is two years or more as the case maybe. An update of the pricing will be carried out to determine the current market value of he present time. Moreover, it was added that the date of the Notice of Taking, will be the reference of pricing for the property affected.
27	If the whole part of the business will be affected by the Right of Way, can the owner avail of an assistance?		Yes, it can be seen during the validation and those type of assistance is included in the other form of entitlement. P15,000.00 worth of training.
28	What is the process to be adopted for newly acquired lots?		The title should be transferred to the name of the new owner accordingly.
29	How to be compensated if there is already on-going construction along their property?	Rubic Jun Bicoy of Poblacion	The project area overlaps with the regional project and it is treated as a special case. However, this and other similar concerns will be addressed.
30	Requirements need to be satisfied since the lot title has not been transferred in her name	Lalang Cacho of Poblacion	Prior to validation, owners have enough time to process their lot with the register of deeds.
31	Can she still be added to the list because her lot affected by the project is still classified under CLOA.	Minita Tigo of Poblacion	APs with CLOA ownership, should be registered with the register of Deeds to prove ownership to the property.
32	How will "Just compensation" be determined, will the current market value be based on the amount in Tax Declaration?	Gerardo Faeldin of Poblacion	The basis of just compensation emanates from an Individual Property Appraiser (IPA) that was hired to recommend the current market value of the property be it land/ improvements and structures.
33	Is there a waiver for the ownership of the lot?	Alfredo Villacora of Poblacion	There must be a legalized waiver to prove ownership of property. It was emphasized that the barangay chairman stands witness to the ownership of the properties, to address issues that may arise in the course of this undertaking.

C. IP Consultations: Application for Certification Precondition (CP)/Certificate of Non-Overlap

86. Per consultation process under the project, public consultations were conducted and participation to the SES to address to determine if indeed there are affected IP households. Once determined, the NCIP was consulted and BCS through IPRA specifically the CP/FPIC process was observed to address in full the qualifiers for ADB BCS.

87. A preliminary Pre-FBI Conference at the regional level was held in late January 2017 at the DPWH Zamboanga City District Office (ZC DEO). DPWH filed the Certification of Precondition (CP)/Certificate of No-Overlap (CNO) application to NCIP in October 2016 covering the seven priority and candidate project roads. It was then agreed that DPWH shall (i) complete the submission of requirements for CP/CNO application; and (ii) the Work and Financial Plan (WFP) will be addressed at the NCIP provincial level on a per Project Road basis. NCIP on the other hand committed to constitute Pre-FBI Teams as set forth in NCIP Administrative Order No. 3.

88. Pursuant to the agreement during the conference, the FBI Team was immediately constituted. The FBI Team, together with the authorized DPWH representatives met in Dipolog City and prepared the WFP for the FBI last May 2017. The WFP was approved by NCIP Region IX and duly concurred by DPWH last July 17, 2017. The FBI Team shall commence the conduct of ground or field investigation within ten (10) days after the FBI Fee is remitted or paid to the NCIP Region IX by DPWH. The FBI Fee was deposited in a NCIP Region IX Trust Account. (See project letter request in Appendix 4).

D. Disclosure

89. DPWH shall submit the following documents for disclosure on ADB's website:

- (i) This RIPP as endorsed by DPWH;
- (ii) Updated RIPP upon (i) finalization of the detailed engineering design, (ii) completion of independent appraiser, and (iii) DPWH validation; as endorsed by DPWH;
- (iii) A new or updated RIPP and corrective action plan prepared during project implementation, if needed; and
- (iv) Semiannual monitoring reports.

90. This draft RIPP has been disclosed to APs by DPWH Representatives, DEO Coordinator and the Consultants through a consultation meeting held from 8-9 August 2017 (see Appendix 5 on Minutes and Attendance and Appendix 6 on Powerpoint presentation) and will be uploaded to the ADB website. Basic project information will be translated into local language to be placed in public offices where the APs can readily access. A Project Information Brochure (PIB) has been distributed to DPWH District Office for distribution upon constitution of the Resettlement Implementation Committee (RIC). The PIB includes the project name, cut-off date and eligibilities, compensation/entitlements, GRM procedures, and focal persons. The PIB is attached in Appendix 7 and will be officially disseminated through the RIC members once constituted.

V. GRIEVANCE REDRESS MECHANISM

91. The 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.

92. There are four levels of grievance redress open to APs and other stakeholders during the RIPP implementation.

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

94. **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.

95. **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.

96. **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.

97. **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.

98. **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.

99. 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.

100. **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.

VI. LEGAL AND POLICY FRAMEWORK

A. Relevant Laws and Regulations in the Philippines

101. 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."

1. Involuntary Resettlement

102. **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 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.

103. *Negotiated land acquisition.* Under Philippine laws, 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.

104. 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.

105. 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.

106. ROW acquisition starts with the validation of Parcellary Survey Report and RIPP where the number and names of property owners and other relevant information will be determined. The validated Parcellary Survey Report and RIPP 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.

107. Based on the price for negotiated sale set in the validated and approved RIPP, 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.

108. 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.

109. 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.

110. 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) **Republic Act 6657 (1988)** or The Comprehensive Agrarian Reform Law Republic Act 6657 Section of this law 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.
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. Per IRR of RA10752, if the government decides to exercise its right to use the ROW strip reserved for public use within the land acquired under CA No. 141, the owner is required to execute a quit claim. Holders of free or homesteads patents and 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
- (iv) **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.
- (v) **MO 65, Series of 1983** Easement of ROW where the owner is paid the land value for the Government to use the land but the owner still retains ownership over the land. ii. Quit claim where the Government has the right to acquire a 20 to 60 m width of the land acquired through CA 141. Only improvements will be compensated.

- (vi) **Republic Act 6389** provides for disturbance compensation to agricultural lessee's equivalent to 5 times the average gross harvest in the last 5 years.
- (vii) **Article 141, Civil Code** is real actions over immovable prescribed after thirty (30) years. The provision is without prejudice to what is established for the acquisition of ownership and other real rights by prescription (1963).
- (viii) **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.
- (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.

2. Indigenous Peoples

111. 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);

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

3. Other Laws and Guidelines

113. 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) **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.
- (iii) **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 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. NHA's 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.
- (iv) **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.
- (v) **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.
- (vi) **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.
- (vii) **Republic Act No. 9710 with Implementing Rules and Regulation** is an act providing for the Magna Carta of Women.
- (viii) **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.
- (ix) **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
- (x) **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.

- (xi) **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.

B. ADB Policies

114. **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.

115. 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.

116. 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.

117. 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.

118. **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.

119. 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.

120. **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).

C. Gap Analysis and Project Principles

121. 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.

122. 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.

123. 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.

124. 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.

125. **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.

126. 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.

127. 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.

128. Based on the key elements of SPS replacement cost and the specifications of valuation for land, structures, trees and crops under RA 10752 (Para 126), there was found to be no gap on replacement cost considerations for full compensation.

129. 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 12.

Table 12. Assessment on Involuntary Resettlement Policy Gaps

ADB Policy	GOP Laws	Gap	Gap-Filling Measure
1. Pay compensation and provide other resettlement	Under RA 10752, APs will be paid in two installments for their affected properties. Initially, they	Mode of payment/ compensation	The APs will be paid 100% compensation prior to removal of

ADB Policy	GOP Laws	Gap	Gap-Filling Measure
<p>entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.</p>	<p>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>for affected assets/ properties.</p> <p>Land donation is beyond the purview of the ADB SPS of 2009.</p>	<p>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 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>	<p>Severely-affected APs:</p> <p>a. The portion of the property to be affected is 20% and above of the total area, example 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>b. 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>Marginally-affected APs: 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</p>	<p>There is difference in usage of severity.</p>	<p>Marginally-affected APs with Productive Assets will be reclassified as severely affected – losing 10% or more of productive assets.</p>

ADB Policy	GOP Laws	Gap	Gap-Filling Measure
	<p>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>		

130. 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 13.

Table 13. Assessment on Indigenous Peoples 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 dominant society and culture; and (iv) A distinct language, often different from the official language of the country or region.</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 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” .</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>
<p>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</p>	<p>Included as a concern under external monitoring only.</p>	<p>The LARRIP has no explicit provisions on unanticipated impacts.</p>	<p>ADB policy will prevail</p>

ADB Policy	GOP Laws, IPRA, LARRIP and others	Gap	Gap-Filling Measure
in this document.			

D. Social Safeguards Policy Principles for the Project

131. The Project shall, under the aegis of DPWH, uphold legal provisions of the Government of the Philippines and the ADB-SPS 2009 safeguard requirements as embodied in the RIPF. The resettlement and IP policy principles for the Project are thus 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 also 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 the RIFP.

E. Voluntary Land Donation

132. Voluntary land donation is beyond the scope of the ADB SPS 2009.⁹ 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.

133. Any voluntary donation will follow international best practices and 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

⁹ ADB. Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document. November 2012.

- (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.

VII. COMPENSATION, ASSISTANCE, AND VALUATION

A. Affected Persons and Eligibilities

134. 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.

135. 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.

136. In this Project, the cut-off date of eligibility for project entitlements is December 9, 2016 the starting date of the census of APs and the IOL of APs' land and/or non-land assets for PR07. Persons making claims after the said cut-off date are not eligible for compensation and entitlements.

B. Entitlements

137. 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 the 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.

138. 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. The mobilization details for such service is provided in Appendix 8.

139. 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 14.

Table 14. 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

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
				<p>Agrarian Reform Act (RA 6657) shall be compensated at current market value</p> <ul style="list-style-type: none"> • 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.
		<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
			APs with tax declarations without Titles	<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

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			<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>	<p>of a new parcel of land of equivalent productivity, at a location acceptable to APs</p>
		<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</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>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>	
		<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 market value at the time of taking.

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
				<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 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"> • 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 incomes from other	<p>AP with Title or tax declaration (Tax declaration can be legalized to full title)</p> <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</p>	<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
		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	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	• 100% Compensation for affected portion of the structure at replacement cost
			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	• 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	AP with Title or tax declaration	• 100% Cash compensation for the entire structure at replacement cost.
			AP without Title Provided that meeting all the following criteria: 1. Must be a Filipino citizen 2. Must not own any real property	• 100% Cash compensation for the entire structure at replacement cost.

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
		RIPF and Table 11 #2)	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	
		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
			AP without Title Provided that meeting all of 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 4. Must not occupy an existing government ROW	• 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, tax declaration, etc.	• Cash compensation for the affected improvements at replacement cost

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
			Provided that meeting all of 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 4. Must not occupy an existing government ROW	
D. CROPS, TREES AND PERENNIALS				
1.	Loss of Crops, trees and perennials		AP with or without Titles, tax declaration, etc. Provided that meeting all of 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 4. Must not occupy an existing	<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
			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 RIFP 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	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.

No	Impact/Loss Category	Application	Entitled Person	Project Compensation/Entitlement
		RIPF and Table 11 #2)		
4.	For main structure	Severely affected Loss 20% and above of the total area of the main structure or where less than 20% loss but the remaining become economically unviable (Refer to RIPF and Table 11 #2)	APs that needs relocation and new construction	<ul style="list-style-type: none"> • Inconvenience Allowance in the amount of ₱10,000.00
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 six (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.

C. Valuation and Replacement Costs

140. Pursuant to RA 10752, 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.

141. 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.

1. Compensation for Land

142. 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.

143. 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.

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

- (i) Follow the other 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.

2. Compensation for Structures

145. 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.

3. Compensation for Improvements

146. 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.
- (ii) Cash compensation to cover the cost of reconnecting damaged facilities, such as water, power and telephone lines.

4. Compensation for Crops, Fruit Trees, and Perennials

147. 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.

D. Compensation and Assistance

148. 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 above section, the classifications or categories of assets to be compensated include Land, Structures, other Improvements and Crops, Trees and Perennials. Described below are the compensation and entitlements provisions for which the AFs are eligible, per classification of assets affected.

149. **Compensation for Land.** The following were observed:

- (i) Computation of the current market value of land shall be pursuant to RA 10752.
- (ii) Land swapping if feasible, „land for land“, will be provided in terms of a new parcel of land of equivalent market value, at a location acceptable under zoning laws, or a plot of equivalent value, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure. When the affected holding has a higher value than the relocation plot, cash compensation will cover the difference in value.
- (iii) Holders of free patent, homesteads under CA 141, or the Public Lands Act, will be compensated for improvements only.
- (iv) Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act shall be compensated pursuant to the provisions of RA 10752. However, CLOAs granted under Public Land Act or CA 141 landowners shall be compensated for the affected improvements only.

150. **Compensation for Structures.** Compensation in cash for the affected portion of the structure, including the cost of restoring the remaining structure, as determined after proper appraisal, with no deduction for salvaged building materials.

151. **Compensation for Other Improvements.** Compensation in cash at replacement cost for the affected portion of public structures to government or non-government agencies or to the community in case of a donated structure by agencies that constructed the structure. Compensation to cover the cost of reconnecting the facilities, such as water, power and telephone.

152. **Compensation for Crops, Trees and Perennials.** The following were upheld:

- (i) Cash compensation for perennials of commercial value as determined by the DENR or the concerned Appraisal Committee
- (ii) AFs will be given sufficient time to harvest crops on the subject land
- (iii) Compensation for damaged crops (palay and corn) at market value at the time of taking. The compensation will be based on the cost of production per ha. Pro-rata to the affected area.
- (iv) Entitlement for fruit-bearing trees will be based on the assessment of the Provincial or the Municipal Assessors where the project is located.

153. **Other Types of Assistance or Entitlements.** The following were upheld:

- (i) **Disturbance Compensation** - For agricultural land severely affected the lessees are entitled to disturbance compensation equivalent to five times the average of the gross harvest for the past 3 years but not less than PhP15, 000.
- (ii) **Income Loss.** For loss of business/income, the **AF** will be entitled to an income rehabilitation assistance not to exceed **P 15,000** for severely affected structures, or to be based on the latest copy of the AFs Tax record for the period corresponding to the stoppage of business activities.
- (iii) **Inconvenience Allowance** in the amount of **P 10,000.00** shall be given to AFs with severely affected structures, which require relocation and new construction.
- (iv) **Rehabilitation assistance** (skills training and other development activities) equivalent to PhP15, 000 per family per municipality will be provided in coordination with other government agencies, if the present means of livelihood is no longer viable and the AF will have to engage in a new income activity.
- (v) **Rental Subsidy.** Will be given to AFs without sufficient additional land to allow the reconstruction of their lost house under the following circumstances:
 - The concerned properties are for residential use only and are considered as severely affected.
 - The concerned AFs were physically residing in the affected structure and land at the time of the cut-off date.
 - The amount to be given will be equivalent to the prevailing average monthly rental for a similar structure of equal type and dimension to the house lost.
 - The amount will be given for the period between the delivery of house compensation and the delivery of land compensation.
- (vi) **Transportation allowance or assistance.** If relocating, AFs to be provided free transportation. Also, informal settlers in urban centers who opt to go back to their place of origin in the province or be shifted to government relocation sites will be provided free transportation.

E. Income Restoration and Special Assistance to Vulnerable and Severely Affected HHs

154. DPWH will include detailed measures for income restoration and livelihood improvement of displaced persons in the RIPP. 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.

155. The **Poor Affected HHs** will be provided with appropriate skills and livelihood training for the capable and willing in coordination with other government agencies. DPWH will also enforce the mandatory minimum percentage of 50% of the unskilled and at least 30% of the unskilled labor requirements are recruited, equally for men and women, from bona fide residents of neighboring barangays of Tampilisan Zamboanga del Norte pursuant to the guidelines set forth in DPWH DO 130 Series of 2016.

156. The **Elderly HHs** will be assisted by DPWH so that they will receive the benefits and enjoy the privileges as provided in RA 7432 or the Seniors Citizens Act.

157. The **Disabled HHs** shall be given full support to improve their total well-being and their integration into the mainstream of society. DPWH will support policies to help ensure the

rehabilitation, self-development and self-reliance of disabled persons. DPWH will also encourage contractors to help ensure gainful employment for qualified disabled persons.

158. The **Single Female HH** will be assisted by DPWH so that they will get the comprehensive package of programs and services for solo parents that includes livelihood, self-employment and skills development employment related benefits, psycho-social, educational, health and housing activities as provided in the RA 8972 or the Solo Parent's Welfare Act.

159. Vulnerable and severely affected APs losing their productive assets and income sources will participate in an income restoration program. DPWH will exert efforts to coordinate with relevant government entities and NGOs who are engaged in livelihood enhancement activities. The Income Restoration Program (IRP) will be designed, and coordinated by the Municipality of Tampilisan with Provincial and Regional level offices of national agencies concerned with livelihood support (e.g., TESDA, DOLE, DSWD, etc.) skills training and development assistance. This will be provided in coordination with other government agencies.

160. The categories of affected livelihood that will be potentially affected are identified below along with appropriate income restoration measures.

Table 15. Matrix of IRP Measures

Potential Affected Livelihood/other categories	Income Restoration Measures	Responsible Entity (in coordination with DPWH)
Temporary loss of Farming/ productive land	Vocational training on change of/ or alternate livelihood;	NGOs/NGAs (DA, TESDA and DOST)
Affected businesses	Vocational training Provide access to credit assistance	NGOs/NGAs (DA, DTI, DOST) Cooperatives
Affected jobs (employees)	Vocational training assistance Provide access to credit assistance	NGOs/NGAs (DOLE, TESDA and DSWD) Cooperatives
Affected income of Vulnerable persons	Vocational training Provide access to credit assistance	NGOs/NGAs (DSWD, TESDA, DA) Cooperatives

161. **Approach and Strategy.** The DPWH will coordinate livelihood related activities with partner agencies. The IRP will adopt an approach that will address the immediate and sustain the long-term rehabilitation of affected APs. The proposed strategy will respond to the APs' need for work and economic opportunities after relocation and in the long term, a sustainable livelihood restoration program that will ensure improved socio-economic conditions of the APs.

162. Livelihood restoration and vocational training will be based on consultation with the AHs to ensure that the courses developed meet their capacities, resources and interests. A disaggregated training and vocational needs assessment of APs and a rapid local economic appraisal of target barangays will be undertaken by DEO to determine occupational and local market needs and serve as a basis for demand-driven skills training and short-term vocational training for coordination and referral services.

163. Linkages to area vocational training centers and respective Municipal Social Welfare and Development (SWD) and Department of Labor and Employment (DOLE) will be further developed

in order that priority linkage and employment referral be provided to those displaced from livelihoods by the project.

(i) Short Term Strategy

164. Job placement or temporary work during construction. To augment the income of PAPS, DPWH will ensure the absorption of family members of PAPS, skilled and unskilled, into the Project pursuant to DPWH Department Order No. 30 series of 2016 that 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 . The DEO will ensure the provision of employment support during construction and project operation. The RIC will coordinate and arrange with the DEO in the task of identifying PAPS family members who are skilled workers for employment. DPWH, in coordination with relevant agencies, will screen applicants, provide training if necessary and give priority employment to affected PAPS. Possible jobs during construction are masons, drillers, drivers, operators, or during operations, as maintenance workers; employment scheme related to demolition and relocation, food for work and sweat equity in house reconstruction.

165. Social Services/Nutritional program. Other initiatives that will supplement income will be provided in the form of short term welfare services focusing on vulnerable groups such as, children under 5, undernourished children, pregnant women, old and disabled persons. A supplementary feeding program will be administered by the Project for the women during the settlement phase. If appropriate, this will be continued until desired level of nutritional status has been achieved.

(ii) Long Term Strategy

166. Vocational skills training. Conduct of vocational skills training to fully avail of the job opportunities that will be generated by the project, as well as to link market demand for possible job referral and placement and requirements from nearby industrial factories, and even for overseas jobs.

167. Agricultural enhancement program. An agricultural enhancement program will be established especially targeting farmers who remain in the project area and whose lands are partially affected. DPWH will coordinate with institutions such as the DA, DOST, and DAR and tap resources that will provide support for extension programs that will enable affected farmers to increase productivity from smaller productive land areas.

168. Linkages to Cooperatives. Farmer's cooperatives are vehicles for promoting economic support and continuing capital- build – up assistance. Cooperative development is supported by the national law- RA 6938, Article 123 encourages communities to undertake formation and organization of cooperatives that are responsive to the community's economic growth and development. Majority of the farmers in the areas are members of farmers' cooperative however, problems on financing and proper management needs to be strengthened.

E. Relocation

169. The 78 households in PR07 who are poor, not owners of lot they occupy and their residential and/or combined residential-commercial structures will be severely affected in terms of both area and foundation/structural integrity. The estimated total size of relocation area to accommodate the 78 HH is 10,000 m². When asked about their willingness to be relocated, 72% (183) are willing to be relocated, while 5% (14) will consider the option to relocate. About 3% (8)

are not sure whether to relocate or not and 17% (44) chose not to respond to the query. When asked about relocation site preference, 46% prefer to be relocated within the same barangay, 33% indicated to simply move back within their respective lots, 18% did not respond, and 1% signified preference to other barangays as relocation sites.

170. The AHs deem police/barangay outpost (28%), market (25%), and 24% each for health service and school (24%) to be necessary should they be moved. Projected assistance cited are cooperative formation (25%), microfinance (27%), job placement (25%), and skills development (23%).

171. **Relocation Site Options** the Tampilisan Municipal Mayor revealed that the option to consider state-run Jose Rizal Memorial State University (JRMSU) as a potential relocation site is no longer feasible. JRMSU, which holds a vast land reserve in Tampilisan has already planted rubber trees in the area previously considered as a potential relocation site.

172. The Municipality of Tampilisan however has identified potential relocation sites for the AHs in Barangays Poblacion, Farmington and Situbo. The identification of sites and other preparatory activities are being done by the municipal government in consultation with the Barangay officials.

173. The identified site in Poblacion is planned to accommodate solely barangay residents. In Farmington, a 2-hectare area could accommodate qualified AHs. In the case of Situbo, two areas had been identified as possible relocation site: (i) an area located beside the newly constructed covered court that has long been reserved solely as IP relocation site; and (ii) an area for non-IPs. The IPs are aware of the plan because they were consulted and are part of the relocation site planning process. A rapid social and environmental assessment of the potential relocation sites and host communities were conducted and it was determined that in the case of the planned relocation site for non-IPs, it is crucial to introduce the appropriate mitigation measures to address perennial flooding.

174. The Municipal government is poised to prepare the documentary requirements of the National Housing Authority (NHA) for the relocation sites. Tampilisan LGU was given copies of the NHA requirements checklist and other related documents during previous coordination meetings.

175. Pursuant to RA 7279 or the Urban Development and Housing Act (UDHA) of 1992, NHA has adopted a policy of providing assistance to local government units in the provision of housing sites for informal settler families requiring relocation and resettlement. Under NHA Memorandum Circular No. 2427 or the Revised Guidelines for the Implementation of the Resettlement Assistance Program for Local Government Units, the projects shall be undertaken jointly by NHA and LGU. Target beneficiaries include families displaced or to be displaced from sites earmarked for government infrastructure projects.

176. Apart from the technical assistance to LGUs in the preparation of project plans, NHA also contribute funds for the development of resettlement sites in the form of grants (April 26, 2012 – See Appendix 9). The LGU on the other hand contributes the land required for the project and takes the lead as project implementor with overall responsibility for the operation and management of the resettlement project to include (i) preparation of project plans, site development and housing plans (ii) beneficiary selection (iii) relocation of families and estate management to cover disposition of housing and (iv) project maintenance.

177. In recognition of RA 8371 or the Indigenous Peoples Rights Act of 1997, NHA has issued Memorandum Circular No. 2423 or the Revised Guidelines for the Implementation of the Housing Assistance Program for Indigenous Peoples (April 18, 2012) to assist IPs improve their living conditions and uplift their well-being through provision of decent shelter. The projects under this program are implemented as LGU projects in coordination with NCIP and project development plans shall be jointly approved by the LGU, NHA and the IP community. NHA's fund assistance for said program is considered as grant to (i) all municipalities (ii) 5th and 6th class cities and 5th and 6th class provinces to cover land development or housing construction and technical assistance.

F. Special Assistance to Severely Affected Persons and Vulnerable APs

178. Severely Affected Persons and Vulnerable APs are eligible to participate in income restoration measures such as training, access to credit assistance and other support.

179. **Gender Strategy.** 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. The RIPF adopts ADB's and DPWH's 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.

180. 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*¹⁰.

181. 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.

¹⁰ 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 Trainer'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-Borongan-Guian Road*.

- (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.

VIII. RIPP BUDGET

182. The indicative budget for RIPP Implementation of PR07, Tampilisan Sandayong is **PhP 110,636,932 or USD 2,179,176** and is part of government counterpart. The indicative budget items covering (i) compensation for loss of land, structures, trees, crops and other entitlements (ii) other assistance to include related expenses of DPWH including capital gains tax (CGT), documentary stamp tax (DST) and transfer tax; (iv) livelihood restoration program (v) relocation and resettlement (vi) administrative cost (vi) external monitoring and (vii) contingencies.

183. The indicative budget item for compensation will be updated after the submission of the appraisal report of the Independent Property Appraisal tasked to undertake property valuation for loss of land, structures, crops and trees for PR07. Table 16 shows the details of the indicative budget to implement this RIPP.

Table 16. Indicative Budget for RIPP Implementation

Budget Items	Total (PHP)	Total (USD)	Fund Source/ Responsible Entity
I. COMPENSATION	72,334,738.41	1,424,753	DPWH
II. OTHER ASSISTANCE (i.e., Transaction cost)	7,233,473.00	142,475	
III. LIVELIHOOD RESTORATION PROGRAM			LGU, TESDA, DOLE, DSWD, DA
IV. RELOCATION AND RESETTLEMENT	15,716,000.00	309,552	LGU/NHA
V. RIPP Administrative Costs (5% Direct Cost)*	4,784,240.00	94,233	DPWH
VI. External Monitoring (PhP 1,000,000 per SP)	1,000,000.00	19,696	
VII. Contingencies (10% of direct costs)	9,568,481.00	188,467	
GRAND TOTAL	110,636,932.41	2,179,176	

** For items I-IV, the implementing units will prepare a realistic program of work*

IX. INSTITUTIONAL ARRANGEMENTS

A. Current DPWH Capacities on Social Safeguards

184. 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

185. **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 RIPP 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.

186. **Unified Project Management Office-ROW Task Force, DPWH.** 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 RIPP are available and that all costs are properly accounted for.

187. **The Roads Management Cluster II, Multilateral, Unified Project Management Office, DPWH** as the overall project management unit, shall manage and supervise the implementation of the RIPP. RIPP implementation shall be in accordance with the RIPP 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 DPWH Planning Service through its Environmental and Social Services Division (ESSD), Regional Office (RO), District Engineering Office (DEO), Local Government Units (LGUs), National Commission on Indigenous Peoples (NCIP), Resettlement Implementation Committee (RIC) and all other pertinent agencies and instrumentalities of the government to fully address the impacts of involuntary resettlement.

188. **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 RIPP;
- (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 RIPP 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 RO 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 RIPP; and;
- (vii) In collaboration with its regional counterpart, prepare quarterly monitoring reports on social safeguards document/plan implementation for submission to the UPMO and ADB.
- (viii) For uploading the RIPP, the DEO with assistance of the RIC shall conduct inventory of loss and socio-economic surveys validation for submission the UPMO and ADB.
- (ix) Provide RIPP orientation to DPWH RO and DEO 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 RIPP implementation.

2. Site Level

189. **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 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.

190. **Regional Office, DPWH.** The RO will act as the liaison between ESSD and the DEO and will ensure that the RIPP is implemented as planned. Specific activities of the RO are: (i) monitor the RIPP 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

191. **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 RIPP;
- (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 RIPP 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.

192. 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; see Appendix 10.

193. **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.

194. 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/ICCs. The NCIP also validates expressions of voluntary initiation or solicitation for certain projects made by IP communities.

195. **Local Government unit.** Provide LGU legal instruments (e.g., Executive Orders, Municipal Resolutions, Memorandum Orders, etc.) that are necessary for the implementation of the RIPP. 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 monitor RIPP implementation; and (iii) address issues, grievances and complaints as indicated in the GRM section of this document.

196. **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

197. To fully implement the RIPP, the ESSD, RO and DEO units of DPWH will require capacitation on RIPP 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 the RIPP 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 Inventory of Loss/ 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.

198. DPWH as the primary executing agency, shall retain adequate staff with relevant qualifications and experience to be able to adequately implement the RIPP.

D. Implementation Schedule of the RIPP

199. Table 17 summarizes the indicative schedules of the various interrelated activities in relation to the preparation and implementation of this RIPP.

Table 17. Resettlement Schedule

Activities	Schedule
Preparation of Draft RIPP	July 2017
Distribution of Project information leaflet	July 2017 onward
DPWH concurrence of draft RIPP; ADB approval of draft RIPP	August 2017
RIPP updating	3rd Quarter 2017
Submission to and ADB concurrence of updated RIPP	4th Quarter 2017
Payment of compensation	Before commencement of civil works
Implementation of income restoration program	
Internal monitoring (submission of quarterly reports)	Ongoing during implementation

X. MONITORING AND EVALUATION

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. In as much as this social safeguard plan is a combined IR-IP document, 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 considering the projects implementing schedule. It is expected that one month prior to the start of the civil works, RIPP 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 RIPP;
- (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; and
- (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 RIPP, 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 RIPP;
- (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 RIPP, 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 if 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 the RIPP and the RIPP.
- (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 RIPP 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 RIPP 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 18.

Table 18. 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.

Monitoring parameters	Suggested indicators
	<ul style="list-style-type: none"> • 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. • 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	

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

C. External Monitoring

205. The main objective of external monitoring is 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 are 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 RIPP implementation drawing lessons as a guide to future resettlement and indigenous people's policy making and planning;
- (vii) Ascertain whether the RIPP 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 RIPP 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 external monitoring will revolve around the following:

- (i) Verify ongoing internal monitoring information;
- (ii) Verify whether the overall project and resettlement objectives are being met in accordance with the RIPP, and if not, suggest corrective measures;
- (iii) Assess the extent to which implementation of the social safeguards document/plan complies with ADB's Safeguards Policy Statement (SPS);
- (iv) Identify problems or potential problems;
- (v) Identify methods of responding immediately to mitigate problems and advise the DPWH accordingly; and;
- (vi) Verify if the livelihoods and the standard of living of APs, including those displaced persons with no legal titles, 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-RIPP Implementation Evaluation Study that will be carried out 6-12 months following completion of all resettlement activities.

209. The EMA shall 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.

210. The suggested external monitoring indicators are shown in Table 19.

Table 19. 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

Monitoring Indicators	Basis for Indicators
	<ul style="list-style-type: none"> • 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? • 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. Reporting and Disclosure

211. For internal monitoring, DPWH will generate the data for a full and consolidated semiannual monitoring report (SMR) to be submitted to ADB (See Appendix 9 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.

212. DPWH through its implementing units shall disclose results of monitoring pertinent to the sites specifically to the affected communities/persons in summary form, to wit: status of the RIPP

including its updated versions, information on benefits sharing, and corrective action plans, if necessary. 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.

APPENDICES

Appendix 1. Affected Household by Loss Type

- 1. List of AHs Due to Land Loss**
- 2. List of AHs Due to Structural Loss**
- 3. List of AHs Due to Loss of Forest Trees**
- 4. List of AHs Due to Loss of Fruit Trees**
- 5. List of AHs Due to Loss of Crops**
- 6. List of AHs Due to Loss of Business**
- 7. List of Severely Affected HHs**
- 8. List of Vulnerable HHs**

Appendix 2. Tables on Sample Survey Results

Table 1. Sex Disaggregated Data

Gender of Sample AH Heads	BARANGAY						TOTAL	
	Farmingto n	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Male	60	39	12	13	39	5	168	63.88
Female	33	32	5	7	18		95	36.12
Total	93	71	17	20	57	5	263	

Table 2. Age of Sample AH Heads

Age of Sample AH Heads	BARANGAY						TOTAL	
	Farmingto n	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
15 - 19							0	0.00
20 - 24	1	4	2	1	1		9	3.42
25 - 29	4	5		2	10	1	22	8.37
30 - 34	13	8	3		5	2	31	11.79
35 - 39	10	9	3	1	7		30	11.41
40 - 44	16	6	3	4	7	1	37	14.07
45 - 49	11	7	1	1	4		24	9.13
50 - 54	9	9		4	10		32	12.17
55 - 59	5	7	1	2	5		20	7.60
60 - 64	7	5	1	1	4		18	6.84
65 - 69	11	3	2	3	2		21	7.98
70 - 74	2	2			1		5	1.90
75 - 79	2	1	1		1	1	6	2.28
80+								0.00
No Response	2	5		1			8	3.04
Total	93	71	17	20	57	5	263	

Table 3. Civil Status of Sample AH Heads

Civil Status of Sample AH Heads	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Single	5	4	1		5		15	5.70
Married	67	53	12	20	40	2	194	73.76
Widow/er	6	6	2		4	1	19	7.22
Live-In	13	6	2		7	2	30	11.41
No Response	2	2			1		5	1.90
Total	93	71	17	20	57	5	263	

Table 4. Religion of Sample AH Heads

Religion of Sample AH Heads	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Catholic	58	52	12	14	45	2	183	69.58
Islam	1		2	3			6	2.28
INC	2						2	0.76
Protestant	9	10	1		1	3	24	9.13
Others	23	9	1	2	10	0	45	17.11
No Response			1	1	1		3	1.14
Total	93	71	17	20	57	5	263	

Table 5. Educational Attainment of Sample AH Heads

Educational Attainment of Sample AH Heads	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
No Formal Educ	1	0	1	1	0	1	4	1.52
Pre-School	0	0	0	4	0	0	4	1.52
Elem Under-grad	23	20	3	5	16	0	67	25.48
Elem Grad	15	6	4	4	12	3	44	16.73
HS Under-grad	16	19	4	0	7	1	47	17.87
HS Grad	13	13	3	5	9	0	43	16.35
Vocational/ Technical	2	0	0	0	2	0	4	1.52
Certificate Courses	0	0	0	1	1	0	2	0.76
College Under-grad	8	5	1	0	4	0	18	6.84
College Grad	10	4	1	0	4	0	19	7.22
No Response	5	4	0	0	2	0	11	4.18
Total	93	71	17	20	57	5	263	

Table 6. Place of Origin of Sample AH Heads

Place of Origin of Sample AH Heads	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Within Bgy	28	21	12	4	22		87	33.08
Other Bgy within the Mun	9	9	1	6	5	1	31	11.79
Other Mun within the Prov	20	21	1	4	14	3	63	23.95
Other Prov within the Region	13	5	1	4	12		35	13.31
Other Region within the Country	20	13	2	2	3	1	41	15.59
Other Country	1						1	0.38
No Response	2	2			1		5	1.90
Total	93	71	17	20	57	5	263	

Table 7. Length of Residence of Sample AH Heads

Length of Residence of Sample AH Heads	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Less than 1 year	5	1	1		2		9	3.42
1 - 5 years	11	6	2	2	3	2	26	9.89
6 - 10 years	4	11	2	2	8	2	29	11.03
More than 10 years	69	53	12	16	42	1	193	73.38
No Response	4				2		6	2.28
Total	93	71	17	20	57	5	263	

Table 8. Land Ownership

Land Ownership	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Private	67	41	17	13	50	5	193	73.38
Government	1	24		5	7		37	14.07
Don't Know		2		1			3	1.14
No Response	25	4		1			30	11.41
Total	93	71	17	20	57	5	263	

Table 9. Land use

Landuse	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Residential	67	61	17	16	47	2	210	79.85
Commercial	1			2	1		4	1.52
Residential-commercial		1			7	1	9	3.42
Agricultural						2	2	0.76
Institutional		5		1	2		8	3.04
No Response	25	4		1			30	11.41
Total	93	71	17	20	57	5	263	

Table 10. Tenure

Tenure	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Owner	16	17	13	4	26		76	28.90
Co-Owner	24	5			9	1	39	14.83
Free Occupation w/ permit	23	41	3	11	20	2	100	38.02
Free Occupation w/o permit	1						1	0.38
Tenant/Rent	1				1	2	4	1.52
Sharer								0.00
Others	1	4		4	1		10	3.80
No Response	27	4	1	1			33	12.55

Tenure	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Total	93	71	17	20	57	5	263	

Table 11. Proof of ownership

Proof of Ownership	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
None	51	54	10	12	30	5	162	61.60
Title	22	6	3		16		47	17.87
Contract	6	3	1	2	3		15	5.70
Deed of Sale/ Mortgage	6	2	2		1		11	4.18
Tax Declaration	6	5	1	5	7		24	9.13
No Response	2	1		1			4	1.52
Total	93	71	17	20	57	5	263	

Table 12. Structural Use

Structural Use	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Residential	58	54	17	17	50	4	200	76.05
Commercial	5	1		2	1		9	3.42
Residential-commercial		2			4	1	7	2.66
Others	6	9			2		17	6.46
No Answer	24	5		1			30	11.41
Total	93	71	17	20	57	5	263	

Table 13. Tenure

Tenure	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Owner	53	52	13	12	47	3	180	68.44
Co-Owner	5	3	1	3	6		18	6.84
Free Occupation w/ permit	2	5	3	2	3	1	16	6.08
Free Occupation w/o permit	1						1	0.38
Tenant/Rent	1	1					2	0.76
Sharer							0	0.00
Others	6	6		2	1	1	16	6.08
No Response	25	4		1			30	11.41
Total	93	71	17	20	57	5	263	

Table 14. Employment Status of Sample AH Heads

Employment Status of Sample AH Heads	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Permanent/regular	56	44	15	6	38	4	163	61.98
Contractual	12	19		10	7	1	49	18.63
Seasonal	10	2	1	2	6		21	7.98
Self-employed	3	4	1		2		10	3.80
No Response	12	2		2	4		20	7.60
Total	93	71	17	20	57	5	263	

Table 15. Household Income of Sample AH Heads

Monthly Income of Sample AHs	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
10,000 and Below	67	58	15	16	39	3	198	75.29
10,001 to 20,000	11	2	1	1	6		21	7.98
20,001 to 30,000	3	1			3	1	8	3.04
30,001 to 40,000	5	1			1		7	2.66
40,001 to 50,000	2				2		4	1.52
50,001 to 60,000		1			1		2	0.76
60,001 to 70,000					1		1	0.38
70,001 to 80,000								0.00
80,001 to 90,000								0.00
90,001 to 100,000								0.00
100,001 to 200,000	1		1				2	0.76
200,001 and above								0.00
No Response	4	8		3	4	1	20	7.60
Total	93	71	17	20	57	5	263	
Average	10,597.82	6,576.19	13,311.76	3,832.35	10,976.79	10,750.00		9,356.90
Min	720.00	500.00	200.00	1,000.00	1,000.00	1,000.00		200.00
Max	120,000.00	60,000.00	150,000.00	11,800.00	70,000.00	30,000.00		150,000.00
Median	6,000.00	4,000.00	5,000.00	2,800.00	4,500.00	6,000.00		

Table 16. Household Expenditure of Sample AH Heads

Monthly Expenditure of Sample AHs	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
10,000 and Below	66	66	16	16	41	3	208	79.09
10,001 to 20,000	8	1			3		12	4.56
20,001 to 30,000	1					1	2	0.76
30,001 to 40,000	1				1		2	0.76
40,001 to 50,000	1		1		2		4	1.52
50,001 to 60,000							0	0.00

Monthly Expenditure of Sample AHs	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
60,001 to 70,000							0	0.00
70,001 to 80,000							0	0.00
80,001 to 90,000							0	0.00
90,001 to 100,000							0	0.00
100,001 to 200,000							0	0.00
200,001 and above							0	0.00
No Response	16	4		4	10	1	35	13.31
Total	93	71	17	20	57	5	263	
Average	6,728.30	3,536.81	6,179.12	2,948.50	7,015.43	10,750.00	5,614.00	
Min	370.00	472.00	300.00	300.00	800.00	1,000.00	300.00	
Max	45,000.00	13,000.00	47,250.00	8,320.00	50,000.00	30,000.00	50,000.00	
Median	4,860.00	3,000.00	4,872.00	2,833.00	3,730.00	6,000.00		

Table 17. Roof Material

Roof Material	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Wood	2						2	0.76
Cement	1				1		2	0.76
Nipa	14	16	5	4	14	2	55	20.91
Bamboo		1					1	0.38
Galvanized	72	49	12	14	41	3	191	72.62
Tiles		1					1	0.38
Others	4	2		1	1		8	3.04
No Response		2		1			3	1.14
Total	93	71	17	20	57	5	263	

Table 18. Wall Material

Wall Material	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Wood	37	29	6	17	43	2	134	50.95
Cement	29	16	2	1	6		54	20.53
Nipa	2	4	1				7	2.66
Bamboo	16	10	6		5	1	38	14.45
Galvanized		1					1	0.38
Others	1	4	2		2	2	11	4.18
No Answer	8	7		2	1		18	6.84
Total	93	71	17	20	57	5	263	

Table 19. Light Source

Light Source	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Electricity	80	63	14	15	44	3	219	83.27
Kerosene	4	2	3	3	6	2	20	7.60
Battery	1				1		2	0.76
Solar					1		1	0.38
Others	7	6		1	5		19	7.22
No Response	1			1			2	0.76
Total	93	71	17	20	57	5	263	

Table 20. Water source

Water Source	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Pipe	1	52		8	24		85	32.32
River/ Spring	1		11	5	17		34	12.93
Well (open)	38	10	6	4	7	5	70	26.62
Pump (close)	46	2			3		51	19.39
Rain					1		1	0.38
Others	2	2			2		6	2.28
No Response	5	5		3	3		16	6.08
Total	93	71	17	20	57	5	263	

Table 21. Fuel source for cooking

Fuel source for cooking	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
LPG	7	3	1				11	4.18
Electricity	5	1			3		9	3.42
Wood/Charcoal	75	59	16	18	51	5	224	85.17
Kerosene		1					1	0.38
Others	4	5		1	1		11	4.18
No Response	2	2		1	2		7	2.66
Total	93	71	17	20	57	5	263	

Table 22. Toilet

Toilet	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
None	7	3	3		4	2	19	7.22
Flush Type	70	38	9	13	37	1	168	63.88
Antipolo Type	1	3	1		5	2	12	4.56
Open	11	9	3	4	9		36	13.69

Toilet	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
No Response	4	18	1	3	2		28	10.65
Total	93	71	17	20	57	5	263	

Table 23. Project awareness

Project awareness	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Yes	88	51	16	18	52	4	229	87.07
No	2		1		2	1	6	2.28
No Response	3	20		2	3		28	10.65
Total	93	71	17	20	57	5	263	

Table 24. Source of Information

Source of information	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Government/Barangay Official	5	28	7	36	18	4	98	28.91
Relative/Friend/Neighbor	1	14	5	30	10	2	62	18.29
DPWH Employee	0	4	1	3	4	1	13	3.83
Radio/TV/Newspaper	0	2	0	0	1	9	12	3.54
Public Meeting/Consultation	0	19	3	43	28	8	101	29.79
Survey/Research	2	0	2	12	10	0	26	7.67
Others	0	4	0	0	0	3	7	2.06
No Response	0	7	1	6	5	1	20	5.90
Total	8	78	19	130	76	28	339	

Table 25. Positive impacts

Positive impacts	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Job Generation	4	20	5	23	15	6	73	8.95
Barangay/Town Progress	5	44	15	81	49	15	209	25.61
Improvement/ Growth of Business	5	5	14	73	47	13	157	19.24
Clean and Beautiful Environment	5	4	12	68	42	12	143	17.52
Decrease Vehicle Maintenance Cost	5	5	12	68	44	13	147	18.01
Reduce Accidents	1	3	5	29	20	5	63	7.72
Don't Know	0	0	0	3	1	1	5	0.61
Others	0	1	0	0	0	1	2	0.25
No Response	0	7	2	4	2	2	17	2.08
Total	25	89	65	349	220	68	816	

Table 26. Negative impacts

Negative impacts	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Loss or Reduction of house	5	61	14	82	47	10	219	34.01
Air pollution	2	35	9	41	25	4	116	18.01
Water Pollution	1	6	5	19	13	3	47	7.30
Water Loss/ Siltation	1	3	5	16	3	5	33	5.12
Destruction of Environment	2	2	7	18	9	11	49	7.61
Destruction of Plants	2	4	8	42	19	8	83	12.89
Population Density Increase	2	5	4	21	18	5	55	8.54
Loss of Jobs and Livelihood	0	3	2	7	4	0	16	2.48
I Don't Know	0	0	0	1	2	0	3	0.47
Others	0	2	0	0	0	5	7	1.09
No Response	0	7	2	4	3	0	16	2.48
Total	15	128	56	251	143	51	644	

Table 27. Project approval

Project approval	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Yes	86	56	12	18	53	5	230	87.45
No		7	1				8	3.04
Don't Know	6	6	3	1	4		20	7.60
No Response	1	2	1	1			5	1.90
Total	93	71	17	20	57	5	263	

Table 28. Willingness to Relocate

Willingness to Relocate	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Yes	58	54	10	16	47	4	189	71.86
No, But Will Consider	2	2	2	1	6		13	4.94
No		1	4			1	6	2.28
Don't Know	2	5		1			8	3.04
No Response	31	9	1	2	4		47	17.87
Total	93	71	17	20	57	5	263	

Table 29. Preference for Relocation

Preference for Relocation	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Same Lot	29	17	8	2	30	3	89	33.84
Same Barangay	29	38	8	14	22	2	113	42.97
Other Barangay	2	1		1	1		5	1.90

Preference for Relocation	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Other Municipality		1					1	0.38
Relocation Site		3					3	1.14
Other Sites	2	1					3	1.14
No Response	31	10	1	3	4		49	18.63
Total	93	71	17	20	57	5	263	

Table 30. Perceived Services required for Relocation Site

Perceived Services required for Relocation Site	BARANGAY						TOTAL	
	Farmington	New Dapitan	Poblacion	Sandayong	Situbo	Sto. Nino	No	%
Health Center/ Clinic	2	2	2	63	2	4	75	24.04
Police/Barangay Post	4	8	4	63	4	3	86	27.56
School	3	5	1	63	1	1	74	23.72
Market	1	5	3	63	3	2	77	24.68
Total	10	20	10	252	10	10	312	

Appendix 3. Documentation of Consultations: Public Consultation and Interagency Coordination

23 December 2016

FOR : MR. MASAHISA TSUTCHIHASI
Project Manager/Pavement Engineer

THRU : MA. LOURDES VELEASQUEZ
DPM/Highway Engineer (Acting Project Manager)

FROM : NESTOR A. OBCENA
Resettlement Specialist

PROJECT NAME : Road Improvement and Institutional Development Project (RIIDP)

SUBJECT : REPORT - COORDINATION MEETING /PUBLIC CONSULTATION/ RAP
RELATED ACTIVITIES (December 1-15, 2016, PR 07: Tampilisan-Sandayong)

Sir/Madam,

I am pleased to submit the attached Post Travel Report to render a brief account and highlights of (a) the Coordination Meetings that we have conducted with the officials of Department of Public Works and Highways (DPWH) Region 9 Office, District Engineering Offices (DEOs) of Ipil and Labason and with the local government officials; (b) the Public Consultations that were carried out with Project Affected Persons (PAPs) in six (6) Barangays that would be traversed by the project; and (c) the Follow-through meetings held with officials notably of the National Commission on Indigenous Peoples (NCIP) Region 9 Office, together with preliminary meetings undertaken with other regional officials/satellite offices of National Housing Authority (NHA), Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE) etc. to cover other essential RAP preparation such as relocation and income restoration aspects, among others.

The regional programs and projects of said departments/agencies have relevance and direct bearing in the preparation of Resettlement/Indigenous Action Plan (R/IPAP) not only for purposes of preparing PR 07 requirements but also for the requisites of other priority and candidate roads, particularly in the area of establishing the necessary institutional linkages pursuant to the DPWH Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy (LARRIP).

This Report is respectfully submitted for your information and appropriate action.

Very truly yours,

Draft
REPORT: Coordination Meetings/Public Consultations and RAP Related Activities

December 1-15, 2016

PR: 07 (Tampilisan –Sandayong)

Roads Improvement and Institutional Project (RIIDP)

The goals of the travel to Zamboanga Peninsula are clear: First, to conduct Coordination Meetings with officials of DPWH Regional Office & District Engineering Offices (DEOs), and Local Government Units (LGUs). Second, to undertake Public Consultations with Project Affected Persons (PAPs); and Third, to do follow-through meetings with officials of National Commission on Indigenous Peoples (NCIP) Region 9 office and other regional/satellite offices such as National Housing Authority (NHA), Department of Labor and Employment (DOLE), TESDA etc. to do preparatory work for the other essential RAP-related aspects, such as relocation and income restoration strategies, among others.

To achieve the first and second goals, the focus of lined up activities is PR 07: Tampilisan-Sandayong. On the other hand, efforts to achieve the third goal encompass the other priority and candidate project roads under RIIDP.

Apart from the required conduct of meetings and consultations, the other important objective of the trip was to introduce the RASA Surveying Team to the concerned officials and staff of DPWH and LGUs and to the other stakeholders and more importantly to the Project Affected Persons (PAPs). RASA Surveying was recently tapped by the Consultant to collect and process baseline data needed for the Land Acquisition Plan and Resettlement Action Plan (LAPRAP) by conducting Perception, Census, Socio-Economic Survey and Inventory of Losses. RASA Surveying Team's proper introduction during the conduct of public consultation would pave the way for their smooth entry to the community when the Team starts collecting baseline data. The said work was in addition to RASA's engagement by the Consultant to conduct Parcellary Survey.

The following account highlights the activities that have been undertaken from December 1-15, 2016.

I. COORDINATION MEETINGS /SITE INSPECTION: _December 1- 5, 2016

The first 4.5 days of the travel were devoted to coordination meetings. On day one, we received an early notice that Regional Director (RD) Jorge Sebastian, Assistant Regional Director (ARD) Caya and the rest of regional office key officials were not available for a courtesy call/coordination meeting early Monday morning. We learned that the regional officials led by the RD attended a conference that had been arranged a week earlier. Luckily, the request for coordination meeting with the RO still pushed through in the afternoon despite the busy schedule of the regional office. ARD Caya graciously received us where the RASA Surveying Team led by Ms. Mayette Velasco and Mr. Erwin Almonte were introduced. The meeting was brief, but covered a lot of grounds, namely: a brief on project updates, the coordination meetings and public consultation schedule and the conduct of Perception, Census and Inventory of Losses Surveys.

ARD Caya was elated to hear the information that PR 01a: Gutalac-Balaguian Alternate Road and PR 01b: Sibuco-Sirawai Road are being considered to be included in the priority/candidate roads list. She added that while it is true that a number of project roads under RIIDP were also recommended for local funding (General Appropriations Act) by the Regional Office, funding involved do not cover the entire length but only "short portions" of a few project roads.



The meeting with ARD Caya was immediately followed by a discussion with Engr. Torrefranca, OIC of the Planning Division. RASA surveying Team was introduced. Engr. Torrefranca was also apprised of the project updates and the next steps to be undertaken particularly with respect to the conduct of coordination meetings and public consultations as well as collection of baseline data activities.



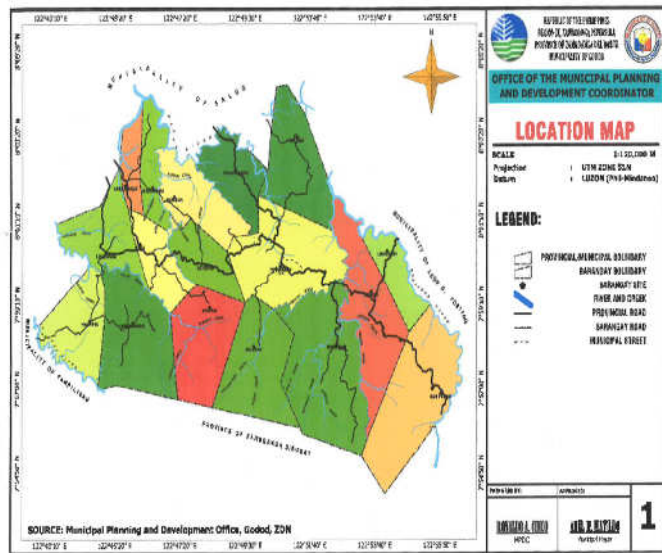
Jonas Manlangit, Planning Section Chief and Engr. Romeo Canton, designated focal person for ADB assisted projects were introduced to the RASA Team.

On day two, courtesy call and coordination meeting was held with the officials and staff of 2nd Zamboaga Del Norte District Engineering Office in Labason. Engr. Mary Jean G. Torrefranca, Assistant District Engineer (ADE) together Engr. Discussion centered on the schedule of coordination meetings, public consultations and the conduct of perception, census, socio-economic survey and inventory of losses. ADE Torefranca directed Engr. Canton to assist in the conduct of coordination meetings with LGUs and public consultations with PAPs and other RAP related activities.



The Team proceeded to the Municipality of Godod, Zamboanga del Norte, supposedly to do coordination work and to arrange a public consultation for Barangay Banuangan, following the itinerary that was

prepared based on the Plan and Profile of PR:07 Tampilisan- Sandayong only to find out that the said Barangay is approximately twenty (20) kilometers away from the project road. This finding was confirmed by Engr. Rolan Pabatao, Engr. Pastor Lapura, Jr. and Ms. Fe P. Barte, all officials of the Municipality of Godod. Location of Barangay Banuagan is shown in the Location Map of Godod (See Figure 1)



Tilubog is another Barangay that is reflected in the Plan and Profile of PR 07. The original intent is also to do courtesy call to the Tilubog Punong Barangay and to the Mayor of Naga, Zamboanga Sibugay preparatory to the holding of public consultation in said barangay. The courtesy call was prearranged by Ms. Jocelyn Tiplani, designated focal person for ADB assisted project of the 2nd Zamboanga Sibugay DEO in Ipil. We were warmly received by Mayor Delos Reyes. Also present during the courtesy call with Mayor Delos /Reyes was the Punong Barangay of Tilubog, Naga, Zambonaga Sibugay.

To determine with certainty if Barangay Tilubog would indeed be traversed by the project road, Mayor Delos Reyes directed the PB of Tilubog to join the Team in the conduct of site inspection scheduled the following day.

As previously arranged, we were joined by Tilubog PB during the site inspections on day four. RASA Surveying employees who took part in the conduct of PR 07 topographic survey were also present. After pinpointing the exact locations of bench marks, Tilubog PB has confirmed with certainty that no section of the project road fall within the administrative jurisdiction of Barangay Tilubog.



After getting confirmation that Banuangan, Godod and Tilubog, Naga are not in any way part of PR 07, the site inspection proceeded throughout the day with the revised focused of completing the validation process in order to determine with certainty the list of barangays that would be traversed by the project road for the required Public Consultations.



Significant findings of the site inspection include the following:

1. The Beginning point of the project is in Barangay Sto. Nino, not in Barangay New Dapitan;
2. The End point of the project is in Barangay Sandayong, Tampilisan not in Barangay Tilubog, Naga; and
3. There are six (6) barangays of Tampilisan, ZDN to be traversed by the project road not eight (8) Barangays, (six barangays in Tampilisan, one barangay each in Godod, ZDN and Naga, ZS)

The comparison between the Names of Barangays to be traversed by the project road based on the Plan and Profile vs. based on Actual Validation from the ground is shown below.

Table 1: NAMES OF BARANGAYS TO BE TRAVERSED BY PR 07: TAMPILISAN (BASED ON PLAN AND PROFILE VS. ACTUAL GROUND VALIDATION)

BASED ON PLAN AND PROFILE	ACTUAL
1. NEW DAPITAN, TAMPILISAN, ZDN	1. STO. NINO, TAMPILISAN
2. SITUBO, TAMPILISAN, ZDN	2. NEW DAPITAN, TAMPILISAN
3. TUBOD, TAMPILISAN, ZDN	3. POBLACION, TAMPILISAN
4. TININGIAN, TAMPILISAN, ZDN	4. FARMINGTON, TAMPILISAN
5. TILUBOG, TAMPILISAN, ZDN	5. SITUBO, TAMPILISAN
6. SANDAYONG, TAMPILISAN, ZDN	6. SANDAYONG, TAMPILISAN
7. BANUANGAN, GODOD, ZDN	
8. TILUBOG, NAGA, ZS	

Realizing that the Barangay listing based on the plan and profile was flawed; adjustments of Public Consultations schedule were quickly made. The Punong Barangays (PBs) of the six (6) Barangays

were immediately notified of schedule changes. A quick visit to the residence of the Mayor Angeles Carloto II was made followed by pre-coordination meetings with PBs of Poblacion and Sto. Nino . The other PBs was informed of the changes either through calls or Short Message Service (SMS) or text message.



The revised coordination meeting and public consultation schedule is shown in Table 2.

Table 2: COORDINATION MEETING AND PUBLIC CONSULTATION (REVISED SCHEDULE)

ACTIVITY	DATE/TIME	VENUE
A. Coordination Meeting	December 5 (Monday) 9:30 to 11:30AM	ABC Hall, Municipal Hall, Tampilisan, Zamboanga del Norte
B. Public Consultation	Barangay Sto.Nino 1:30 to 4:00 PM	Sto Nino, Barangay Hall
	December 6 (Tuesday) Barangay new Dapitan 9:00 to 11:30AM	New Dapitan, Barangay Hall
	Barangay Poblacion 2:30 to 4:30 PM	Open (Drying) Area, Barangay Poblacion
	December 6 (Wednesday) Barangay Farmington 9:00 to 11:30 AM	Farmington, Barangay Hall

ACTIVITY	DATE/TIME	VENUE
	December 7 (Thursday) Barangay Situbo	Barangay Situbo Gym
	December 8 (Friday) Barangay Sandayong	Sandayong, Barangay Hall

Coordination Meeting with officials of Tampilisan, Zamoanga Del Norte.

The Coordination Meeting with the officials of Tampilisan, Zambonga Del Norte was held on December 5, 2016 at the Tampilisan ABC Hall. Tampilisan Mayor Carloto II led the Municipal and Baranggay Officials who attended the coordination meeting. The session started with an Opening Prayer, and then an Introduction of Attendees followed by a Welcome Remarks by the Tampilisan Mayor Carloto thereafter a brief Presentation of the Project and finally an Open Forum.

See ANNEX "A" (ppt. presentation: PR 07)



II. PUBLIC CONSULTATION AND ASSESSMENT (DECEMBER 5-10, 2016)

A total number of 239 likely PAPs attended the Public Consultations held in six Barangays as shown in Table 3.

Table 3: NUMBER OF PAPs WHO ATTENDED THE PUBLIC THE CONSULTATIONS

Name of Barangays	Number of Attendees
1. Sto. Nino	10
2. New Dapitan	78
3. Poblacion	27
4. Farmington	50
5. Situbo	46
6. Sandayong	28
Total	239

Please See ANNEX B1- B6 (attendance sheets) and ANNEX C1-C6 (other photos taken) during the Public Consultations.



III. FOLLOW-THROUGH MEETINGS (December 11-15, 2016)
NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP)

Prior to our Zamboanga trip, the DED Consultant has received a Memorandum dated 28 November 2016 from PM Soledad Florencio relative to the action taken by NCIP Region 9 on the DPWH application for the issuance Certification Precondition (CP)/Certification of Non-Coverage (CNC). Attached to the said memorandum is the letter by NCIP, signed by Ms. Margarita C. Baya, Chief AFMSD/ Office Caretaker by authority of Regional Director SALONG M SUNGOD, stating that POs and OICs were directed to evaluate the said application for CP/CNC.

The purpose of the NCIP visit was to check the status of said directive, among others. We were fortunate to have met with the four of top NCIP Region 9 officials during our visit namely: RD Salong Sungod, Chief AFMSD Margarita Baya, Chief TMSD Mercilyn B. Hatad and Engr. Marjun Lutian.

Chief Hatad informed us that NCIP is ready to set the date for the pre-Field Based Investigations (FBI) conference in January next year. The tentative dates chosen were January 12 or 13 or 14, 2017. (See Annex __) RD Sungod however preferred an earlier date, suggesting December 19, 2016 for the conference to take advantage of the presence of most NCIP regional officers in Pagadian City on said date. We appreciated the wish of RD Sungod to conduct of said conference soonest but we begged for his understanding that setting it mid or latter part of January next year would be the better option, to give us reasonable time to prepare and seek the necessary travel approvals. RD Sungod agreed to the proposal.

RD Sungod told us that he is no stranger to ADB assisted projects having acted on similar applications in the past. We sense that he is ready to extend full assistance to us in securing the necessary certifications from NCIP. We also perceive his desire to expedite the processing of the DPWH applications for CP/CNC.

Please see ANNEX C (Marginal Notes showing tentative dates of pre-FBI Conference)



NATIONAL HOUSING AUTHORITY (NHA)

NHA allots Twelve Million Pesos (P- 12M) and Twenty Five Million Pesos (P-25M) for municipalities and cities respectively for development assistance of resettlement projects under the agencies Resettlement Assistance Program for LGUs on condition that the LGU owns a property for the relocation site.

Principal Engr. EUTEMIO A. SISICAN, OIC- District Manager of NHA Pagadian City provided us with a Checklist of Requirements for Project Approval (See Annex ___) together with a sample Sangunian resolution for our reference (See Annex ___)



DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)

We were unable to meet with the officers who handle Sustainable Livelihood Programs (SLP) but we met with Ms. Yvonne Suico, Provincial Link of 4Ps Program. We learned that there may be a number of DSWD programs that could be tapped for those who would be displaced by the implementation of the project roads. For instance, the SLP which basically aims to improve the standard of living of poor households by facilitating opportunities for development and management of resource viable for micro-enterprises, community empowerment through skills training and employment facilitation. In addition, we also learned that DSWD has special programs to help ICCs and IPs.



TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA)

According to Provincial Director Eulalio Lumactad, TESDA Zamboanga del Sur, partnering with DPWH for appropriate vocational training of PAPs could be explored. For instance, training for equipment operators. The idea is to train those who are directly affected by the project so that they can look forward for potential employment when road construction begins.

DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST)

In the case of DOST, the focus of programs that were discussed with Engr. Gerardo Panot, Science Research Specialist, pertain to training for small and medium scale enterprises. Programs and projects offers New Technologies, Technical Manpower Training, Access to Information, Capital & Market, Product Standards and Testing Product Packaging and Labeling Target, Sustainable raw materials supply and Better transportation facilities. DOST assistance include Technical, Marketing, Management, Financial and Waste Disposal. Beneficiaries undergo technology needs assessment (See Annex ___ and Annex ___)

DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE)

In 2014, DOLE issued a Department Order prescribing the standards and procedures for effective implementation of Integrated Livelihood and Emergency Employment Program (DILEEP). (See Annex ___).

The goal of the program is inclusive growth, job generation and poverty reduction. The program has two components namely LIVELIHOOD and EMERGENCY EMPLOYMENT PROGRAM.

The programs priority target beneficiaries are as follows: Self-employed who are unable to earn sufficient income, Marginalized and landless farmers, Paid Daily Workers, Parents of Child laborers, Workers displaced or to be displaced as a result of natural or man-made disasters. The amount of assistance of various programs for individuals ranges from Ten Thousand Pesos (P-10,000.00) to Fifteen Thousand Pesos (P-15,000.00).

Appendix 4. Letter Request for NCIP Clearance



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

7-0184

November 4, 2016

RECEIVING COPY

ATTY. LEONOR T. ORALDE-QUINTAYO

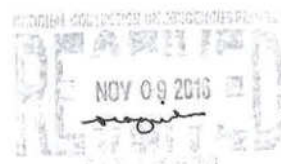
Chairperson

National Commission on Indigenous Peoples

2nd Floor, N. del amerced Bldg., Corner West & Quezon Avenues,
Quezon City, Metro Manila

THRU : **Dir. Salong M. Sunggod**
Regional Director
NCIP Region IX
P. L. Urro St., Pagadian City

SUBJECT : **Application for Issuance of Certification Precondition (CP) and Issuance of Certificate of Free and Prior Informed Consent (FPIC) PR 06, Alicia-Malangas; PR07, Tampilisan-Sandayong; PR09, Lutiman-Guicam-Olutanga; PR08, R.T. Lim-Siocon; PR10a, Lanao-Pgadian-Ipil Zamboanga (Resilience) PR12, Curuan-Sibuco and PR13, Siay-Gapol**
Detailed Engineering and Tendering of Asset Preservation (AP and Road Improvement (RI) under ADB Loan No. 2836-PHI: Road Improvement and Institutional Development Project (RIIDP) and Future Financing



674-120

Dear Sir/Madam:

The Department of Public Works and Highways (DPWH) will commence the preparation of Land Acquisition Plan and Resettlement Action Plan (LAPRAP)/ Indigenous People's Action Plan (IPAP), an essential part of the on-going Detailed Engineering Design for the above-cited project roads starting November this year.

In this regard, we are pleased to apply for the Issuance of Certification Precondition and Issuance of Certificate of Free and Prior Informed Consent pursuant to NCIP Administrative Order No. 3, Series of 2012, otherwise known as THE REVISED GUIDELINES ON FREE AND PRIOR INFORMED CONSENT (FPIC) AND RELATED PROCESSES OF 2012.

A map showing the locations of the said project roads together with the other documents required to support our application as specified in the afore-cited NCIP guidelines are attached for your reference.

We are ready to designate our official representative/s to the Pre-Field Based Investigation (FBI) Conference that NCIP will soon set in order to discuss in detail the requirements of the FBI/FPIC process.

For your kind consideration.

Very truly yours,


CARLOS G. MUTUC
Project Director
Roads Management Cluster II – Multilateral, UPMO

Attachment : As Stated

Copy Furnished:

1. Honorable CARLOS MUTUC, UPMO, for FPIC Conference
2. Honorable CARLOS MUTUC, UPMO, for Pre-Field Based Investigation
3. Honorable CARLOS MUTUC, UPMO, for Pre-Field Based Investigation

2014.11.11

Appendix 5. Minutes of and Attendance to Disclosure Consultation

August 7, 2017

- Coordinated with the Regional Project Manager as well as Chief of Construction Division, Leoncio B. Solamillo being the Officer-in-Charge then for and in the absence of the Regional Director of Regional IX.
- Coordinated with the Municipal Mayor of Tampilisan relative to the scheduled activities lined for the week.
- Courtesy Call to the District Engineering Office of Labason, through ADE Torre Franca, who was then Officer-in-Charge for and in the absence of the District Engineer. Requested for an official representative to join the team for the disclosure activities.

MINUTES OF THE MEETINGS PR-07: Tampilisan-Sandayong Road

August 8, 2017

PUBLIC CONSULTATION on the Disclosure Proper of road Right of Way claims with Mayor Angeles R. Carloto II of Tampilisan along with his respective Chairmen of affected barangays;

Chairman Juanita B. Larato
Chairman Vicente A. Pagador
Chairman Cerilo P. Langan
Chairman Joselito Sampul
Chairman Myrna B. Libres
Chairman Victorina P. Tuse

Brgy. Situbo
Brgy. Farmington
Brgy. Sandayong
Brgy. Sto. Nino
Brgy. Poblacion
New Dapitan

DPWH representatives

RMC II: Engr. Olivia Baguio
 Engr. Al Ayyubbie T. Sabban

Engr. Evangeline A. Fernando
Engr. Sherhan I. Sahang

ESSD:

DEO, ZDN II:
Katahira representative

Michiko Marie Quiachon
Carmelito P. Enero
Nestor A. Obsceña

Project Overview Presentation and Legal Framework was presented by Nestor Obsceña and Michiko Marie Quiachon

CONCERNS RAISED DURING THE FORUM:

- During the presentation Chairman Libres of barangay Poblacion, asked if their deep well will be relocated as it will be affected by the project.
 - She was assured that this will be relocated.
- Chairman Tuse of New Dapitan and Chairman Larato of Situbo, noted that there were a few names listed in the list of claimants who were not the owners of the affected properties. She then inquired about compensation if the payment was received by a different person?
 - She was informed that a validation will still be undertaken jointly by the DEO in coordination with the LGU of the locality, to verify if the person to be paid based on the appraisal of the IPA, are the rightful owners of the affected properties, as this will be duly attested by the Barangay Chairmen. The claims must also be supported with a proof of ownership as will be required by office.
- A query was also made for lots under CLOA However these not registered with the Registry of Deeds. What if the lot is not yet divided?

- They were informed that a certificate of registration is needed to prove ownership.
- The Mayor of Tampilisan made a call to all the Barangay Chairmen present during the disclosure proper to extend full support to the project's implementation without prejudice and with no political intent.
- Queries were made as to the relocation of IPs who were affected by the project as well as hiring of laborers within the locality during the course of the project's implementation.
 - The relocation of the IPs will be addressed accordingly, inasmuch as the department, thru its Consultant, is in coordination with the NCIP to look into the concerns of the IPs as mandated.
 - Local hire during construction are pursuant to the D.O. 138 and RA 6685 where a portion of the labor force will be from the locality.
- Moreover they were informed that a Project Engineer will be stationed on site to look into the project as well as mediate and ensure that the road are made safe for the riding public during the onset of the project implementation.
- Having no issues to discuss the conference was adjourned at 12:30 PM.

August 9, 2017

PUBLIC CONSULATION

Location: Bgry. Sto.Nino, Tampilisan

Start: 9:42 AM

End: 11:18AM

Project Presentation and Legal Framework presented by Nestor Obcena and Michiko Marie Quiachon respectively

ISSUES RAISED DURING FORUM:

- Emmanuel Deguilmo, inquired if only small portion of his lot will be affected, will the DPWH take the whole lot to compensate? He further stated that some lots along the project limits were bought and owned by different persons but with no TCT issued to their name.
 - A validation will be conducted and only affected lots will be compensated accordingly. Moreover, the body was informed that claims must all be supported with proof of ownership to the property being claimed.
- Romeo P. Campasas showed his title of land and claimed that he was considered in the list of affected persons gathered by the survey team. He requested clarification on hearsays that 70% initial payment followed by the remaining 30% final payment will be the mode of payment that will be adopted by the DPWH.
 - It was clarified that the proposed mode of payment is not yet decided and still to be signed by the Undersecretary, However, if the ADB mode of payment governs, APs will be paid of 100%. But if the Philippine mode of payment governs, it would be pegged on a 70/30 payment scheme.

PUBLIC CONSULATION

Location: Bgry. New Dapitan, Tampilisan

Start: 2:00 PM

End: 4:00 PM

Project Presentation and Legal Framework presented by Nestor Obcena and Michiko Marie Quiachon respectively

CONCERNS RAISED DURING THE FORUM:

- Francisco Dondoyano inquired how compensation will be made because 25% of his structure will be affected. Will he be compensated for only $\frac{1}{4}$ of his structure, or will it be the whole of it?
 - He was informed that if the structure will be severely affected for more than 20%, then the whole structure will be compensated.
- Erlinda Baracol said that her house was marked during the survey of the consultant but her name was not included in the list. While, Nestorio Campos claimed that his house was not marked during the survey of the consultant.
 - A validation of information gathered by the survey team will still be conducted by the DPWH for veracity of claims.
- Corazon D. Maglangit stated that she was not included in the list of APs. She then inquired if she can now improve her house?
 - A validation of information gathered will still be conducted therefore, so she is **not** advised to improve her structure before the final validation.
- Francisco Dondoyano, how will a lessee be compensated, Knowing that they do not own the lot?
 - A lessees will only be compensated based on the crops, trees and perennials accordingly.
- Mary Gine Cajucom inquired if she had a lot without a structure, will a tax declaration suffice?
 - She was informed that she will not be qualified for compensation not unless her ownership to the property claimed is legalized through a title.

August 10, 2017

PUBLIC CONSULATION

Location: Bgry. Poblacion, Tampilisan

Start: 9:20 AM

End: 11:20 AM

Project Presentation and Legal Framework presented by Nestor Obcena and Michiko Marie Quiachon respectively

CONCERNS RAISED DURING THE OPEN FORUM:

- The barangay chairman inquired if the salvaged materials after the demolition of structures can be retrieved for reuse by the APs?
 - They were informed that these materials can be retrieved for reuse and recycling. They were further advised that it would be preferable that the owner himself demolish his own structure to maximize reuse of materials. A grace period of 30 days after receipt of payment is allocated to the APs to vacate, retrieve all reusable materials and transfer to a new location.
- What if the project will commence in say, two (2) years and the value of the property at time of assessment is different from the current market value of the present time.
 - They were informed that this happens where waiting time is two years or more as the case maybe, on the standard procedure for 2 years or more waiting time, an update of the pricing will be carried out to determine the current market value of he present time. Moreover, it was added that the date of the Notice of Taking, will be the reference of pricing for the property affected.

- The barangay chairman questioned if the whole part of the business will be affected by the Right of Way, can the owner be avail of an assistance?
 - Yes, it can be seen during the validation and those type of assistance is included in the other form of entitlement. P15,000.00 worth of training.
- Rubic Jun Bicoy asked how are they be compensated if there is already an on-going construction along their property?
 - The overlap area of the project with the regional project and it treated as a special case. However, this and other similar concerns will be addressed accordingly.
- Lalang Cacho asked what are the requirements she would need to comply since the lot title she bought that has not been transferred in her name?
 - Prior to the validation, the owners has enough time to process their lot with the register of deeds.
- Minita Tigo asked if she can still be added to the list because her lot affected by the project is is classified under CLOA.
 - They were informed that Aps with CLOA ownership, should be registered with the register of Deeds to prove ownership to the property.
- Gerardo Faeldin asked on how will the “Just compensation” be determined, will the current market value be based on the amount in Tax Declaration?
 - The basis of just compensation emanates from an Individual Property Appraiser (IPA) that was hired to recommend the current market value of the property be it land/ improvements and structures.
- The Barangay chairman inquired about the process to be adopted for newly acquired lots?
 - The title should be transferred to the name of the new owner accordingly.
- Alfredo Villacora inquired status if there is a waiver for the ownership of the lot?
 - There must be a legalized waiver to prove of ownership of over the property. It was emphasized that the barangay chairman stands witness to the ownership of the properties, to address to issues that may arise in the course of this undertaking.

ATTENDANCE TO DISCLOSURE CONSULTATION

To be provided upon request

Appendix 6. Powerpoint Presentation During Disclosure Consultation

To be provided upon request

Appendix 7. Project Information Booklet 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 RIC.

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 HIGHW
CENTRAL OFFICE
Manila

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

An ADB Assisted Project

Soledad B. Francisco
 Project Manager II, ADB Assisted Projects
 (09) 308-3776
 District Engineer, Labason, ZLAW
 (065) 811-9582

"Improving Street Conditions in Mindanao Road Sector Project"

"Improving Street Conditions in Mindanao Road Sector Project"
 (ICADREP)

Phase 2P, Tampaluan-Sandayag Road
 Barangays of Abrio
 (K1081+400 to K1094+000.00)

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 TAMPULUAN, ZDM passing through the barangays of

- San Nito,
- Pambolan,
- New Dipolan,
- Pambangan,
- Sibico

How will the project be implemented?

The project will be implemented by the Department of Public Works and Highways (DPWH) via the Road Management Cluster II (RMCII) and is directly responsible for the implementation of Civil Works, Engineering Design as well as Project Coordination.



What are eligible to be assessed under the project?

- Legal landowners:
 - Agricultural (ALCSA)
 - residential
 - commercial
 - industrial

Are the affected persons (APs) entitled anything for their losses?

Compensation for land. The offer will be submitted within a 30-day period.

- Compensation for structures, and improve Compensation for structures/ improvements replacement cost, defined as cost necessary 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 Disposition Implementation Committee will be formed through a MECU between DPWH and the LGU, with the MECU provincial or regional office to address 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 8. Independent Appraiser Mobilization Documents

ROAD IMPROVEMENT AND INSTITUTIONAL DEVELOPMENT PROJECT (RIIDP)



ADBRIIDP/FF2017-275
21 June 2017

RECEIVING COPY

MR. SHARIF MADSMO H. HASIM
Project Director
Roads Management Cluster II – Multilateral, UPMO
NRIMP II Building
2nd Street Port Area, Manila



Attention : **MS. SOLEDAD R. FLORENCIO**
Project Manager III, ADB Assisted Projects
Road Management Cluster II – Multilateral, UPMO

Subject : **MOBILIZATION OF INDEPENDENT PROPERTY APPRAISER (IPA)**
PR07, Tampilisan-Sandayong Road

Project : Consulting Services for the Detailed Engineering Design and Tendering of Asset Preservation (AP) and Road Improvement (RI) Components of the Road Improvement and Institutional Development Project (RIIDP) And Future Financing

Consultant : Joint Venture between Katahira & Engineers International (KEI), and Renardet S.A. Consulting Engineers (RSA), in association with DCCD Engineering Corporation (DCCD), Design Science Incorporated (DSI), Urban Integrated Consultants, Incorporated (UICI), And Key Consultants, Inc. (KEY)

Dear Sir/Madam;

Pursuant to the requirements of the Terms of Reference (TOR) and RA 10752 and its IRR, the Consultant will mobilize an Independent Property Appraiser (IPA) (Top Consult Incorporated) to conduct appraisal of various lots, structures, crops and trees to be affected by PR07, Tampilisan-Sandayong. The Consultants further informed that Mr. Nestor Obcena, Resettlement Specialist will assist the IPA team in the conduct of coordination meetings and site inspection of PR07.

In this regard, we would like to request the endorsement and assistance of DPWH Region IX and Zamboanga del Norte 2nd District Engineering Office, Osukan, Labason so that the IPA team would be able to carry out the services at the soonest possible time. The schedule of the activities will start on June 27, 2017.

Enclosed herewith is the details of the activities to be undertaken by the IPA and the representative of the Consultants.

We respectfully submit this request for your information and consideration.

Very truly yours,


MASAHISA TSUCHIHASHI
Project Manager/Pavement Engineer
Enclosures: As stated

Consulting Services for the Detailed Engineering Design and Tendering (DED) of Asset Preservation (AP) and Road Improvement (RI) Projects, ADB Loan No. 2836-PH: Road Improvement and Institutional Development Project (RIIDP)

10th Floor, JMT Corporate Condominium ADB Avenue Ortigas Center Pasig City Tel. #696-2728

Independent Property Appraiser 40037, Tampilikan-Gandayang Road Itinerary June 27, 2017	
DATE	SCHEDULE
Day 1	Country Call <ul style="list-style-type: none"> • Zamboanga del Norte 2nd District Engineering Office, Ozamiz, Lanao, Region IX • Hon. Angilas Canale II, Mayor of Municipality of Tampilikan, Province of Zamboanga del Norte
Day 2	Site Inspection with Resettlement Specialist Mr. Hector Obcano
Day 3 (containing)	Valuation Process <ol style="list-style-type: none"> 1. Locate subject properties and conduct necessary inspection of the affected land to verify and/or records of: <ul style="list-style-type: none"> o Property Identification o Site data (size, shape, and location in relation to nearby thoroughfare) o Nature, extent and coordination of existing improvement 2. Conduct a survey on the immediate neighborhood of the subject property to record: <ul style="list-style-type: none"> o Compliance to official zoning of the area in which the property is located o Availability of public services – i.e. power, gas, telephone, sanitation and transportation o Nature and condition of public thoroughfares o Maintenance and/or assessment if any o Availability and accessibility of amenities – i.e. commercial centers, recreational facilities, hospitals and churches. 3. Investigate and identify recent sales of similar properties in the vicinity of the subject property and interview people known to be knowledgeable of real estate prices and circumstances of sale as identified. Also gather property listings. 4. Gather construction cost information for materials, labor contractor's overhead, profit and fees. 5. Based on data collected using appropriate valuation approach, develop an estimate of value of affected structures.



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

I - 0401

21 June 2017

MEMORANDUM

FOR : **JORGE U. SEBASTIAN JR., CESO III**
Regional Director
DPWH, Regional Office No. IX
Tetuan, Zamboanga City

Attention : **CAYAMOMBAO D. DIA**
Assistant Regional Director

 : **MERHAM M. ACAS, CESO IV**
District Engineer
2nd DEO Labason, Zamboanga Del Norte


SUBJECT : **MOBILIZATION OF INDEPENDENT PROPERTY APPRAISER
(IPA) PR 07: TAMPILISAN-SANDAYONG
Detailed Engineering Design and Tendering of Asset Preservation (AP)
and Road Improvement (RI) Components under ADB Loan No. 2836-
PHI: Road Improvement and Institutional Development Project
(RIIDP) and Future Financing**

This refers to the letter of the Consultant dated 21 June 2017 relative to the proposed Mobilization of an Independent Property Appraiser to conduct appraisal of various lots, structures, crops and trees to be affected by PR07: Tampilisan-Sandayong (**See Annex "A"**).

In this regard, the Consultant is requesting an endorsement and assistance of DPWH Region IX and Zamboanga del Norte 2nd District Engineering Office, Osukan, Labason so that the IPA team would be able to carry out the services at the soonest possible time. The schedule of the activities will start on June 27, 2017 (**See Annex "B"**).

The Consultant also informed us that Mr. Nestor A. Obcena, Resettlement Specialist will assist the IPA team in the conduct of coordination meetings and site inspection of PR07.

Please extend the necessary assistance to the IPA Team and the Consultant so that they would be able to properly carry out their assigned tasks.


SHARIF MASMO H. HASIM
Project Director
Roads Management Cluster II – Multilateral, UPMO

cc: *Undersecretary EMIL K. SADAIN, CESO II, UPMO Operations*
Ms. Rosemarie del Rosario, Chief, ESSD, Planning Service

ROAD IMPROVEMENT AND INSTITUTIONAL DEVELOPMENT PROJECT (RIIDP)



RENARDET S.A.
CONSULTING ENGINEERS
SWITZERLAND



ADBRIIDP/FF2017-275
21 June 2017

MR. SHARIF MADSMO H. HASIM
Project Director
Roads Management Cluster II – Multilateral, UPMO
NRIMP II Building
2nd Street Port Area, Manila

OPINION OF
CLUSTER ENGINEER/MULTILATERAL
BY: masu
DATE: 22 June 17 4:00

Attention : **MS. SOLEDAD R. FLORENCIO**
Project Manager III, ADB Assisted Projects
Road Management Cluster II – Multilateral, UPMO

Subject : **MOBILIZATION OF INDEPENDENT PROPERTY APPRAISER (IPA)**
PR07, Tampilisan-Sandayong Road

Project : Consulting Services for the Detailed Engineering Design and Tendering of
Asset Preservation (AP) and Road Improvement (RI) Components of the
Road Improvement and Institutional Development Project (RIIDP)
And Future Financing

Consultant : Joint Venture between Katahira & Engineers International (KEI), and
Renardet S.A. Consulting Engineers (RSA), in association with DCCD
Engineering Corporation (DCCD), Design Science Incorporated (DSI),
Urban Integrated Consultants, Incorporated (UICI),
And Key Consultants, Inc. (KEY)

Dear Sir/Madam;

Pursuant to the requirements of the Terms of Reference (TOR) and RA 10752 and its IRR, the Consultant will mobilize an Independent Property Appraiser (IPA) (Top Consult Incorporated) to conduct appraisal of various lots, structures, crops and trees to be affected by PR07, Tampilisan-Sandayong. The Consultants further informed that Mr. Nestor Obcena, Resettlement Specialist will assist the IPA team in the conduct of coordination meetings and site inspection of PR07.

In this regard, we would like to request the endorsement and assistance of DPWH Region IX and Zamboanga del Norte 2nd District Engineering Office, Osukan, Labason so that the IPA team would be able to carry out the services at the soonest possible time. The schedule of the activities will start on June 27, 2017.

Enclosed herewith is the details of the activities to be undertaken by the IPA and the representative of the Consultants.

We respectfully submit this request for your information and consideration.

Very truly yours,

MASAHISA TSUCHIHASHI
Project Manager/Pavement Engineer
Enclosures: As stated

Consulting Services for the Detailed Engineering Design and Tendering (DED) of Asset Preservation (AP) and Road Improvement (RI) Projects, ADB Loan No. 2836-PH: Road Improvement and Institutional Development Project (RIIDP)

10th Floor, JMT Corporate Condominium ADB Avenue Ortigas Center Pasig City Tel. #696-2728

Independent Property Appraiser PR07, Tampilisan-Sandayong Road Itinerary June 27, 2017	
DATE	SCHEDULE
Day 1	<p>Courtesy Call</p> <ul style="list-style-type: none"> • Zamboanga del Norte 2nd District Engineering Office, Osukan, Labason, Region IX • Hon. Angeles Carloto II, Mayor of Municipality of Tampilisan, Province of Zamboanga del Norte
Day 2	<p>Site Inspection with Resettlement Specialist Mr. Nestor Obcena</p>
Day 3 (onwards)	<p>Valuation Process</p> <ol style="list-style-type: none"> 1. Locate subject properties and conduct necessary inspection of the affected land to verify and/or records of: <ul style="list-style-type: none"> o Property identification o Site data (size, shape, and evaluation in relation to fronting thoroughfare o Nature, extent and coordination of existing improvement 2. Conduct a survey on the immediate neighborhood of the subject property to record: <ul style="list-style-type: none"> o Compliance to official zoning of the area in which the property is located; o Availability of public services – i.e. power, gas, telephone, sanitation and transportation; o Nature and condition of public thoroughfare; o Nuisance and/or easement; if any o Availability and accessibility of amenities – i.e. commercial centers, recreational facilities, hospitals and churches. 3. Investigate and identify recent sales of similar properties in the vicinity of the subject property and interview people known to be knowledgeable of real estate prices and circumstances of sale as identified. Also gather property listings. 4. Gather construction cost information for materials, labor contractor's overhead, profit and fees. 5. Based on data collected using appropriate valuation approach, develop an estimate of value of affected structures.

Appendix 9. NHA Relocation and Resettlement Cost


The relocation and resettlement cost estimates are based on Memorandum Circular No. 2427 dated 26 April 2012 Revised Guidelines for the Implementation of the Resettlement Assistance Program for Local Government Units and Memorandum Circular No. 2423 dated 18 April 2012 Revised Guidelines for the Implementation of the Housing Assistance Program for Indigenous Peoples) are as follows:

RELOCATION AND RESETTLEMENT COST (Source: NHA MC 2427 and MC 2423) Worksheet PR07		
PROGRAM/Project Implementation Guidelines	PARTICULARS	COST (est)
I. RESETTLEMENT PROGRAM FOR LGU (MC 2427)		
A. Land requirement		
1. the land provided by LGUs shall be at least one (1) hectare, titled under the name of the LGU and free from any liens and encumbrances	one (1) hectare	116,600.00
2. the land shall be classified as residential or converted for residential use and pass all requirements for housing development		
3. As much as possible, the land shall be located in areas where livelihood opportunities and other socio-economic facilities are available or accessible		
B. Implementation of Development Works		
1. All project development plans to include detailed architectural and engineering plans and designs, technical specifications, cost estimates and implementation schedules shall be jointly approved by LGU and NHA		
2. As a general rule, NHA shall undertake the project development/construction works covered by its assistance. The proponent LGU may however undertake the same based on the following considerations:		
a. LG capability: track record in implementation of similar development works		
b. Modal lot sizes: 40 m ² for rowhouses; 80 m ² for single detached	80 lots	
c. Land development standards:		
- Roads: concrete		
- Drainage; open line canals		
- Sewerage: individual septic tanks		
- Water facilities: water distribution or communal water facilities		
d. development cost per lot: not to exceed P80, 000.00	80 lots	6,400,000.00
C. Housing Construction		
a. Model: rowhouse		
b. Floor are: 20 m ²		
c. Development Cost per housing unit: not to exceed P120,000.00	80 rowhouse	9,600,000.00
II. HOUSING ASSISTANCE PROGRAM FOR IPs (MC No. 2423)		
A. Policy and Program Framework		
1. The Housing Assistance Program for IPs shall be pursued under the framework of the Resentment Assistance for LGUs, under which the NHA provides		
2. Projects implemented under the Program shall be considered projects of the LGUs concerned which shall be the lead implementers of the projects to include land development and housing construction, award of housing units, cost recovery and project maintenance.		
3. The land required for the housing project in an ancestral domain shall be made available by the IP community concerned in coordination with the NCIP		
B. Project Funding		
The Project shall be jointly funded by NHA and the LGU. NHAs contribution shall be utilized exclusively for land development or housing construction. The LGU shall provide funds for other cost components not covered by NHAs assistance and other costs necessary for the implementation of the project.		

Appendix 10. MOU and Pertinent Documents

MOU to be provided upon request

August 04, 2017

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

RECEIVING COPY

DPWH-IX, RG (RMS)
RECEIVED
DATE: AUG 07 2017
FILE NO.: _____

MEMORANDUM

FOR : **JORGE U. SEBASTIAN, CESO III**
Regional Director
DPWH IX
Zamboanga City


ATTENTION: **MERHAM M. ACAS, CESO IV**
District Engineer
ZDN 2nd Engineering District, Labason

SUBJECT : **Improvement Growth Corridors of Mindanao Road Sector Project**

Please be informed that this office is now in the process of completing the requirements needed for funding of projects in various areas of Region 9 under the **Improvement Growth Corridors of Mindanao Road Sector Program**.

Anent this please provide us your comment to provisions stated in the attached draft copy of a Memorandum of Understanding for the creation of a Resettlement Implementation Committee (RIC), before the document be finalized for submission not later than *August 15, 2017* to the Asian Development Bank, as a pre requisite to requirements set by that institution.

Your favorable action with regard to this matter is anticipated in support to the country's priorities in developing Mindanao attuned with the agenda recognized in the Philippine Government's Ambition 2040.


SHARIF MADSIMO H. HASIM
Director
RMC II (Multilateral), UPMO

cc:

EMIL K. SADAIN, CESO II, Undersecretary for UPMO Operations

20.1.2 EAF/SRF/SMHH

1



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

RECEIVING COPY

August 04, 2017

ROBERTO P. UY
Provincial Governor
Zamboanga Del Norte



Dear Governor Uy:

The undersigned would like to inform you that this office is now in the process of completing the requirements needed for funding of projects in various areas of Region 9 under the **Improvement Growth Corridors of Mindanao Road Sector Program**, some of which are located within your province under the Zamboanga Del Norte 2nd Engineering District.

Relative to this, we would like to seek your assistance by providing us your comment to provisions stated in the attached draft copy of a Memorandum of Understanding for the creation of a Municipal-Resettlement Implementation Committee (MRIC), before the document be finalized for submission not later than *August 15, 2017* to the Asian Development Bank, as a pre requisite to requirements set by that institution.

We look forward to hear from you the soonest, in support to the country's priorities in developing Mindanao attuned with the government's agenda recognized in the Philippine Government's Ambition 2040.

Very truly yours,

SHARIF MADSIMO H. HASIM
Director
RMC II (Multilateral), UPMO

cc:

- EMIL K. SADAIN, CESO II, Undersecretary for UPMO Operations*
- JORGE U. SEBASTIAN, JR., CESO III, Regional Director, DPWH 9*
- MERHAM M. ACAS, CESO IV, District Engineer, ZDN II, Labason*

20.1.2 EAF/SRF/SMHH



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL NORTE
OFFICE OF THE GOVERNOR
ZN Convention & Exhibition Center, Dipolog City

August 15, 2017

Sharif Madsmo H. Hasim
Director
RMC II (Multilateral), UPMO

Sir:

Greetings!

This is to acknowledge receipt of your letter dated August 04, 2017 on August 8, 2017 seeking for comment to the attached copy of the Memorandum of Understanding between the Department of Public Works and Highways (DPWH) and The Provincial Government of Zamboanga del Norte for Improving Growth Corridors in Mindanao Road Sector Project, hence this comment on the MOU.

A provision of the memorandum stated that:

"NOW THEREFORE, for and in consideration of the foregoing premises, the PARTIES do hereby mutually agree and commit themselves to the following:

- 1. To assist one another in ensuring that the Resettlement and Indigenous People Plan (RIPP) for the Improving Growth Corridors in Mindanao Road Sector Project is implemented as planned."*

13

It is observed that the above mentioned provision is vague and should be rephrased as the specific obligations, warranties and the liabilities of the Province of Zamboanga del Norte were not expressly stated therein. The vagueness of the wordings would cause legal repercussions as it broadly mandates the Province to assist in ensuring that the Resettlement Project should be implemented as planned. The word "ensuring" should be deleted. It connotes joint liability between the Province and the DPWH. It is recommended that additional provisions freeing the Province from liabilities in case of non-implementation of the project should be included as the Resettlement Policy is after all of the DPWH and not a joint project with the Province.

It is humbly recommended that the said provision should be re-evaluated and it is suggested to be rephrased as:

1. *To assist the DPWH and the Resettlement Implementation Committee (RIC) in the implementation of the resettlement and Indigenous Peoples Plan for the Improving Growth Corridors in Mindanao Road Sector Project.*

I hope that the said suggestion will be considered by your end as we are in support for the rural development of the Mindanao especially in the province of Zamboanga del Norte.

Very truly yours,

ROBERTO Y. UY
Provincial Governor
Zamboanga del Norte

Appendix 11. Template for Semiannual Monitoring Report

OUTLINE FOR THE INTERNAL MONITORING REPORT FOR PR 07

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 RIPF.

B. Project Components

Again, with reference to the PAM and RIPF, 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 – 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 RIPF 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

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 1.

Table 1: Disclosure on Social Safeguards Planning Documents and Related Activities as of (Date, Month, Year)

Information disseminated	Date	Method of dissemination	Key issues

Information disseminated	Date	Method of dissemination	Key issues

2. Consultations

Provide text for Table 2 that summarizes the Public Consultation and Participation activities and outcomes during the monitoring period. Attendance will be disaggregated by gender and ethnicity (IP).

Table 2: Consultation / Meetings Conducted as of (Date, Month, Year)

Consultation topic	Date	Venue	Participants				Key Issues
			Male		Female		
			IP	Non-IP	IP	Non-IP	

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

1. DMS Process

Complete Table 3 and discuss particulars in text.

Table 3. Updated Progress of Social Safeguards Implementation as of (Date, Month, Year)

DMS		Payment of Compensation		Resettlement and site clearance		Bid awarded
Start	End	Start	End	Start	End	

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 4 below and present key points in text.

Table 4: General Progress in Land Clearance and Handing Over of Land for Civil Works as of (Date, Month, Year)

AHs Eligible for Compensation/ Allowance			AHs Required to Relocate		Remaining Encumbrances (Yes/No)	Date Land Hand Over for Civil Works
Total AHs	# AHs fully paid	% Progress	Total AHs	Actual AHs to be Resettled		

C. Livelihood Restoration and Rehabilitation

Restoration and rehabilitation approaches may vary significantly from village to village. Complete Table 5 and describe participation to available livelihood restoration and

rehabilitation programs, disaggregated by gender and ethnicity (IP). You may add columns for more livelihood restoration project/activity types.

Table 5: Participation to Livelihood Restoration and Rehabilitation as of (Date, Month, Year)

Participation to Livelihood Restoration Activities																		Grand Total						
Livelihood Restoration x						Livelihood Restoration y						Livelihood Restoration z						Male			Female			
Male			Female			Male			Female			Male			Female			Male			Female			
IP	Non-IP	Total	IP	Non-IP	Total	IP	Non-IP	Total	IP	Non-IP	Total	IP	Non-IP	Total	IP	Non-IP	Total	IP	Non-IP	Total	IP	Non-IP	Total	

4. Other Remarks on Livelihood Restoration

Please describe any issues encountered and approaches to resolve identified issues (if at all).

D. Grievance Redress

When grievances surface, provide a narrative summary of grievance cases by type of issue and location. How grievances are resolved must be documented as these happen. Refer to Table 6; to present this section in text form.

Table 6: Status of Grievance Redress as of (Date, Month, Year)

Grievance			Elevated to Court:
Grievance Topic	# of complainants	# of satisfied AHs	# of complainants

IV. INSTITUTIONAL SUPPORT TO SOCIAL SAFEGUARDS

A. Staff Support to Ensure Compliance

This section presents the involvement of social safeguards-related staff within DPWH across levels. All focal persons will be listed along with contact details. Include any issues 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 7.

Table 7: Disbursement of Funds as of (Date, Month, Year)

Social Safeguards Budget	Funds Disbursed this Monitoring Period	Comment/s

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.

Indicate the estimated percentage of work accomplished eventually through time reflecting cumulative achievements per subproject up to the point of the current monitoring period.

For Table 8, indicate the issues and concerns related to the subproject as indicated in the headings and the way forward to overcome issues and concerns.

Table 8: Social Safeguards Issues, Concerns and Proposed Actions as of (Date, Month, Year)

Issues and Concerns		Proposed Action/s
New/Current	Pending from previous monitoring reports	

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

Attachment 2. Photo-documentation for the Monitoring Period