

II. Resettlement and Compensation Framework

1.0 Introduction

This Resettlement and Compensation Framework (RCF) shall provide mitigation measures to address adverse impacts on affected households. The RPF also specifies appropriate roles and responsibilities for managing and monitoring social concerns related to the projects. The objectives, principles and measures proposed to mitigate adverse social impacts are made consistent with the provisions of the GOP regulations, WB and JICA policies. Furthermore, this shall serve as guidelines in the preparation of Resettlement Action Plans (RAPs) and other related documents to be required by the Land Bank of the Philippines, the World Bank and JICA from Project Proponents.

2.0 Definition of Terms

Compensation means payment in cash or in kind for an asset to be acquired or affected by project at replacement cost (as defined below).

Cut-off Date is the date prior to which the occupation or use of the project area makes residents / users of the project area eligible to be categorized as affected persons. The cut-off date coincides with the commencement of the census of affected persons within the project area boundaries. Persons making claims based on subsequent occupation after the cut-off date are not eligible for claims for compensation and other entitlements.

Displaced Person (DP) includes any person or persons, household (sometimes referred to as project affected family), a firm, or a private or public institution who, on account of the acquisition of assets in a project, would have their right, title or interest in all or any part of a house, land (e.g., residential, agricultural, and industrial, including pasturelands, fishponds, communal forest, etc), fish pens, communal fishing grounds, annual or perennial crops and trees, or any other fixed or moveable asset acquired or possessed, in full or in part, permanently or temporarily, and who might suffer income or business loss as a consequence thereof. Eligible DPs may fall under any of the following three groups:

- Those who have formal legal rights to land including customary and traditional rights;
- Those who do not have formal legal rights to land at the time of the cut-off date but have a claim to rights to such land or assets; and
- Informal settlers who satisfy the condition for eligibility to compensation as provided in the definition of 'cut-off-date' above.

Non-eligible DPs include those making claims based on subsequent occupation after the cut-off date.

External Monitoring Agency (EMA) is the entity designated by Project Proponent to monitor the implementation of its Resettlement Plan.

Financial Assistance is the cash amount given to tenants/settlers/occupants of severely affected land on top of cash payment/compensation of their crops and other

fixed assets actually damaged by a project. It will also be given to owners of land acquired under Commonwealth Act 141 for the area of the affected portion subject to Section 112 thereof, which grants government easement right over a 60-meter wide corridor. Financial assistance will be determined based on applicable laws, in consultation with stakeholders and relevant government agencies, and thus given to:

- *Marginally and severely affected structures used for business, with or without title to the land, to cover for income loss;*
- *Marginally and severely affected farmlands, fishponds and fish pens that are not covered by any acceptable proof of ownership, including portions of property acquired through CA 141, Section 112, to cover for improvements introduced to make the property productive;*
- *Severely affected farmlands, fishponds and fish pens that are covered by a title or other acceptable proof of ownership (e.g. ancestral claim, usufruct, ancestral land claim, etc.);*
- *A displaced person (DP) who holds full title, tax declaration or some proof of traditional ownership (such as usufruct when the DP belongs to an indigenous community), to the land where his/her severely affected dwelling stands and who has to shift elsewhere; and*
- *An informal settler who has to shift elsewhere for food subsidy.*

Independent Shops are commercial stalls, such as groceries, vulcanizing shops, tailoring shops, beauty parlors, market stalls, hotels, movie houses, and similar establishments that serve as the owner's principal source of income. Sari-sari stores, i.e., variety shops that are usually attached to a dwelling unit, may fall in the same category of independent shops.

Indigenous People (IPs) or Indigenous Cultural Communities (ICC) refer to a group of people or homogenous societies identified by self ascription and ascription by others, who continuously live as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, traditions 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 majority of Filipinos. ICC/ IPs shall likewise include people 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 and cultures or the establishment of the present state of boundaries, who retain some or all their own social, economic, and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

Informal Settlers (a.k.a. informal dwellers or squatters) are persons who have occupied lands where they have no legal title of, tax declaration that can be perfected into a title, or those who are not covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership. Informal settlers who are not professional squatters are eligible for compensation for lost assets and incomes, including entitlements.

Land Acquisition in this program means the process of obtaining the right to use the land whereby an owner or would-be-owner/registered claimant alienates permanently or temporarily all or part of the land he/she owns, claims or possesses to ownership and possession of other parties including the Government for public purpose. The modes of acquiring private assets are enumerated in Section 6.0 of this RCF.

LBP Borrower refers to large agribusiness enterprise/corporation, small and medium enterprise, cooperatives, private financing institutions and conduits of micro enterprises. It is also termed as Project Proponent in some portion of this document.

Marginally Affected land or structure means less than 20% of the land or structure is affected and where the remaining unaffected portion is still viable for continued use.

Program refers to credit facility funded by World Bank and JICA being tagged here as HARVEST Program

Professional Squatters, the term applies to 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, and *non-bona fide* occupants and intruders or lands reserved for socialized housing. This definition excludes individuals or groups that simply rent land and housing from professional squatters or squatting syndicates.

Project refers to the activity financed by LBP under the World Bank and JICA-funded HARVEST Program.

Project Proponent refers to the LBP borrower which could be a large agribusiness enterprise/corporation, small and medium enterprise, cooperatives, private financing institutions and conduits of micro enterprises

Rehabilitation Support means additional assistance given to DPs whose source of income is severely impacted by the loss of productive assets, incomes, employment or sources of living, thereby requiring them to engage in some other income-earning activities. Rehabilitation support is intended to supplement payment of compensation and financial assistance as provided in 2.b. and 2.e for acquired assets in order to achieve full restoration of living standards and quality of life. The specific rehabilitation support to be given may be in the form of special skills training, project-related employment micro-credit and other self-help socio-economic measures.

Relocation means the physical shifting of DPs from their pre-project place to a new place of residence.

Replacement Cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. The computation of replacement cost is determined by an independent appraiser hired by the Project Proponent or by a court of law as compensation for:

- Agricultural lands, fishponds and fish pens based on productive value or residential land based on replacement value (for properties with similar location attributes plus transaction cost);

- Houses and other related structures based on current market prices of materials and labor without depreciation and deductions for salvaged building materials plus costs of getting permits and other transaction expenses;
- Crops based on current value;
- Trees and other perennials based on the estimates of the Department of Environment and Natural Resources or those of the independent appraiser's;
- Other fixed assets such as mosques, churches, burial grounds, community wells, barangay halls and health centers based on replacement cost or cost of mitigating measures; and
- Businesses based on opportunity loss in income due to disturbance and business replacement prices of materials and labor without depreciation and deductions of salvaged materials.

Resettlement Action Plan (RAP) refers to all measures to be taken by the Project Proponent in consultation with the community or the DPs and approved by the Lender, to mitigate any adverse social and economic impacts that are direct consequences of the acquisition of assets; and the provision of other entitlements, income restoration assistance, and relocation, as needed.

Rental Allowance is cash assistance given to house tenants of affected structures who will have to find a new place on account of the project, for the period between project site clearing and transfer to their new home.

Severely Affected Land / Structure means 20% or more of the land or structure is affected or when less than 20% is affected, the remaining portion is no longer viable for use.

Squatting Syndicates as defined by RA 7279 refers to groups of persons who are engaged in the business of squatter housing for profit or gain.

3.0 Overriding Development Objective

In the design and implementation of the projects, efforts must be exerted to ensure that all adverse impacts of acquisition of assets and properties are avoided. In the event displacements cannot be avoided, impacts shall be fully mitigated and that displaced persons (DPs) are benefited and not worse off. Toward this end, the following fundamental measures will be ensured:

- Effect on income and resources will be avoided or minimized in assets acquisition that result in displacement of people;
- No demolition of assets and/or entry to properties will be done until a DP is fully compensated, except when a court of law grants a Writ of Possession to the Project Proponent for the subject property in expropriation cases as explained in Section 5 of this Framework;
- DPs are provided with sufficient compensation and assistance for lost assets, income sources, and livelihood that will assist them to improve, or at least maintain, their pre-project standard of living;

- Special attention is paid to affected vulnerable groups, such as poverty groups, the handicapped, women-headed households, people with weak or absent tenure rights, etc.; and
- All project stakeholders, including DPs, are consulted and are encouraged to participate in varying practicable ways in the design, implementation and operation of the project.

4.0 Institutional and Legal Framework

4.1 Institutional Framework

The key players and their roles and responsibilities in resettlement planning, implementation and monitoring are presented below. Table RCF-2 in Section 6 breaks down the roles and responsibilities of other participants in the resettlement planning, implementation and monitoring process.

4.1.1 The World Bank (WB) and JICA

The WB will review this HARVEST Resettlement and Compensation Framework (RCF) to ensure its compliance with OP 4.12. It will agree with LBP on the adoption of the RCF as the set of guidelines on social safeguards for the Project. The WB and JICA will review all full RAPs and first three (3) Abbreviated RAP prepared under the Program.

4.1.2 Land Bank of the Philippines (LBP)

Through its Lending Centers, assisted by the PMO, LBP will review all project RAPs, whether full or abbreviated, to check its compliance with the agreed RCF.

4.1.3 Project Proponent

Through its PMO, the Project Proponent will be responsible for the overall planning, implementation, coordination and monitoring and evaluation of land acquisition and resettlement activities under the project:

- It will ensure that RAPs are prepared, implemented and monitored and evaluated in accordance with the agreed RCF.
- The Project Proponent will set up a Resettlement Implementation Committee (RIC) for the implementation of the RAP. The specific responsibilities of the RIC include:
 - Assist the PMO in validating the list of DPs and inventory of affected assets and in finalizing the compensation and other entitlements due to the DPs;
 - Assist the PMO in the conduct of land research to determine the type of land affected and conflicts in law that should be resolved (e.g. water easement versus land titles, tenurial rights on CARP-covered properties, land titling and others);
 - Assist in the conduct of public information campaign and consultation and help ensure the participation of the public, especially the DPs;

- Assist the PMO in the payment of compensation and other entitlement to DPs;
 - Receive complaints and grievances from DPs and other stakeholders and act on them accordingly;
 - Maintain a record of all public meetings, complaints, and actions taken to address complaints and grievances; and
 - In coordination with concerned government authorities, assist in the enforcement of laws / ordinances regarding encroachment into the project site or its ROW.
- The PMO Head will designate a staff to work closely with the RIC. The Project Proponent may engage the services of a Consultant, a Resettlement Specialist, to provide technical support to the PMO on resettlement planning.
 - The Project Proponent will ensure that sufficient budget and resources are provided to the PMO for resettlement planning and implementation.
 - The Project Proponent will be responsible for encouraging the active participation of stakeholders, particularly the displaced and host communities, in resettlement planning, implementation and M&E.

4.1.4 Affected Communities

It is also the responsibility of affected communities, particularly the DPs and host community/ies, to participate in consultations and in resettlement planning, implementation and M&E.

4.2 Legal Framework

4.2.1 Government of the Philippines (GOP) Regulations

This RCF is anchored on the principle derived from the Bill of Rights of the Constitution of the Republic of the Philippines, which states:

- In Article II, Section 9, *“Private property shall not be taken for public use without just compensation.”*
- In Article III, Section 1, *“No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”*

This RCF shares the same concern for due process and the right to just compensation for everybody. Adverse impacts by a project must be avoided or minimized, with the appropriate resettlement measures, and that DPs are given the opportunity to share project benefits with the rest of the population, are the guiding principles of this Framework.

Other relevant GOP laws and orders pertaining to land acquisition and compensation shall be adopted and observed by the Project Proponent. See Table RCF-1 below.

4.2.2 World Bank Policy

OP/BP 4.12 on Involuntary Resettlement provides the guidelines for the resettlement of project-affected population with the primary objective of assisting DPs in their efforts to improve their incomes and living standards, or at least restore them to pre-displacement levels. This policy is triggered when there is involuntary taking of land and other assets, or when involuntary restriction of access to legally designated and protected areas results in adverse impact on the livelihoods of the displaced persons. Only direct economic and social impacts resulting from “taking of land” are covered.

4.2.3 GOP and WB/JICA Policy, and RCF for HARVEST

Where there is a discrepancy in the resettlement and compensation standards of the existing laws in the Philippines and of the standards of the WB and JICA, the Project Proponent will comply with whichever is the higher standard.

Table 8: GOP Laws and Orders on Land Acquisition

Law / Order	Provisions
Executive Order 1035 (1985)	<p>Requires the conduct of:</p> <ul style="list-style-type: none"> • Feasibility study • Public Information Campaign • Parcellary survey • Assets inventory <p>Other features include</p> <ul style="list-style-type: none"> • Land acquisition, based on fair market value to be negotiated between owner & appraiser • Resettlement / relocation of tenants, farmers & other occupants • Financial Assistance to displaced tenants, cultural minorities & settlers equivalent to the average annual gross harvest for the last 3 years & not less than P15,000 per ha. • Disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest during the last 5 years • Compensation for improvements on land acquired under CA 141. <p>Government has power to expropriate in case agreement is not reached.</p>
Supreme Court Ruling (1987)	<ul style="list-style-type: none"> • Defines just compensation as fair & full equivalent for the loss sustained, taking into account improvements, location, capabilities, etc. • The value given by the appraiser can only serve as a guide for negotiation. The objective is to enable the DP to replace affected assets at current market price.
DPWH DO 142 (1995)	<ul style="list-style-type: none"> • Aims to avoid unnecessary delays in civil works. • Inclusion of parcellary plans & cost estimates for ROW acquisition in detailed engineering stage. • EO 1035 & MO 65 will still be followed in matters relating to the acquisition and compensation of private properties
RA 6389	<ul style="list-style-type: none"> • Provides for disturbance compensation to agricultural leases equivalent to 5 times the average gross harvest in the last 5 years.

RA 7279, Urban Development and Housing Act of 1992	<ul style="list-style-type: none"> • Provides guidelines for resettlement of persons living in danger areas, e.g., riverbanks, shorelines, & waterways or areas where government infrastructure projects are about to be implemented. Guidelines cover the provision of basic services & facilities in resettlement sites, livelihood support, meaningful participation & adequate social preparation for the affected households, close coordination between sending & host LGUs, grievance redress and related aspects. • Danger areas as enumerated in Article VII, Section 28 of RA 7279 includes Waterways but not specifically water/pipeline Right-of-Ways (ROW). The 2002 Bignay Incident of Manila Water showed that waterlines are potential danger areas. • Relocation involving court eviction cases shall be undertaken by the local government, agencies involved (in this case the MWSS) within forty-five (45) days from service of notice of final judgement by the court. • Informal settlers who built their house on or before the affectivity date (March 28, 1992) are entitled to all benefits and considerations prescribed in the said act. All those exempted or not covered by the said act will be dealt with accordingly (see Section 5.a).
RA 8368 (1997)	<ul style="list-style-type: none"> • Repealed PD 772 of 1975, which penalized squatting and similar acts. • All pending cases under the provisions of PD 772 are consequently dismissed.
RA 8371 (1997)	<ul style="list-style-type: none"> • Protects & recognizes rights of indigenous cultural communities on their ancestral lands.
RA 8974 (2000)	<ul style="list-style-type: none"> • Aims at ensuring that owners of real property acquired for NG infrastructure projects are promptly paid just compensation. It also provides for the compensation of affected improvements & structures at replacement cost (without depreciation & inclusive of labor costs for reconstruction) & the arrangement of independent appraisers for a more accurate determination of the market values of lands and improvements. Section 5 provides for standards in the determination of the fair market value of land:

Table 8 (continued)

Law / Order	Provisions
	<ul style="list-style-type: none"> •SECTION 5. Standards for the Assessment of the Value of the Land Subject of Expropriation Proceedings or Negotiated Sale — In order to facilitate the determination of just compensation, the court may consider, among other well-established factors, the following relevant standards: <ol style="list-style-type: none"> i. The classification and use for which the property is suited; ii. The developmental costs for improving the land; iii. The value declared by the owners; iv. The current selling price of similar lands in the vicinity; v. The reasonable disturbance compensation for the removal &/or demolition of certain improvements on the land & for the value of improvements thereon; vi. The size, shape or location, tax declaration & zonal valuation of the land; vii. The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and viii. Such facts & events 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, & thereby rehabilitate themselves as early as possible.
<p>Commonwealth Act 141 (CA 141), Public Lands Act (1936)</p>	<ul style="list-style-type: none"> •Institutes classification & means of administration, expropriation and disposition of alienable lands of the public domain. •Under Section 112, lands awarded for Free Patent are “subject to a right of right-of-way not exceeding sixty (60) meters in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines and similar works as the Government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only.”
<p>NCIP Administrative Order No. 3, Series of 2002</p>	<ul style="list-style-type: none"> •Stipulates the processes necessary for securing FPIC from IP communities and EO 132 designating PCUP as clearing house for the conduct of demolition and eviction since both have bearing on actions related to IPs and RP

5.0 Compensation and Other Entitlements

The following guidelines will be applied to mitigate the effects of involuntary resettlement:

- Only those DPs found to be residing in, doing business in, or cultivating land, or having rights over resources within, the project area as of the cut-off date (e.g., date of start of census surveys) are eligible for compensation at full replacement cost for lost assets (i.e., land, structures and other fixed assets) and for other assistance. DPs will be compensated for affected land, based on their tenure status, e.g., legitimate owner, lessee, etc. Proof of ownership shall include full title, tax declaration of settlers in public land, possessory rights or usufruct, ancestral land claims, among others. However, in cases where a tax declaration

over assets that are inalienable or those that cannot be titled as prescribed by law (e.g., river easement, forest reserve) is the only proof of ownership, only structures and other improvements found therein should be compensated.

- The Project Proponent shall compensate the DPs for land, structures and other fixed assets at “replacement cost” as defined in Section 2.
- DPs losing all of their lands and structures (e.g., farmland, house), or incurring partial loss but where the remaining assets and properties are determined by competent authorities as not viable anymore for continued use will be paid full compensation for the entire asset at replacement cost. The compensation for the entire asset at replacement cost may be given in cash or in kind. The Project Proponent will assume ownership of the said asset upon payment of full compensation thereof.
- In the case of DPs whose assets are “marginally affected” as defined in Section 1, compensation for the affected assets will be paid in cash.
- Informal settlers who are affected by the project and who are not “professional squatters”, as defined Section 1, are entitled to compensation at replacement cost for affected structures and other losses but not for land.
- Swap for “severely affected land” as defined in Section 1 will be in the form of land of equivalent productive value and/or characteristics at a location acceptable to the DPs, or if replacement land is not available, cash representing the current replacement value of the land. Replacement of residential and agricultural lands will be as close as possible to the land that was lost. All replacement lands for residence, commerce and agriculture will be provided with secured tenure status.
- In addition to compensation for crops or property acquired or damaged by the project, the Project Proponent will provide the following resettlement assistance to eligible DPs:
 - “Financial assistance” to tenants/settlers/occupants as provided in Section 1;
 - Rental allowance for house tenants of affected main structures who will have to find a new place on account of the project, equivalent to the period between project site clearing and transfer to their new home but not to exceed a period of three (3) months; and
 - Transportation assistance (in cash or in kind, depending on the mutual agreement of the DP and the Project Proponent) to DPs who are relocating, including displaced shanty dwellers in urban areas who opt to go back to their places of origin (e.g., province) or to shift to government relocation sites.
- Granting of rehabilitation support in the form of special skills training, project-related employment, micro-credit or other self-help socio-economic support to DPs who are severely affected due to the loss of productive assets and/or their primary source of income and which will require them to engage in some other income-earning activities. If needed, the Project Proponent will coordinate closely with concerned government agencies that have the mandate and the expertise to undertake the needed rehabilitation assistance.

- Rehabilitation support will also be granted to severely affected vulnerable groups such as indigenous groups, single parent households, the handicapped, the elderly, etc., who have the least capacity to cope with the adverse social and economic impacts of development projects.
- For married couples, payment of compensation and other entitlements (i.e., financial assistance and rehabilitation support) will be given in the names of both husband and wife.
- Where relocation is considered necessary, the lot owner of the proposed relocation site will also be entitled to compensation for his/her land, and depending on his/her choice, the compensation may be in cash or in the form of replacement land, of the same value, within or outside the relocation site.
- The Project Proponent shall provide the relocation site for residential or commercial purposes with such basic services as electricity, water, drainage, sewer system, road system, etc.
- Plans for the acquisition of land and other assets will be carried out in consultation with the DPs who will receive prior information of the compensation, relocation and other assistance available to them.
- Any acquisition of, or restriction on access to resources owned or managed by DPs as a common property, e.g., communal forest, communal farm, or communal fishing ground, will be mitigated to ensure access of those DPs to equivalent resources on a continuing basis, where feasible, or other alternative measures to be determined in consultation with the DPs.
- Resettlement programs will include adequate institutional arrangements to ensure effective and timely design, planning, consultation and implementation of compensation and resettlement. The Project Proponent will ensure effective coordination with relevant agencies for the RP preparation and implementation.
- The resettlement transition period will be minimized and the acquisition of assets, compensation, resettlement and rehabilitation for a segment/section or phase (except where long-term rehabilitation measures, such as vocational training recommended) will be completed at least one (1) month prior to the initiation of preparation for construction work under the respective segment/section or phase thereof.

Entitlements and compensation for the types of loss shall be guided by the Compensation Table in this Framework. See Annex RCF-1

Technically, all informal settlers found to be at the project site at the time of the census, will be entitled to a specific compensation depending on the laws and standards being enforced at the beginning of the project. All possible means to alleviate the DPs will be exhausted to restore or even improve their level of living to the pre-resettlement level.

6.0 Modes of Acquiring Private Assets

Private assets, e.g., land, structures and other improvements, may be acquired for the project through:

- Donation and/or grant of ROW;

- Negotiated purchase;
- Expropriation;
- Usufruct; and
- Lease agreement.

In the case of donation, meetings held regarding land donation/s will be documented. For donated land/s, documentation of donation must be signed by all legal owners, must note the total land area from which portion needed by project is taken, and must state the legal tenability of the donation (e.g. no lien, occupants in affected portion). An assessment report on the donor's economic viability will also be needed.

In the case of negotiated purchase, the Project Proponent will offer as the purchase price an amount equal to the replacement cost of the assets, as determined by an independent appraiser using internationally accepted procedures. See Annex RCF-2

The Project Proponent will make the offer in writing and give the property owner 15 days within which to accept the amount offered as payment for his/her property. If the property owner agrees, he or she will issue to the Project Proponent a written permit to enter the property. A contract of sale will be subsequently executed between the property owner and the Project Proponent.

The Project Proponent may also acquire a property through Usufruct. The property owner retains the naked ownership of the land, while the Project Proponent enjoys the benefit of the use of land. The Project Proponent and the property owner will execute a usufruct agreement. The agreement will cover the rights and responsibilities of the two parties, including the duration of the usufruct.

The Project Proponent may also acquire lands through lease agreements with the rightful property owner. The Project Proponent and the property owner will execute a Lease Contract. The contract will cover the rights and responsibilities of the two parties, including the duration of the lease.

The Project Proponent may resort to the imposition of an Easement of Right-of-Way provided for under the Philippine Civil Code. In such cases, a ROW easement agreement will be executed by the property owner and the Project Proponent, whereby the former will grant the latter the right to use the affected portion of the lot as ROW, but the owner retains ownership of the said portion of the lot. In these cases, the Project Proponent will pay the owner the value of the affected portion of the lot based on an independent appraiser carried out according to internationally accepted norms. In addition, the Project Proponent shall compensate the property owner at replacement cost for any improvements and/or structures on the land affected by the ROW. The Project Proponent will enter the easement area after the provision of the full payment for the easement to the property owner. The ROW easement agreement will be immediately registered with the Registry of Deeds.

All land transaction should be registered with the Registry of Deeds for annotation in the title of subject property.

If the property owner contests the compensation payment, the Court will determine the just compensation to be paid to the owner within sixty (60) days from the date of the filing of the expropriation case. When the decision of the Court becomes final, the Project Proponent will pay the owner the difference between the amount already paid and the just compensation determined by the Court (see Implementing Rules

and Regulations, RA 8974, Section 14). The DP will receive the additional payment within one (1) month following the decision of the court.

7.0 Application of the Participatory Process

The participatory process shall commence as early as during the project preparation stage and shall continue through to post-implementation evaluation. Key stakeholders will have valuable roles to play in each of the activities in the process. Table RCF-2

7.1 Setting up of Resettlement Implementation Committee (RIC)

The RIC will be established to assist in RAP implementation, to be composed of:

- Head of the Project Proponent, or his designated representative, to serve as chair;
- If applicable, a representative of the NCIP or OSCC;
- Representative of the Barangay of affected communities (DP and host);
- Representative of the DPs in each affected barangay (to be elected by simple majority by DPs present in a meeting to be held for the purpose);
- If applicable, leader/s or elder/s of each affected IP group;

Representative of a non-government organization (NGO) or people's organization (PO) actively operating in the project area (to be elected by simple majority by DPs present in a meeting to be held for the purpose)

- The RIC will meet regularly to record milestones and update the members on the progress of the RAP. The following items may also be included in the agenda:
- Designation of specific assignments;
- RAP timetable;
- Submittals to concerned agencies; and
- Other matters.

The RIC will have to work closely with the LGU , as the government's clearinghouse of resettlement for the urban poor to ensure that the RAP is properly implemented. They can also assist the PMO in accomplishing the requirements for the Certificate of Compliance to be issued by the LGU before any clearing operation takes place.

7.2 Project Preparation Stage

7.2.1 Pre-feasibility

The Project Proponent will conduct a stakeholder consultation about the project and its components:

- Explain the general concept of the project;
- Discuss and explain the requirements of the project and its perceived impacts;
- Present tentative schedule of activities;
- Create awareness and appreciation about the project;
- Identify various project stakeholders;
- Present the HARVEST RCF; and
- Discuss the composition of the Resettlement Implementation Committee.

Other target participants to this meeting are:

- Heads of LGU departments relevant to the project; and
- Captain/s of the affected Barangay/s.

General Orientation of the Community

Before undertaking any survey activity in the community, the Project proponent will conduct a thorough barangay meeting to orient and ensure that the community understands the nature and extent of the proposed project, as well as the rights and entitlements of those who may be affected or displaced as a result of the project. Awareness of the project will hasten the data-gathering process and ensure quality of data.

The RCF will also be discussed with the communities to have an appreciation of the processes and procedures. The RCF will be publicly posted / disclosed and will be available to the community if they want to discuss it further with the community members.

Community orientation will be facilitated by barangay officials and assisted by the PMO to ensure correctness of information to be relayed to each member of the community. The agenda for this community orientation could be:

- Project overview including overall objectives and merits;
- Identification and discussion of the likely impacts of the project;
- Activities to be undertaken, including the project schedule;
- Roles of the community with regards to the long-term sustainability;
- Resettlement and Compensation Framework; and
- Other matters.

Social Assessment

The Project Proponent will conduct an assessment of the positive and negative impacts of the project especially to the affected community, identifying all types of possible risks involved. This will be most critical in deciding whether to push through the project or not. Often, projects though initially conceived as beneficial, may in turn have to adverse socio-economic, environmental and cultural impacts, which are easily overlooked. The assessment will be carried out with the participation of various stakeholders (through consultations, focused group discussions and key informant interviews) especially those that will be adversely affected from the project and the concerned barangay. Where IP settlements / communities are affected, assessment activities should be coordinated with the National Commission on Indigenous Peoples (NCIP) or the Office of Southern Cultural Communities (OSCC) in the ARMM, prior to the field investigation. Results of such investigation will form part of the assessment. The Social Assessment will be incorporated in the ESIA.

7.2.2 Feasibility

Draft RAP Preparation

Based on the results of the Social Assessment, a full-blown socio-economic survey of the DPs, including an inventory and valuation of affected assets, will be conducted to arrive at an appropriate Resettlement Plan (RAP). The RAP should include the amounts and the process to be used in the payment of compensation to the DPs.

A separate survey should be conducted for IPs or cultural minorities especially when they are not closely attached to the mainstream society. In such cases, a separate RP should be prepared for the group. (Refer to Section 9 of this Framework.)

The RCF applies to all resettlement impacts, regardless of the number of people involved or the level of severity experienced. However, the level of details contained in the RAP will vary according to the target group, complexity, scale, and severity of resettlement. A full RP will be required where 200 or more persons are affected. If less than 200 persons are affected or impacts are “minor” (i.e., people are not physically displaced and less than 10 percent of their productive assets are lost), an abbreviated RP may be prepared. Annexes RCF-3 and RCF-4

Presentation of the Draft RAP

Upon completion of the draft RAP, the Project Proponent will present it to the Resettlement Implementation Committee (RIC) with a view that a consensus will be achieved on the following:

- Resettlement program;
- Relocation sites;
- Roles and responsibilities in the RAP implementation; and
- Identified members of RIC.

Community Consultation

Community consultation should be conducted continuously throughout the RAP preparation and implementation cycle. Specifically during preparation stage, consultation should continue until a RAP acceptable to the DPs is arrived at. All aspects of the project should be known to the affected community and if necessary, leaflets and brochures be distributed for greater information coverage.

Affected communities will also be informed on the mechanics and procedures for consultations, grievance redress mechanism, and the overall resettlement program.

For indigenous groups, the NCIP/OSCC will be tapped to lead the consultations and to have a more in depth analysis of the socio-cultural implications of the project. All proceedings and consultations will be recorded and form part of the RAP.

7.2.3 Finalization of the RAP and the Technical Design

All suggestions and relevant information introduced by the DPs should be included in the RAP. The PMO will again meet the RIC and selected members of the community, particularly the People’s Organization (PO) leaders, Purok leaders or other recognized leaders representing the DPs to orient them with the results of all studies and assessments made to ensure that the project will proceed as agreed upon.

A copy of the final RAP and the technical design will be given to each affected barangay for reference purposes to ensure all procedures and agreements are included and met.

7.3 Project Implementation Stage

Participation in the Implementation

Whenever possible, DPs will be contracted in the implementation of various activities in the project.

Monitoring of the RAP

The PMO, assisted by the RIC will enlist the participation of the DPs in the internal monitoring of the RAP. Representation of the DPs in the monitoring of the implementation will provide a more accurate reading of the community's feelings and reactions. The internal monitoring will focus specifically on the following:

- Seeing to it that the RAP is implemented as designed and approved; and
- Verifying if funds for implementation are provided by the Project Proponent in a timely manner and in amounts sufficient for their purposes and that the funds are used in accordance with the provisions in the RAP.

In addition to the internal monitoring, an independent External Monitoring Agency (EMA) will be hired by the Project Proponent, to carry out a separate M&E program of the RAP. This agency may be an NGO, an academic research institution, an independent consulting firm, with qualified and experienced staff or a combination of these. Criteria for selecting the appropriate agency shall be based on competence, experience and general advocacy of the group. The selection process will undergo the usual procurement procedures. See Annex RCF-5.

7.4 Post Project Implementation Stage

Evaluation of the RAP Implementation

Upon completion of the RAP implementation, RIC will evaluate the different stages of the RAP preparation and implementation, and the various processes and methodologies used. Areas for improvement and best practices will be identified for future use.

The EMA will give its independent evaluation of the RAP and its implementation, and document this as a Resettlement Completion Report. All recommendations and comments will be documented and archived for future reference.

8.0 COSTS AND BUDGETS

The Project Proponent will be responsible for providing needed resources for all activities related to the RAP planning and implementation, including the operation of the RIC. Each RAP will include detailed cost estimates for compensation and relocation of DPs, if that be the case, with a breakdown by category of DPs, agricultural, residential and business lands; houses, structures and other fixed assets affected; transport assistance when shifting DPs; etc. Cost estimates will make adequate provisions for contingencies.

Table 9: Roles and Responsibilities

Project Stage	Participatory Activities	Participants	Responsible Office/ Institution
Project Preparation			

Pre-Feasibility Study	Preliminary meeting within the Project Proponent for the overview of the proposed project	Project Proponent management committee,	Project Proponent &/or its Consultant, a Resettlement Specialist (RS)
	General orientation-meeting, barangay level, preparatory to conduct of technical, social & environmental studies	Project Proponent, concerned barangay officials, DPs, affected communities	Project Proponent &/or its RS
	Conduct of Social Impact Assessment	Project Proponent, DPs, affected communities	Project Proponent &/or its RS
Feasibility Study	RAP preparation, census & socio-economic survey	Community heads, concerned barangay officials, DPs	Project Proponent &/or its RS, Community heads
	Project draft RAP orientation	Project Proponent-attached units, affected barangay captain/s	Project Proponent &/or its RS
	Community consultation on draft RAP	Community heads, DPs, affected communities	Affected barangay officials, Project Proponent &/or its RS
Finalization of RAP and Technical Design	RAP finalization	Community heads	Project Proponent &/or its RS
	Final RAP orientation for LGUs, DPs & affected communities	Project Proponent-attached units, affected barangay officials, community heads, DPs, affected communities	Project Proponent &/or its RS
Implementation			
	Implementation of RAP	Affected barangay officials, community heads, DPs, Project Proponent, RIC	Project Proponent &/or its RS & RIC

	Internal monitoring of RAP implementation	RIC, Project Proponent, community heads, DPs	LBP-PMO, Project Proponent &/or its RS, LGUs and Community Heads
	External Monitoring	EMA	EMA
Post-Implementation	Evaluation of RAP, processes and methodologies	RIC, DP reps, EMA, Project Proponent, reps of relevant NGO & PO	LBP-PMO, Project Proponent &/or its RS & EMA

Annex RCF-1
COMPENSATION TABLE

Type of Loss	Application	Entitled Person	Compensation / Entitlement
1. Arable Land	Actual area needed by the project and the remaining land is still economically viable	<p><i>Category A</i> - Owners with full title, tax declaration or who are covered by customary law (e.g. Possessor's rights, usufruct) or other acceptable proof of ownership</p>	<p>For the portion of land needed:</p> <ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards ▪ Subject to the provisions set forth in Section 5 of RA 8974. ▪ Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee. ▪ DP will be given sufficient time to harvest crops on the subject land.
		<p><i>Category B</i> - DPs without title, tax declaration, or are not covered by customary law or other acceptable proofs of ownership</p>	<p>For the portion of the land needed:</p> <ul style="list-style-type: none"> ▪ DP will be given time to harvest crops. ▪ Cash compensation for perennials of commercial values as determined by DENR or the concerned appraisal committee. ▪ Financial assistance to make up for land preparation, Php 150/m².

Type of Loss	Application	Entitled Person	Compensation / Entitlement
	<p>Remaining land becomes economically not viable (i.e. DP losing >20% of land holding or even when losing <20% but the remaining land is not economically viable anymore)</p>	<p><i>Category A</i></p>	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards, or, if feasible, 'land for land' will be provided (a new parcel of land with an equivalent productivity, located at an area acceptable to the DP & with long-term security of tenure. ▪ Subsistence allowance, Php 15,000/ha. ▪ DP will be given time to harvest crops. ▪ Cash compensation for perennial of commercial value as determined by the DENR or concerned appraisal committee ▪ If relocating, DP to be provided free transportation ▪ Rehabilitation assistance (skills training and other development activities), Php 15,000, will be provided in coordination with other government agencies if the present means of livelihood is no longer viable & DP will have to engage in a new income activity.
		<p><i>Category B</i></p>	<ul style="list-style-type: none"> ▪ Financial assistance equivalent to the average annual gross harvest for the past 3 years but not less than Php 15,000. ▪ DP will be given sufficient time to harvest crops.

Type of Loss	Application	Entitled Person	Compensation / Entitlement
			<ul style="list-style-type: none"> ▪ Cash compensation for perennials of commercial value as determined by DENR or concerned appraisal committee ▪ Financial assistance to make up for land preparation, Php 150/m². ▪ If relocating, DP to be provided free transportation. ▪ Rehabilitation assistance, Php 15,000, will be provided in coordination with other government agencies if present means of livelihood is no longer viable & DP will have to engage in a new income activity.
		<i>Category C - Agricultural lessees</i>	<p>As per RA 6389 and EO 1035</p> <ul style="list-style-type: none"> ▪ Disturbance compensation equivalent to 5 times the average gross harvest on land holding during the 5 preceding years but not less than Php 15,000. ▪ Rehabilitation assistance, Php 15,000.
	Temporary use of land	All DPs	<ul style="list-style-type: none"> ▪ Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration & damaged structures.
2. Residential land &/or Commercial land	Actual area needed by the project and the remaining land is still viable for continued use	<i>Category A</i>	<p>For the portion of the land needed:</p> <ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for land as determined by a licensed independent appraiser using internationally recognized valuation standards. ▪ Subject to the provisions set forth in Section 5 of RA 8974. ▪ Cash compensation for perennials of commercial value as determined by the DENR of the concerned appraisal committee.

	<p>Remaining residential or commercial land becomes not viable for continued use</p>	<p><i>Category A</i></p>	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for and as determined by a licensed independent appraiser using internationally recognized valuation standards. ▪ Subject to the provisions set forth in Section 5 of RA 8974, or if feasible, 'land for land' will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to DP, & with long-term security of tenure. The replacement land should be of acceptable size under zoning laws or a plot of equivalent value, whichever is larger, in a nearby resettlement with adequate physical, social infrastructure. When the affected holding is larger in value than the relocation plot, cash compensation will cover the difference in value. ▪ Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee. ▪ If relocating, DP to be provided free transportation
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Type of Loss	Application	Entitled Person	Compensation / Entitlement
	Temporary use of land	All DPs	<ul style="list-style-type: none"> ▪ Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration and damaged structures.
3. Main structures (e.g. house, shops etc)	Structure with or without a building permit, partially affected and the remaining structure is still viable for continued use.	Owners of structure with full title or tax declaration to the land or those who are covered by customary law	<ul style="list-style-type: none"> ▪ Compensation in cash for affected portion of the structure including the cost of restoring the remaining structure as determined by the concerned appraisal committee with no deduction for salvaged building materials. ▪ DPs that have business affected due to partial impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. (to be computed by RIC).
		Owners of structures, including shanty dwellers in urban areas, have no title or tax declaration to the land or other acceptable proof of ownership.	<ul style="list-style-type: none"> ▪ Compensation in cash for affected portion of the structure including the cost of restoring the remaining structure as determined by the concerned appraisal committee with no deduction for salvaged building materials. ▪ Shanty dwellers in urban areas opting to go back to their place of origin or to be shifted to government relocation sites will be provided free transportation. ▪ DPs that have business affected due to partial impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. (to be computed by the RIC). ▪ Professional squatters will not receive compensation but they can collect their salvaged materials.

		Renters of structures including renters of shanty dwellings in urban areas	<ul style="list-style-type: none"> ▪ Given 1 month notice on the schedule of demolition. ▪ If shifting is required, DP is given transitional allowance equivalent to 3 months rent of a similar structure within the area. ▪ For house tenants renting outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided. ▪ Renting shanty dwellers in urban areas who opt to go back to their place of origin in the province or be shifted to government relocation sites will also be provided free transportation.
	Entire structure affected or when remaining structure becomes not viable for continued use with or without a building permit	Owners of structures with full title or tax declaration to the land or those who are covered by customary law.	<ul style="list-style-type: none"> ▪ Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials. ▪ Inconvenience allowance of Php 10,000 per DP.

Type of Loss	Application	Entitled Person	Compensation / Entitlement
			<ul style="list-style-type: none"> ▪ DPs that have business affected due to the severe impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. To be verified and computed by the RIC. ▪ Free transportation if relocation is necessary. ▪ Rehabilitation assistance in the form of skills training and other development activities and equivalent to Php 15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and the DP will have to engage in a new income activity. ▪ Professional squatter will not receive compensation but they can collect their salvageable materials.
		<p>Renters of structures including renters of shanty dwellings in urban areas</p>	<ul style="list-style-type: none"> ▪ Given 1 month notice on the schedule of demolition. ▪ If shifting is required, DP is given transitional allowance equivalent to 3 months rent of a similar structure within the area. ▪ For house tenants renting outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided. ▪ Renting shanty dwellers in urban areas who opt to go back to their place of origin in the province or be shifted to government relocation sites will also be provided free transportation. ▪ Rehabilitation assistance in the form of skills training & other development activities & equivalent to Php 15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and DP will have to engage in a new income activity.

4. Independent shops	Shops with or without building permit, partially affected and the remaining structures are still viable for continued use.	Owners of structure with or without full title of tax declaration to the land or those who are covered by customary law.	<ul style="list-style-type: none"> ▪ Compensation is cash for affected portion of the structure, including the cost of restoring the remaining structure as determined by the concerned appraisal committee with no deduction to salvaged building materials. ▪ As determined by the RIC, DPs will be entitled to transitional allowance to cover for their computed income loss during the demolition and reconstruction of their shops, but not to exceed a month period.
		Renters (tenants) of affected shops	<ul style="list-style-type: none"> ▪ As determined by the RIC, shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted.

Type of Loss	Application	Entitled Person	Compensation / Entitlement
	Entire shop affected or when the remaining structure becomes not viable for continued use with or without building permit	Owners of structure with or without full title of tax declaration to the land or those who are covered by customary law.	<ul style="list-style-type: none"> ▪ Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials. ▪ Subsistence allowance of Php 15,000 to each DP. ▪ Free transportation if relocating ▪ Rehabilitation assistance in the form of skills training and other development activities and equivalent to Php 15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and DP will have to engage in a new income activity. ▪ Professional squatter will not receive any compensation but they can collect their salvageable materials.
		Renters (tenants) of affected shops	<ul style="list-style-type: none"> ▪ Given 3 months notice on the schedule of demolition ▪ As determined by the RIC, shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted, but not to exceed a 3-month period.
5. Other fixed assets or structures	Loss of, or damage to, affected assets, partially or entirely	DPs	<ul style="list-style-type: none"> ▪ Cash compensation for affected portion of structure including cost of restoring remaining structure, as determined by the concerned appraisal committee, with no depreciation or deduction for salvaged building materials.
6. Electric and/ or water connection	Loss of, or damage to, affected assets, partially or entirely ,	DPs	<ul style="list-style-type: none"> ▪ Compensation to cover cost of restoring the facilities
7. Public facilities	Loss of, or damage to, public infrastructure	Concerned agencies	<ul style="list-style-type: none"> ▪ Compensation in cash at replacement cost to respective agencies

Annex RCF-2
SAMPLE TERMS OF REFERENCE FOR AN INDEPENDENT APPRAISER

The Independent Appraiser will play a key role during the Land Acquisition Assessment process. It will be hired by the Project Proponent. Criteria for selecting the appropriate agency shall be based on competence, experience and general advocacy of the group. The selection process will undergo the usual procurement procedures.

The licensed independent appraiser should use internationally recognized valuation standards to assess replacement cost and cash compensation for affected lands. More specifically, the Independent Appraiser may be tasked to perform any of the following:

1. Inspection and identification of the property:
 - Conduct title plotting to determine the configuration of the property and if there are any discrepancies from the technical description of the title
 - Survey of immediate neighborhood for present conditions and improvements
 - Title Verification
 - Owner Verification
 - Background information
2. Right-of-Way verification
3. Zonal classification of land
4. Zonal valuation for the area
5. Preparation of appraisal report to include the following:
 - Summary of property valuation
 - Complete description and details of the property
 - Photographs of subject property
 - Location and vicinity plan

Annex RCF-3
ELEMENTS OF A FULL RESETTLEMENT ACTION PLAN¹

The scope and level of detail of a Resettlement Action Plan (RAP) vary with the magnitude and complexity of resettlement. The RP is based on up-to-date and reliable information about the:

- Proposed resettlement and its impacts on the displaced persons and other adversely affected groups; and
- Legal issues involved in resettlement.

A full RAP covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the RAP.

Elements of a Full Resettlement Action Plan

Page 1 of 3

- A. Project Description
General description of project & identification of project area
- B. Potential Impacts
 - Project component or activities that give rise to resettlement
 - Zone of impact of such component or activities
 - Alternatives considered to avoid or minimize resettlement
 - Mechanisms established to minimize resettlement, to the extent possible, during project implementation
- C. Objectives
Main objectives of the resettlement program
- D. Socio-Economic Studies

Findings of socio-economic studies to be conducted in the early stages of project preparation & with the involvement of potentially displaced people, including the ff:

- Results of a census survey covering:
 - current occupants (with gender and age disaggregation) of affected area to establish basis for design of resettlement program & to exclude subsequent inflows of people from eligibility for compensation & resettlement assistance
 - standard characteristics of displaced HHs, including description of production systems, labor, HH organization; & baseline information on livelihoods (including, as relevant, production levels & income derived from both formal & informal economic activities) & standards of living (including health status) of the displaced population
 - magnitude of expected loss, total or partial, of assets, & extent of displacement, physical or economic;
 - information on vulnerable groups or persons (para. 8, OP 4.12), for whom special provisions may have to be made
 - provisions to update information on DP's livelihoods & standards of living at regular intervals so that the latest information is available at the time of their displacement
- Other studies describing the ff:
 - land tenure & transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, & any issues raised by different tenure systems in project area
 - patterns of social interaction in affected communities, including social networks & social support systems, & how they will be affected by the project
 - public infrastructure & social services that will be affected
 - social & cultural characteristics of displaced communities, including description of formal & informal institutions, e.g., community organizations, ritual groups, NGOs that may be relevant to the consultation strategy & to designing & implementing the resettlement activities

¹ Para. 2-21, Annex A of OP 4.12

E. Legal Framework

Findings of an analysis of the legal framework, covering:

- Scope of the power of eminent domain & nature of compensation associated with it, in terms of both valuation methodology & timing of payment
- Applicable legal & administrative procedures, including a description of remedies available to DPs in the judicial process & the normal timeframe for such procedures, & any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project
- Relevant law, including customary & traditional law, governing land tenure, valuation of assets & losses, compensation, & natural resource usage rights; customary personal law related to displacement; & environmental laws & social welfare legislation
- Laws & regulations relating to the agencies responsible for implementing resettlement activities
- Gaps, if any, between local laws covering eminent domain & resettlement & WBs resettlement policy, & the mechanisms to bridge such gaps
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law & traditional usage (WB OP 4.12, para.15 b)

F. Institutional Framework

Findings of an analysis of the institutional framework covering the ff:

- Identification of agencies responsible for resettlement activities & NGOs that may have a role in project implementation
- Assessment of the institutional capacity of such agencies & NGOs
- Any steps that are proposed to enhance the institutional capacity of agencies & NGOs responsible for resettlement implementation.

G Eligibility

Definition of DPs & criteria for determining their eligibility for compensation & other resettlement assistance, including relevant cut-off dates

H. Valuation of, and Compensation for, Losses

The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

I. Resettlement Measures

Description of packages of compensation & other resettlement measures that will assist each category of eligible DPs to achieve the objectives of the policy (WB OP 4.12, para. 6). In addition to being technically & economically feasible, resettlement packages should be compatible with the cultural preferences of the DPs, & prepared in consultation with them.

J. Site Selection, Site Preparation, and Relocation

Alternative relocation sites considered and explanation of those selected, covering:

- Institutional & technical arrangements for identifying & preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, & other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire & transfer land & ancillary resources
- Any measures necessary to prevent land speculation or influx of ineligible persons at selected sites
- Procedures for physical relocation, including timetables for site preparation & transfer
- Legal arrangements for regularizing tenure & transferring titles to resettlers

K. Housing, Infrastructure, and Social Services

Plans to provide (or finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), & social services (e.g., schools, health services); plans to ensure comparable services to host populations; any needed site development, engineering & architectural designs for these facilities

L. Environmental Protection and Management

Description of boundaries of relocation area; & assessment of environmental impacts of the proposed resettlement & measures to mitigate & manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement)

M. Community Participation

Involvement of resettlers & host communities, including:

- Description of strategy for consultation with & participation of resettlers & hosts in design & implementation of resettlement activities
- Summary of views expressed & how these were taken into account in preparing the RP
- Review of resettlement alternatives presented & choices made by DPs regarding options available to them, including choices related to forms of compensation & resettlement assistance, to relocating as individuals, families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, & to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries)
- Institutionalized arrangements by which DP can communicate their concerns to project authorities throughout planning & implementation, & measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, & women are adequately represented

N. Integration With Host Populations

Measures to mitigate the impact of resettlement on any host communities, including:

- Consultations with host communities & local governments;
- Arrangements for prompt tendering of payment due the hosts for land or other assets provided to resettlers
- Arrangements for addressing any conflict that may arise between resettlers & host communities
- Any measures necessary to augment services (e.g., education, water, health, & production services) in host communities to make them at least comparable to services available to resettlers

O. Grievance Procedures

Affordable & accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account availability of judicial recourse & community & traditional dispute settlement mechanisms

P. Organizational Responsibilities

Organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures & provision of services; arrangements to ensure appropriate coordination between agencies & jurisdictions involved in implementation; & any measures (including technical assistance) needed to strengthen implementing agencies' capacity to design & carry out resettlement activities; provisions for the transfer, to local authorities or resettlers, of responsibility for managing facilities & services provided under the project & for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Q. Implementation Schedule

Implementation schedule of all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers & hosts & terminating the various forms of assistance. Schedule should indicate how resettlement activities are linked to the overall implementation of the project.

R. Costs and Budget

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, & other contingencies; timetables for expenditures; sources of funds; & arrangements for timely flow of funds, & funding for resettlement, if any, in areas outside the jurisdiction of LGUs.

S. Monitoring and Evaluation

Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate, to ensure complete & objective information; performance monitoring indicators to measure inputs, outputs, & outcomes for resettlement activities; involvement of DPs in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement & related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex RCF-4
ELEMENTS OF AN ABBREVIATED RESETTLEMENT PLAN²

An abbreviated plan covers the following minimum elements:

- A. Census survey of displaced persons and valuation of assets
- B. Description of compensation and assistance
- C. Consultations with displaced people about acceptable alternatives
- D. Institutional responsibility for implementation and procedures for grievance redress
- E. Arrangements for monitoring and implementation
- F. Timetable and budget

² Para. 22, Annex A of OP 4.12

Annex RCF-5
SAMPLE TERMS OF REFERENCE FOR AN EXTERNAL MONITORING AGENCY

A. Introduction

Monitoring and evaluation of resettlement is an integral part of the project cycle. One of the requirements of the RAP is that the implementing agency and project proponent will appoint an independent, qualified, and unbiased entity that could be a social science institute, an NGO, a specialist consulting firm or combination of these to conduct the external monitoring and evaluation. The external monitoring agency must ensure that the provisions of the RAP are adhered to, examine available data and information systems, and obtain complete and objective information. More specifically, the tasks of external monitors are:

1. Review and verify all existing data, data bases and information systems including census of families to be relocated; the data files for each relocated family and their entitlements, the census of families completed post relocation, and the Project Management Office data base on affected families.
2. Verify the results of internal monitoring being carried out and any other agencies involved in implementing the RAP and providing entitlements to DPs, and suggest improvement to those systems.
3. Assess whether the resettlement objectives, as set out in the RAP, have been met, with respect to living conditions and livelihood.
4. Ascertain whether the resettlement entitlements were appropriate to meeting the objectives of the RAP, and whether the objectives were suited to affected families' conditions.
5. Obtain data and assess the social impacts of resettlement (before and after conditions) and the effectiveness, impact and sustainability of the resettlement process in social terms.
6. Review the viability of housing schemes for DP's affordability to meet costs. Obtain data and assess the economic impacts of resettlement, including environmental cost/benefit analysis, and the effectiveness, impact and sustainability of the resettlement process in economic terms.
7. Review systems for management and financial monitoring of the RAP, audit internal management data relating to the RAP and recommended improvements.
8. Make recommendations regarding the implementation of the RAP and draw lessons as a guide to future resettlement policy making and planning.
9. Prepare and agree with PMO on a detailed work program that includes meetings, reports and schedules.
10. Confirms if DPs maintained their standard of living.
11. Review the absorptive capacity of relocation sites.
12. Identify total number of households that are entitled to benefits and determine if they are receiving entitlements.
13. Disaggregate data by gender and age to determine gender intergenerational impacts.

B. Methodology

Data Base Establishment

The implementing agency is developing a system for recording information about settler families and their entitlements. This database will be used to record basic information, determine whether affected persons are relocated to secure and affordable socialized formal housing sector; the receipt of entitlements under the RAP; whether livelihood and living standards have been restored or enhanced or not; and that an orderly and peaceful relocation of informal households has taken place. The data will include benefit monitoring and evaluation indicators.

Quantitative data from the annual survey will be analyzed and interpreted in conjunction with data obtained during quarterly monitoring including qualitative data.

C. Ex-post Survey and Evaluation

The EMA will conduct one ex-post evaluation survey, at least one year after relocation. This evaluation will assess the achievement of the resettlement objective, the change in living standards and livelihood and progress in the restoration of the economic and social base of relocated families.

D. Sampling Size

The EMA shall develop a methodology approved by the Project Proponent and Implementing Agency to determine appropriate sample size to ensure coverage of all relocation / resettlement sites. Data will be disaggregated by gender.

E. Expertise Required

Expertise required will include:

- A sociologist / resettlement specialist with expertise in all areas of social research methodology, including consultation techniques and large-scale survey design and implementation, and a thorough understanding of issues of urban poverty. This person will be likely to act as team leader.
- An economist
- A financial monitoring specialist
- A database specialist
- A community development specialist

The team should be able to conduct the monitoring and evaluation in an objective manner, incorporating a wide range of viewpoints, to work closely with their counterparts and undertake training and capacity building in monitoring and evaluation. The team will also include necessary technical and administrative support staff such as statistical experts, field community / survey staff and office support staff.

F. Reporting

The EMA will provide copies of comprehensive monitoring reports together with recommendations to improve implementation of the RAP to the Project Proponent and Implementing Agency one week after the above stated reports are due.

The EMA will set up a gender-disaggregated database for monitoring and evaluation building upon the pre- and post-relocation census data and the project's internal record-keeping system. This will be done as early as possible.

The database will be used to measure the impact of relocation, and change at the resettlement sites post relocation as the intended social and economic development takes place including appropriate benefit indicators. The database will also be used to monitor the receipt of entitlements by affected families and verify that the application of entitlements is appropriate and conforms to the RAP.

G. Quarterly Monitoring

The EMA will conduct quarterly monitoring for as long as relocation activities are in progress. This is to ensure that conditions for resettlement as contained in the RAP are being followed and to verify the results of internal monitoring and the receipt of the entitlements. Specifically, quarterly monitoring will examine the resettlement budget and time frame, the entitlements provided, consultation with affected people and stakeholders and the application of grievance redress mechanisms. This ongoing monitoring will also assess broader social and economic impacts and benefits. It will specifically address issues and needs of both relocated families and families yet to relocate, including a commentary on the rate of relocation and implementation of the RAP.

Information required will be obtained from the internal monitoring database, including information from entitlement files of families receiving assistance, reports from the site management offices, and participatory rapid appraisal to allow wide public participation including focus group discussions and key informant interviews. In addition to DPs, respondents should include POs, NGOs, PMO, concerned LGUs (host and affected) and staff of the other implementing agencies.

H. Annual Survey

The EMA is required to undertake an annual, sample survey of the relocated families, which will be undertaken in conjunction with every fourth quarter monitoring. This survey will be independent from the census to be undertaken by the Project Proponent and Implementing agency. The EMA's survey will compare "before and after" social and economic conditions and reassess the needs of resettled families.