

## ESSF LIST OF ANNEX

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## **ANNEX 1**

### **List of Negative Sub-project Attributes**

The following is a negative list of activities that are not eligible under this project:

- Sourcing materials for construction such as gravel and sand, from illegal quarries and sites which do not comply with the guidelines of the Government of the Philippines;
- Activities involving the use of bulk fuel wood that entail the continuous cutting of trees and bush;
- Activities involving the use of hazardous substances compounds which are toxic, explosive, flammable etc.;
- Rehabilitation of facilities storing hazardous substances (e.g. fuel depots), except simple clearing of debris or construction wastes;
- Bulk purchase of fuel, lubricants, pesticides, herbicides or other hazardous substances; and
- Any activity that will result in the degradation or conversion of critical natural habitat located in sensitive or protected areas as defined by OP 4.04 and the Philippine National Integrated Protected Areas System Act (Republic Act 7586), except the removal of debris and the repair of pre-existing infrastructure.

## ANNEX 2

### Screening Form for Potential Environmental & Social Safeguards Issues

This Form is to be used by the Project Management Office (PMO) in screening proposed subprojects.

Note: One copy of this form and accompanying documentation is to be kept in the PMO and one sent to the Task Team Leader of WB.

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Name of Subproject:

Location:

#### I. Subproject Screening:

- a. Has the subproject been screened against the list of ineligible activities (negative list)? If yes and proposed activity is eligible, proceed. If no screening has been done, PMO to conduct screening.

This form is to be used by the Implementing Agency for to screen potential environmental and social safeguards issues of a subproject, determine Bank policies triggered and the instrument to be prepared for the sub project

Subproject Name	
Subproject Location	
Subproject Proponent	
Subproject Type/Sector	
Estimated Investment	
Start/Completion Date	

Questions	Answer	If Yes	
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	yes	no	<b>WB Policy triggered</b>	<b>Documents requirement if Yes</b>
Are the subproject impacts likely to have significant adverse environmental impacts that are sensitive <sup>1</sup> , diverse or unprecedented? <sup>2</sup> Please provide brief description:			<i>OP 4.01 Environmental Assessment Category A</i>	Environmental and Social Impact Assessment (ESIA)
Do the impacts affect an area broader than the sites or facilities subject to physical works and are the significant adverse environmental impacts irreversible? Please provide brief description:			<i>OP 4.01 Environmental Assessment Category A</i>	ESIA
Is the proposed subproject likely to have minimal or no adverse environmental impacts? <sup>3</sup> Please provide brief justification:			<i>OP 4.01 Environmental Assessment Category C</i>	No action needed beyond screening

<sup>1</sup> Sensitive (i.e., a potential impact is considered sensitive if it may be irreversible - e.g., lead to loss of a major natural habitat, or raise issues covered by OP 4.04, Natural Habitats; OP 4.36, Forests; OP 4.10, Indigenous Peoples; OP 4.11, Physical Cultural Resources; or OP 4.12, Involuntary Resettlement; or in the case of OP 4.09, when a project includes the manufacture, use, or disposal of environmentally significant quantities of pest control products);

<sup>2</sup> Examples of projects where the impacts are likely to have significant adverse environmental impacts that are sensitive, diverse or unprecedented are large scale infrastructure such as construction of new roads, railways, power plants, major urban development, water treatment, waste water treatment plants and solid waste collection and disposal etc.

<sup>3</sup> Examples of projects likely to have minimal or no adverse environmental impacts are supply of goods and services, technical assistance, simple repair of damaged structures etc.,

Is the subproject neither a Category A nor Category C as defined above? <sup>4</sup> Please provide brief justification:			<i>OP 4.01 Environmental Assessment</i>  Category B	Limited ESIA or ESMP
Are the subproject impacts likely to have significant adverse social impacts that are sensitive, diverse or unprecedented <sup>5</sup> ? Please provide brief description:			<i>OP 4.01 Environmental Assessment</i>  Category A	ESIA
Will the subproject involve the use of Li-ion batteries?			<i>OP 4.01</i>	Include a provision in the ESMP for proper disposal of batteries through a registered Transport, Storage and Disposal Facility.

<sup>4</sup> Subprojects that do not fall either within OP 4.01 as a Category A or Category C can be considered as Category B. Examples of category B subprojects include small scale *in-situ* reconstruction of infrastructure projects such as road rehabilitation and rural water supply and sanitation, small schools, rural health clinics etc.

<sup>5</sup> Generally, subprojects with significant resettlement-related impacts should be categorized as A. Application of judgment is necessary in assessing the potential significance of resettlement-related impacts, which vary in scope and scale from sub project to sub project. Subprojects that would require physical relocation of residents or businesses, as well as subprojects that would cause any individuals to lose more than 10 percent of their productive land area, often are categorized as A. Scale may also be a factor, even when the significance of impacts is relatively minor. Subprojects affecting whole communities or relatively large numbers of persons (for example, more than 1,000 in total) may warrant categorization as A, especially for projects in which implementation capacity is likely to be weak. Subprojects that would require relocation of Indigenous Peoples, that would restrict their access to traditional lands or resources, or that would seek to impose changes to Indigenous Peoples' traditional institutions, are always likely to be categorized as A.

Does the subproject involve involuntary land acquisition, loss of assets or access to assets, or loss of income sources or means of livelihood? Please provide brief justification:			<i>OP 4.12 Involuntary Resettlement</i>	Resettlement Action Plan
Are there any ethnic minority communities present in the subproject area and are likely to be affected by the proposed subproject negatively or positively? Please provide brief justification:			<i>OP 4.10 Indigenous People</i>	Ethnic Minority Development Plan/Indigenous Peoples Plan

**Conclusion and Safeguards Instruments Required:**

The subproject is classified as a Category \_\_\_\_\_ project as per World Bank OP4.01, and the following safeguards instruments will be prepared:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**II. Site Assessment:**

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Projects with medium or high ratings will require an ESIA as these indicate a real risk of causing undesirable adverse environmental and social effects, and a more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity Criteria			Rating (L/M/H)
	Low	Medium	High	
1. Involuntary Resettlement	Low population density; dispersed population; legal	Medium population density; mixed	High population density; major towns and	

	tenure is well defined.	ownership and land tenure.	villages; low income families and/or illegal ownership of land; communal properties.	
2. Indigenous Peoples	No indigenous population.	Dispersed and mixed indigenous populations; highly acculturated indigenous populations.	Indigenous territories (CADT), reserves and /or lands; vulnerable indigenous populations.	

**III. Areas for Potential Environmental and Social Impact:**

		Yes	No
<b>A. Environment - Will the subproject:</b>			
1	Risk the contamination or access to drinking water or food supply		
2	Cause poor water drainage, increase flooding and heighten the risk of vector-borne diseases such as malaria or dengue		
3	Harvest or exploit a significant amount of natural resources such as trees, gravel, sand, wood for fuel or water? (e.g. use of illegal quarries)		
4	Be located within or nearby environmentally sensitive areas, protected areas (e.g. intact natural forests, mangroves, wetlands or threatened species?) or key biodiversity areas?		
5	Create a risk of increased soil degradation, erosion or landslide?		
6	Create a risk of increasing soil salinity, salt intrusion or loss in soil productivity?		

7	Produce, or increase the production of solid wastes (e.g. water, medical/healthcare, domestic or construction wastes)?		
8	Affect the quantity or quality of surface waters (e.g. rivers, streams, wetlands), groundwater (e.g. wells), or community pools?		
9	Result in the production of solid or liquid waste, or result in an increase in waste production, during construction or operation?		
<i>If the answer to any question from 1-9 is "Yes", please include an Environmental and Social Management Plan (EMP) with the subproject application.</i>			
<b>B. Land Acquisition and Access to Resources - Will the subproject:</b>			
10	Require that land (public or private) be acquired (temporarily or permanently) for its development?		
11	Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing, forests)		
12	Displace individuals, families, or businesses? Have any individuals, families, businesses been displaced up to 2 years prior to subproject enrolment?		
13	Result in the temporary or permanent loss of crops, fruit trees or household infrastructure such as crop storage facilities, outside toilets and kitchens		
14	Result in the involuntary restriction of access by people to legally designated parks and protected areas?		
<i>If the answer to any of the questions 10 -14 is "Yes", please prepare appropriate documents required under the Resettlement and Compensation Framework.</i>			
<b>C. Indigenous Peoples - Will the subproject:</b>			
15	Require land used by IPs for productive (food gathering, gardening, farming, pasture, fishing, forests) and/or cultural (sacred ground, place of rites, etc.) purposes?		

16	Cover areas covered by a Certificate of Ancestral Domain Title or existing claim to one?		
17	Affect IPs in the project area (positive or negative)?		
18	Have a significant area that overlaps with the boundaries where IPs have a collective attachment to?		
19	Have IPs as among the potential beneficiaries of the subproject?		
<p><i>If the answer to any of the questions 15-19 is "Yes", please prepare IP Plan required under the Indigenous Peoples Framework.</i></p>			

#### IV. Categorization of Subproject:

In general these are the criteria for categorization of the subproject activities:

**Category A** The activity is likely to have significant adverse environmental and social impacts that are sensitive, diverse or unprecedented. Subprojects under this category require a full-blown ESIA.

- In Section II on Site Assessment, a score of at least one (1) High rating;
- In Section III on Areas for Potential Environmental and Social Impact, a score of at least one (1) Yes in any of the sections: A. Environment, B. Land Acquisition and Access to Resources, and C. Indigenous Peoples;
- Scope of impacts is large in terms of land area; and
- Impacts are difficult or to mitigate.

**Category B** The activity has potential adverse environmental impacts on human populations or environmentally important areas – including wetlands, forests, grasslands and other natural habitats, which are less adverse than those of Category A subprojects. As these impacts are site-specific, an Initial Environmental Examination (IEE) is required to identify and assess the potential environmental and social impacts. Few of the impacts are irreversible and in most cases, mitigation measures can be designed more readily than for Category A subprojects. An Environmental Code of Practice (ECoP) is required to accompany the ESMP to provide the overall environmental management approach to contractors. In cases where significant impacts are anticipated, the proponent may be required to prepare a full-blown ESIA.

- In Section II on Site Assessment, a score of least one (1) Medium rating;
- In Section III on Areas for Potential Environmental and Social Impact, a score of at least one (1) Yes in any of the sections: A. Environment, B. Land Acquisition and Access to Resources, and C. Indigenous Peoples.

**Category C** The activity is likely to have minimal or no adverse environmental impacts. Beyond screening, no further EA action is required for a Category C subproject.

The proper categorization is left to the judgment of the PMO considering the guidelines above. The final objective of the categorization is to ensure that all social and environmental impacts are avoided, minimized or properly mitigated.

#### CERTIFICATION

We certify that we have thoroughly examined all the potential adverse effects of this subproject. To the best of our knowledge, the subproject plan as described in the application and associated planning reports (e.g. ESMP, RAP), if any, will be adequate to avoid or minimize all adverse environmental and social impacts.

Person who conducted the screening:

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

PMO team representative:

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

### ANNEX 3

#### ESMP TEMPLATE - Solar (Photovoltaic) Energy Development

Project Phase	Valued Ecosystem Component	Potential Impact	Mitigation Measures	Institutional Responsibility	Monitoring Schedule	Costs
<b>Project Siting</b>	Land	Visual Impact and land use	<ul style="list-style-type: none"> <li>• Type and scale of scheme: land use would be significant for large grid- connected power stations.</li> <li>• Land use is not a significant aspect for roof-top mounted and building integrated schemes, and for small stand-alone systems for remote applications</li> <li>• Consider agricultural, recreational land use replaced by PV system:</li> <li>• During the site selection process, take into account the aesthetic value of the proposed site for installation.</li> <li>• Observe proper siting, avoiding environmentally critical areas</li> <li>• Adopt roof-top mounted schemes that occupy less space and have lesser visual impacts rather than large grid-connected power stations that cover more land area.</li> <li>• Avoid placing building integrated solar systems in facades of historic buildings or buildings with cultural value</li> </ul>	Proponent	Feasibility study (FS)	FS cost

Project Phase	Valued Ecosystem Component	Potential Impact	Mitigation Measures	Institutional Responsibility	Monitoring Schedule	Costs
Project Design	Environmental quality	Use of toxic and hazardous materials for production of photovoltaic (PV) cells	<ul style="list-style-type: none"> <li>Consider type(s) of PV cells manufactured: Type and quantity of chemicals used as feedstocks, doping agents, solvents, and transport agents, technology involved in their production, steps in the production process, etc.</li> <li>Compliance with internationally accepted hazardous materials (hazmats) management guidelines (e.g. IFC's Hazardous Material Management guidelines)</li> <li>Manufacturer of PV cells must have good track record (industry reputation, accident history, worker compensation claims, technological rating, etc)</li> </ul>	Proponent	Feasibility study (FS)	FS cost
		Damage due to wind velocities and storms	<ul style="list-style-type: none"> <li>Installation must be designed to withstand well-defined maximum wind velocities and storms</li> </ul>	Proponent	Feasibility study (FS)	FS cost
Project Construction	Environmental quality	Solid wastes and toxic and hazardous wastes from construction, e.g., grease, oil, etc	<ul style="list-style-type: none"> <li>Compliance with RA 9003 for solid wastes</li> <li>Set-up temporary disposal mechanism within the construction area and properly dispose the generated solid wastes</li> <li>Contactor and its workers to observe proper housekeeping, sanitation and waste minimization.</li> </ul>	Proponent w/ contractor	Contractor's Monthly report	Construction cost

Project Phase	Valued Ecosystem Component	Potential Impact	Mitigation Measures	Institutional Responsibility	Monitoring Schedule	Costs
Project Construction			<ul style="list-style-type: none"> <li>• Compliance with RA 6969 for toxic and hazardous wastes</li> <li>• All hazardous (ignitable, reactive, flammable, radioactive, corrosive and toxic) materials must be stored in clearly labeled containers or vessels</li> <li>• Fire prevention systems and secondary containment should be provided for storage facilities to prevent fires or the release of hazardous materials to the environment</li> </ul>	Proponent w/ contractor	Contractor's Monthly report	Construction cost
	Noise	Generation of Noise	<ul style="list-style-type: none"> <li>• Proper scheduling of noisy construction activities during day time</li> <li>• Use mufflers for noisy equipment</li> </ul>	Proponent w/ contractor	Contractor's Monthly report	Construction cost
Project Operation	Environmental Quality	Soil and/or groundwater pollution due to routine and accidental release of chemicals/pollutants	<ul style="list-style-type: none"> <li>• Compliance with national laws, e.g., RA 6969 and related laws and international regulations concerning hazardous materials such as the IFC Hazardous Materials Management, for materials like used batteries (storage, processing, disposal, transportation)</li> <li>• Observe proper disposal of used chemicals</li> <li>• Emergency plans must be in place</li> </ul>	Proponent	Quarterly self-monitoring report	O&M cost

Project Phase	Valued Ecosystem Component	Potential Impact	Mitigation Measures	Institutional Responsibility	Monitoring Schedule	Costs
<b>Project Operation</b>	Environmental quality	Soil and/or groundwater contamination in case of improper disposal of batteries	<ul style="list-style-type: none"> <li>Consider type of solar PV system in review: this issue is not relevant for systems that do not have energy storage capacity (e.g. grid connected systems or stand alone systems with no energy storage)</li> <li>Compliance with RA 6969 and related national regulations for recycling or special disposal of batteries including battery collection, storage and recycling schemes. Disposal through a DENR registered Transport storage and disposal facility (TSD).</li> </ul>	Proponent	Quarterly self-monitoring report	O&M cost
<b>Project Decommissioning/ Abandonment</b>	Environmental quality	Soil and/or groundwater pollution due to decommissioning of PV systems	<ul style="list-style-type: none"> <li>Preparation and conduct of decommissioning plans, including proposed disposal methods, recycling opportunities and collection of used PV cells</li> <li>Note: Consider content of PV cells used in the project: Silicon modules have fewer decommissioning problems than cadmium modules</li> </ul>	Proponent w/ contractor	Contractor's report	Construction cost

## ANNEX 4

### ENVIRONMENTAL CODES OF PRACTICE (ECOP) - Solar (Photovoltaic) Energy Development

#### 1. Occupational Health Safety

##### a. During manufacturing of PV cells

- Consider site of production facilities: proximity to populated areas, upwind or downwind location from populated centers

- Regarding the use of toxic and hazardous materials for production of photovoltaic (PV) cells:

\*Consider type(s) of PV cells manufactured: type and quantity of chemicals used as feedstocks, doping agents, solvents and transport agents, technology involved in their production, steps in the production process, etc.

\*Take note of toxicity and health hazards posed by chemical substances used in PV manufacturing process (e.g. phosphine used in amorphous silicon cells is very toxic and poses a severe fire hazard through spontaneous chemical reaction).

\*In sourcing out the PV cells, consider the manufacturer experience and its compliance with local, national and/or international laws and regulations concerning toxic and hazardous materials

\*Compliance with internationally accepted hazmats management guidelines (e.g. IFC's Hazardous Material Management guidelines) particularly regarding worker health and safety, personnel training, and preventive measures regarding life and fire safety, including but not limited to compliance with insurance requirements, emergency procedures in place, compliance with local building and fire codes, provision of protective clothing, goggles and footwear, and periodic medical examinations.

##### b. Construction/Installation of Facilities

- Compliance with general international and national health and safety regulations.
- Compliance with building code and fire code c.

##### During Operation of PV System

- Compliance with international and national health and safety regulations, e.g., personnel trainings, preventive measures on life and fire safety
- Proper operation and maintenance SOPs
- Compliance with national fire code
- Provision of protective clothing, goggles and footwear to workers
- Preparation of emergency preparedness and response plans in case of accidents,
- Prepare worker compensation schemes for health hazards and accidents

## **ANNEX 5**

### **Recommended Format for an Environmental and Social Impact Assessment**

#### **I. TABLE OF CONTENTS**

#### **II. EXECUTIVE SUMMARY**

- A. Brief Introduction
- B. Brief Description of Methodology and Profile of EIA Team
- C. Scope and Limitation of the EIA Study
- D. Brief Project Description
- E. Brief Description of Baseline Environmental Conditions
- F. Matrix of Issues and Impacts Raised During the Scoping and Consultations
- G. Matrix of Major Impacts, and Mitigation/Enhancement Measures with Summary Discussion
- H. Matrix of Environmental Management Plan with Summary Discussion
- I. Matrix of Environmental Monitoring Plan with Summary Discussion
- J. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)
- K. Summary of Process Documentation Report, and
- L. Summary of Commitments, Agreements (or both) and Proofs of Social Acceptability

#### **III. INTRODUCTION**

- A. Project Background
- B. EIA Approach and Methodology
- C. EIA Process Documentation
- D. EIA Team
- E. EIA Study Schedule

#### **IV. PROJECT DESCRIPTION**

- A. Project Rationale
- B. Project Alternatives
- C. Project Location
- D. Project Information
- E. Description of Project Phases
  - 1. Pre-Construction / Operational Phase
  - 2. Construction Phase
  - 3. Operational Phase
  - 4. Abandonment Phase

#### **V. BASELINE ENVIRONMENTAL CONDITIONS**

- A. Physical Environment
  - 1. Geology and Geomorphology
  - 2. Hydrology and Hydrogeology
  - 3. Pedology and Land Use
  - 4. Water Quality and Limnology
  - 5. Meteorology
  - 6. Air and Noise Quality
  - 7. Oceanography
- B. Biological Environment
  - 1. Terrestrial Flora and Fauna
  - 2. Marine Biology
- C. Socio-Cultural, Economic and Political Environment

#### **VI. FUTURE ENVIRONMENTAL CONDITIONS WITHOUT THE PROJECT**

## **VII. IMPACT ASSESSMENT AND MITIGATION**

- A. Physical / Chemical Effects
  1. Land
  2. Water
  3. Air
- B. Biological/Ecological Effects
  1. Terrestrial Flora and Fauna
  2. Aquatic Flora and Fauna
- C. Aesthetic and Visual Effects
- D. Socio-Cultural and Economic Effects
  1. Population
  2. Labor and Employment
  3. Housing and Social Services
  4. Infrastructure and Public Utilities
  5. Health and Education
  6. Culture and Lifestyle
  7. Livelihood and Income
  8. Archeological / Anthropological / Historical Sites
- E. Mitigation and Enhancement Measures
- F. Residual and Unavoidable Impacts

## **VIII. ENVIRONMENTAL RISK ASSESSMENT (WHEN APPLICABLE)**

### **IX. ENVIRONMENTAL MANAGEMENT PLAN**

- A. Construction / Contractor's Environmental Program
- B. Social Development Program
- C. Contingency / Emergency Response Plan
- D. Risk Management Program
- E. Abandonment Plan (when applicable)
- F. Environmental Monitoring Plan

### **X. ENVIRONMENTAL GUARANTEE AND MONITORING FUND PROPOSAL**

### **XI. COMMITMENTS AND AGREEMENTS**

### **XII. BIBLIOGRAPHY / REFERENCES**

- A. Attachments
- B. List of EIS Preparers (with specified field of expertise)
- C. Original Sworn Accountability Statement of Key EIS Consultants
- D. Original Sworn Accountability Statement of Proponent
- E. Photos (or plates of proposed project site, impact areas and affected areas and communities)
- F. Process Documentation Report
- G. Scoping Report
- H. Summary of Proof of Social Preparation Process Conducted

All projects or undertakings covered by the EIS System and classified by the Department of Health (DOH) as Health Sensitive Projects or located in Health Sensitive Areas shall include a chapter on Environmental Health Impact Assessment (EHIA). The EHIA Chapter shall contain, among others, the following information:

- Health and Sanitation Information of the Affected Community
- Environmental Health Impact Analysis/Assessment
- Proposed Control and Mitigating Measures for the Environmental Health Impacts Identified

## **Recommended Format for an Initial Environmental Examination Report**

### **I. TABLE OF CONTENTS**

### **II. EXECUTIVE SUMMARY**

### **III. INTRODUCTION**

- A. Project Background
- B. EIA Process Documentation
- C. EIA Methodology
- D. EIA Team
- E. EIA Study Schedule

### **IV. PROJECT DESCRIPTION**

- A. Project Rationale
- B. Project Location
- C. Project Information
- D. Description of Project Phases
  - 1. Pre-Construction / Operational Phase
  - 2. Construction Phase
  - 3. Operational Phase
  - 4. Abandonment Phase

### **V. DESCRIPTION OF ENVIRONMENTAL SETTING AND RECEIVING ENVIRONMENT**

- A. Physical Environment
- B. Biological Environment
- C. Socio-Cultural, Economic and Political Environment
- D. Future Environmental Conditions without the Project

### **VI. IMPACT ASSESSMENT AND MITIGATION**

- A. Summary Matrix of Predicted Environmental Issues/Impacts and their Level of Significance at Various Stages of Development
- B. Brief Discussion of Specific Significant Impacts on the Physical and Biological Resources
- C. Brief Discussion of Significant Socio-Economic Effects / Impacts of the Project

### **VII. ENVIRONMENTAL MANAGEMENT PLAN**

- A. Summary Matrix of Proposed Mitigation and Enhancement Measures, Estimated Cost and Responsibilities
- B. Brief Discussion of Mitigation and Enhancement Measures
- C. Monitoring Plan
- D. Contingency Plan (if applicable)
- E. Institutional Responsibilities and Agreements

### **VIII. BIBLIOGRAPHY / REFERENCES**

## ANNEX 6

### **SAMPLE TERMS of REFERENCE for PREPARATION OF FEASIBILITY STUDY** (By Firm, EA/SA included in the TOR)

#### **I. BACKGROUND**

This Consultancy is for the preparation of the Feasibility Study of the storm drainage component in Name of Sub-borrower. The SSLDIP subproject implementation is a joint effort of the LGUGC and the Sub-borrower. The LGUGC is the executing agency responsible for the overall implementation of the Project. The Sub-borrower will be responsible for the preparation and implementation of the subproject.

#### **II. OBJECTIVES OF THE STUDY**

The objectives of the Consultancy Services will include:

- (a) Determine the feasibility of the storm drainage proposal to improve flood control in the urban areas of Name of the Sub-borrower in conformity with Sub-borrower priorities and budgetary constraints;
- (b) Evaluate land acquisition needs and applicable legal requirements for the subproject, perform environmental impact assessment to determine subproject alternatives, and collect socio-economic data on persons likely to be displaced by the proposed subproject; and
- (c) Act on the recommendations in the feasibility study, to complete preliminary design of the proposed subproject as well as necessary surveys and investigations.

#### **III. SCOPE OF WORK**

**Feasibility Study which shall contain:**

- (a) **Engineering Examination**, including review of existing documents and data investigation of existing drainage system and its physical state of repair and rapid assessment of long-term development prospects.
- (b) **Rapid Assessment**, of long-term development prospects of the systems; statement of sector development policy and design criteria in the Philippines; alternatives, recommended solution and phasing of cleaning of the open canal, rehabilitation and expansion of storm drainage and eventual disposal of canal sediments, and treatment of sludge in the most economic ways; identification of first phase, implementation schedule and base cost estimates for major cost components with respective contingencies; assessment of proposed subproject feasibility; and recommendation concerning investigations to be carried out prior to preliminary design, including their costs; schedule and implementation methods.
- (c) **Environmental Impact Assessment, including Environmental Management Plan**, of the planned or proposed subproject activities to facilitate the best selection of alternatives that will bear the minimum environmental impact. The EIA shall follow the minimum format recommended by the DENR and shall cover the requirements outlined in the S2LDIP Environmental Safeguards Framework. If the

subproject exhibits potential health impact, supplemental and a separate Environmental Health Impact Assessment report shall be prepared.

- (d) **Institutional Examinations**, including review of existing agencies involved in storm drainage operations; organization of key agencies, manpower strength, flow of management information, accounting and budget procedures; and audit procedures; legislation concerning drainage; identification of bottlenecks, including proposals for improvement, streamlining and strengthening of agencies, their management information systems, sustainability of operations, O&M guidelines, budgets, affordability assessment, training programs, legislation and enforcement; projected income statements, source and application of funds and balance sheets for 20\_\_.
- (e) **Finance / Economic Examinations**, including assessments of subproject viability, justification and rates of return based on with and without project analysis; identification of least cost alternatives: assessment of direct and indirect subproject benefits including (a) health improvements; (b) environmental improvements; (c) enhanced amenity; (d) avoided flood damage; and (e) enhanced property values.
- (f) **Resettlement Examinations**, including Resettlement Plan (RP) identifying land to be acquired and affected persons, their economic status and impact of loss of land; compensation and assistance policies; institutional arrangements for processing resettlement, compensation and settling grievances; costs, budgets and implementation schedule of resettlement; monitoring and evaluation of resettlement process. RP shall comply with the Government of the Philippines (GOP) and WB requirements specified in the S2LDIP Resettlement and Compensation Framework.
- (g) **Implementation Action Plan (IAP)**, describing the subproject with costs, schedule and financing plan; implementation arrangements with responsible agency and administrative arrangements for implementation; time-bound implementation plan, procurement schedule, financial and economic analysis with assessment of risks; monitoring and evaluation indicators to supervise physical progress and financial status. IAP shall comply with the WB requirements specified in separate guidelines.

**Preliminary Designs, which shall contain:**

- (a) **Engineering Designs**, showing alignment of key storm drainage lines, and other main structures in adequate detail and on maps with scale of minimum 1:200, engineering report describing the designs and assumptions taken, updated implementation schedule and base cost estimates for major cost components, separately for civil works and equipment, project support and land acquisition showing foreign and local base costs, respective physical and price contingencies and estimate of total amount of taxes and duties; implementation methods, number of proposed contracts and procurement methods. Procurement shall comply with the GOP and World Bank requirements specified in separate guidelines.
- (b) **Institutional Report**, designing in detail the recommended institutional improvements, management procedures, including budgeting, and typical tertiary storm drainage; key job descriptions, training system and procedures outline training curricular and other strengthening measures;

- (c) **Resettlement Action Plan**, with updated costs, budgets and implementation schedule for implementing resettlement; responsibility; monitoring and evaluation of resettlement process;
- (d) **Indigenous Peoples Plan** - it documents the measures through which the subproject proponent will ensure that IPs affected by the project receive culturally appropriate social and economic benefits and incorporation in the project design of efforts to avoid, mitigate and compensate adverse effects of the subproject to way of life.
- (e) **Environmental Management Plan**, in tabular form showing the set of mitigation, monitoring, and institutional measures/responsibilities to be taken during the implementation and operation phase of project development for the predicted environmental impacts.
- (f) **Implementation Action Plan**, with updated schedule, costs, proposed financing and arrangements for implementation with dates for key actions and responsibility.
- (g) **Engineering, Institutional and Environmental Aspects**, are mutually dependent and the Consultants will be responsible for ensuring that the institutional and environmental impact are appropriately reflected in recommended alternatives.

#### IV. TASKS

The objective of this consultancy is to complete the identified tasks from feasibility study, including preliminary engineering design. Tasks will include, but not necessarily be limited to the following:

- (a) Assess the most appropriate investments for storm drainage in consultation with the Chief Executive of the Sub-borrower;
- (b) Review the basis of rationale for the flood frequency to be used for design which is ten (10) years for canals and twenty five (25) years for closed conduits;
- (c) Verify availability and suitability of sites recommended for treatment areas and flood control gates in the city and suitable for such purposes, having regard to occupancy, procurement costs and possible environmental and resettlement implications. Based on the land available, propose the treatment station and flood control gates for the storm drainage system, if applicable;
- (d) Check whether it is technically and institutionally feasible to decentralize the urban wide storm drainage networks into two or more separate storm drainage zones, each with its own corresponding flood control gates;
- (e) Identifying land to be acquired and affected persons, their economic status and impact of loss of land; compensation and assistance policies; institutional arrangements for processing resettlement, compensation and settling of grievances; costs, budgets and implementation schedule of resettlement; monitoring and evaluation of resettlement process;
- (f) Prepare the hydraulic and functional designs of the proposed facilities including flood control gates, drainage main, pumping stations, and primary, secondary, and tertiary (as appropriate) drainage collector lines;

- (g) Estimate preliminary capital and O & M cost for the storm drainage facilities, and carry out, in consultation with the Financial Consultant, approximate FIRR and tariff calculations in order to establish financial viability and Sub-borrower's budget needed for twenty five (25) years of operation;
- (h) Based on the feasibility study and preliminary design, prepare the draft Subproject Implementation Action Plans at the satisfaction of the WB;
- (i) Prepare Resettlement Plan with updated costs, budgets, and implementation schedule for implementing resettlement, responsibility, monitoring and evaluation of resettlement process.

## **V. METHODOLOGY**

The methodology to be employed in this consultancy will consist of visits to the subproject, discussions with LGU officials, situational reviews to confirm the efficacy of technical proposals, and desk reviews of the existing relevant feasibility and first stage priority reports.

The Consultant shall provide the topographic survey and will be responsible in deriving the elevations and locating the various utilities and infrastructures.

The Consultant shall also perform the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP). The FS Engineering Consultant will be responsible for maintaining overall consistency between the FS and the EIA as well between the Preliminary Design and the EMP. The Consultant shall field an Environmental Specialist as part of the team to work together with the rest of the specialist in the team, under the overall coordination of the PIU.

The Consultant shall also be responsible for the preparation of detailed engineering designs, including the preparation of design reports, bid documents and assistance in the bidding process.

## **VI. SERVICES AND FACILITIES TO BE PROVIDED TO THE CONSULTANT**

The following services will be provided by the LGU without any costs to the Consultants.

Data The Sub-borrower will provide the Consultants with access to all available data, information, maps, drawings and internal documents relevant to the consulting services. All reference material will be lent to the Consultants and shall be returned at the completion of the assignment or earlier as may be requested.

Access The Sub-borrower will arrange for access by the Consultants to all water supply, drainage, sewerage and solid waste disposal facilities that the Consultants deem necessary to visit concerning performing their duties and to the key officials in the LGU and LGU departments concerned with subjects related to the assignment.

Services The Sub-borrower will provide the Consultants during their stay in the subproject area with unlimited telephone and fax service within the City/Municipality/Province and the Philippines and Internet and E-mail service as required for the services.

## VII. REPORTING AND SCHEDULE

In performing their duties, Consultants shall prepare reports in English and submit them to the Sub-borrower, LGUGC and WB in numbers and within the time periods indicated in Table 1. All major reports should contain an executive summary.

The **Inception Report** shall contain an inventory of available data and information, review of (a) existing drainage system and its physical state of repair, and (b) institutions and their relevant findings, adequate detailed work plan, and any major inconsistencies between the TOR and Consultants findings.

The **Intermediate Report** shall contain technological, institutional and financial options of the project with explanation and quantification of benefits, weakness and risks of each option, recommendation of optimal option and rational for selection.

The **Final Report** shall contain the Consultants' final findings and recommendations; it shall be issued at completion of:

- (a) Feasibility study, and shall include institutional analysis, resettlement plan, and implementation action plan;
- (b) Preliminary design, updated resettlement and implementation action plans; and
- (c) Environmental impact assessment report.

The above reports will be produced first as draft final reports and finalized upon review by the PIU. The draft final reports will be reviewed at SB's/SP meetings which will have a form of workshops with the Consultants' presentation. The workshops will be organized by the Consultants according to the Sub-borrower's instruction. A period of one month shall be allocated in the schedule for such reviews.

**Table 1 Reporting Requirements**

Report	Number of Copies	Timing in Months from Start
Inception Report	6	2 and ½
Intermediate Report	6	3
Draft Report – Feasibility and Environmental Assessment Study	6	4 and 1/2
Final Report – Feasibility and Environmental Assessment Study	6	5 and 1/2

The Consultant will submit to Sub-borrower, LGUGC and the WB copies of all of the above-mentioned reports in Microsoft Word and Excel files by e-mail. Later, two hard copies of the reports should be sent to the three institutions.

## SAMPLE TERMS of REFERENCE for an ESIA PREPARER

### 1. INTRODUCTION / BACKGROUND INFORMATION

A brief introduction about the proposed subproject is given below:

“The goal of the subproject (Drainage System Improvement Work) is to minimize if not totally eliminate the occurrence of flooding in the city proper by replacing the existing and mostly silted drainage structures with an entirely new system. The existing drainage system receives wastewater from the septic tanks overflow of several residential households and commercial/ industrial establishments, but no records on the number of households/ establishments currently discharging into the systems are available. With this recent environmental situation, a combined sewer system (drainage-sewerage) was envisioned for the barangays that constitutes the city urban center. The Sub-borrower through its Project Implementation Unit (PIU) will be responsible for the implementation of the subproject”.

### 2. OBJECTIVES

This Terms of Reference outlines the requirements for consultancy service for the preparation of an Environmental Assessment Report (**Initial Environmental Examination - IEE**), which will address the environmental and social impacts of the proposed “**Drainage System Improvement Works**” for the Name of the Sub-borrower.

In general terms, the environmental assessment (IEE) report provides a linkage between the proposed project’s overall social and environmental impacts and its physical development. The IEE report identifies spatial areas of a community where physical development is planned with its corresponding environmental impacts.

In more specific terms, the IEE preparer / consultants should come up with an Environmental and Social Assessment report and perform consultancy tasks by means of:

- (a) Proper identification, quantification, and qualification of the environmental and social impacts of the proposed **drainage system improvement project** within the Name of the Sub-borrower;
- (b) Formulation of an Environmental Management Plan (EMP) that will explain the cost-effective measures for the abatement of negative environmental impacts of the proposed development;
- (c) Formulation of a Resettlement Action Plan (RAP) for displaced persons in the event the need arises; and IP Plan (in case needed) to ensure that project design is culturally sensitive and that benefits are enhanced for the IPs.
- (d) Presentation of the environmental assessment (EA) report (IEE) for the concurrence of the Sanguniang Bayan/Panlungsod/Panlalawigan of the LGU, the Board of public utilities / private sector or Project Implementation Unit (PIU);
- (e) Representation in behalf of the Name of the Sub-borrower during the technical review of the IEE by the Department of Environment & Natural Resources-Environmental Management Bureau (DENR-EMB) regional office for the issuance of an Environmental Compliance Certificate (ECC); and

- (f) Collaboration with the consulting firm making the Feasibility Studies (FS) by providing sound advice during the selection of project alternatives.

### **3. ENVIRONMENTAL AND SOCIAL ASSESSMENT REQUIREMENTS**

- (a) All environmental and social assessments shall conform to the S2LDIP Integrated Environmental and Social Safeguards Framework furnished to the consultant and the guidelines of the Procedural Manual of DENR Administrative Order 2003-30 and NCIP Administrative Order No. 3 Series of 2012.
- (b) Other national laws and/or regulations on environmental and social reviews and impact assessments; regional, provincial, or city environmental assessment regulations.
- (c) The Consultants shall undertake field surveys, surface and storm water quality investigations and tests required to ensure the environmental acceptability of storm water discharge.
- (d) The Consultants shall apply his own professional stamp or seal and signature to each pertinent document to identify his professional responsibility.

### **4. STUDY AREA**

A brief description of the study area is provided below:

### **5. SCOPE OF WORK**

The preparation of the IEE report requires close coordination with the proponent (PIU), FS consultancy firm, and LGUGC-PMO of S2LDIP, and a consultation process with the stakeholders. The tasks in carrying out the IEE shall include the following:

- Task 1 Description of the Proposed Subproject. Provide a brief description of the relevant parts of the subproject, using maps (at appropriate scale/readable) where necessary, and including the following information: location; general layout; size, capacity, circulation system, etc.; pre-construction activities; construction activities; schedule / construction timetable; staffing and support; facilities and services; operation and maintenance activities; required off-site investments; life span / design life.
- Task 2 Description of the Environment. Assemble, evaluate and present baseline data on the relevant environmental characteristics of the study area. Include information on any changes anticipated before the subproject commences.
  - (a) Physical environment: geology (secondary data); soils; climate and meteorology; ambient air quality; surface and ground water hydrology; existing water pollution discharges; receiving water quality.
  - (b) Biological environment: flora (secondary data); fauna (secondary data); rare or endangered species; sensitive habitats, including parks or preserves, species with potential to become nuisances, vectors or dangerous (secondary data).
  - (c) Socio-cultural environment (include both present and projected where appropriate): population; land use; planned development activities; community structure; employment; distribution of income, goods and services; public health; cultural properties (if there applicable). If IPs are

present, include their leadership system and mechanisms for consultation and decision making.

Task 3 Legislative and Regulatory Considerations Relative to the Subproject. Describe the pertinent regulations and standards governing environmental quality, health and safety, protection of sensitive areas, protection of endangered species, silting, land use control, etc., at national, regional and local levels

Task 4 Determination of the Potential Impacts of the Proposed Subproject. In this analysis, distinguish between significant positive and negative impacts, direct and indirect impacts, and immediate and long-term impacts. Identify impacts, which are unavoidable or irreversible. Wherever possible, describe impacts quantitatively, in terms of environmental costs and benefits.

Assign economic values when feasible. Characterize the extent and quality of available data, explaining significant information deficiencies and any uncertainties associated with predictions of impact.

- (a) Subproject Location: resettlement of people; presence of IPs and or ancestral domains; and impact on flora and fauna.
- (b) Subproject Design: disruption of hydrology; drainage problems; design of drainage component structures; crossings for people and animals.
- (c) Construction Works: soil erosion; construction spoils (disposal of); sanitary conditions and health risks associated with construction camp and workers coming into area; social and cultural conflicts between imported workers and local people.
- (d) Subproject Operation: changes in ground water levels inside and outside command (project) area; changes in surface water quality and risks of eutrophication; incidence of water-borne and water-related diseases.

Task 5 Development of Management Plan to Mitigate Negative Impacts. Recommend feasible and cost-effective measures to prevent or reduce significant negative impacts to acceptable levels. Estimate the impacts and costs of those measures, and of the institutional and trainings requirements to implement them. Consider compensation to affected parties for impacts, which cannot be mitigated. Consider the need to engage in free, prior and informed consultation with the indigenous peoples if present in project site. Prepare a management plan including proposed work programs, budget estimates, schedules, staffing and training requirements, and other necessary support services to implement the mitigating measures.

Task 6 Identification of Institutional Needs to Implement Environmental and Social Assessment Recommendations. Review the authority and capability of institutions at local, provincial/regional, and national levels and recommend steps to strengthen or expand them so that the management and monitoring plans in the environmental assessment can be implemented. The recommendations may extend to new laws and regulations, new agencies or agency functions, inter-sectoral arrangements, management procedures and training, staffing, operation and maintenance training, budgeting, and financial support.

Task 7 Development of a Monitoring Plan. Prepare a detailed plan to monitor the implementation of mitigating measures and the impacts of the proposed subproject during construction and operation.

Include in the plan an estimate of capital and operating costs and a description of other inputs (such as training and institutional strengthening) needed to carry it out.

Task 8 Assist in Inter-Agency Coordination and Public Participation. Scoping report and process documentation summarizing the presentation of participants; issues, concerns, and interest addressed; process by which agreements or resolutions were arrived, stakeholders who most actively participated; those who were present but were quiet, those who were not represented; and the outcome of the consultation activity.

Represent the Sub-borrower in the technical and environmental and social review of the proposed development by the DENR-EMB and NCIP for the issuance of an Environmental Compliance Certificate (ECC) and Certificate of Precondition or Certificate on Non-Overlap respectively. Where required, additional data shall be analyzed and incorporated in the IEE / EA report. Prepare all additional information that may be requested by the environmental impact assessment review team for the expeditious release of the ECC.

Task 9 Development of a Resettlement Action Plan (RAP). When necessary, in the case of displaced communities a resettlement action plan should be incorporated in the IEE / EA report.

Task 10 Development of the Indigenous Peoples Plan. When necessary, should also be part of the EA Report.

## 6. REPORT SUBMISSIONS

The EA report should be concise and limited to significant environmental and social issues. The main text should focus on findings, conclusions and recommended actions, supported by summaries of the data collected and citations for any references used in interpreting those data.

The Consultant shall be responsible in maintaining overall consistency between the Rapid Assessment design outputs of the FS consulting firm. The Consultant and the FS Consulting Firm are expected to work closely together as a team, under the overall coordination of the PIU and guided by LGUGC-PMO.

The following services and facilities will be provided by the Sub-borrower (through its PIU) without any costs to the Consultant.

Data The Sub-borrower will provide the Environmental and Social Consultants with access to all available data, information, maps, drawings and internal documents relevant to the consulting services. All reference material will be lent to the Consultants and shall be returned at the completion of the assignment or earlier as may be requested.

Access The Sub-borrower shall arrange the accessibility for the EA and Social Consultant to the subproject area's socio-economic profile, water supply systems, drainage systems, sewerage and solid waste disposal facilities that the Consultant deems necessary to visit concerning the function of their duties. The Sub-borrower shall likewise arrange meetings with key officials in the City/Municipality/Province, public utilities and private sector group and relevant offices concerned with the implementation of the proposed subproject.

Services The Sub-borrower will provide the Consultant during his/her stay in the City with unlimited telecommunication facilities (telephone and fax service) within the City/Municipality/Province, subproject area and the Philippines and Internet and E-mail service as required for the services.

## ANNEX 7

### Land Acquisition, Resettlement and Rehabilitation Policy Framework

#### **Introduction:**

This Policy Framework and Implementation Guidelines are adopted, to govern the conduct of land acquisition, resettlement or rehabilitation of displaced persons (DPs) or project affected persons (PAPs). The magnitude of adverse impacts are projected to be minimal due to the nature of the sub-projects which are expected to be small since the implementing electric cooperatives, renewable energy developers and independent power providers will be relying on credits they will raise from commercial banks. These are small solar home systems, small solar power plants, and rehabilitation/expansion of distribution and transmission lines meant to improve supply side efficiency.

This document is essentially based on the following issuances:

Executive Order 1035, Procedures and Guidelines for the Expeditious Acquisition by the Government of Private Real Properties or Rights thereon for Infrastructure and Other Government Development Projects. June 1985

Executive Order 132, Procedures to be followed in the Acquisition of Private Property for Public Use and Creating Appraisal Committee

Supreme Court Ruling (1987), Defines just compensation as fair and full equivalent for the loss sustained, taking into account improvements, location, capabilities, etc.

RA 6389, Provides for disturbance compensation to agricultural leases equivalent to 4 times the average gross harvest in the last 5 years.

RA 7279, Urban Development and Housing Act of 1992, 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.

RA 8974 (2000), 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:

Section 5. Standards for the Assessment for 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: (i) The classification and use for which the property is suited; (ii) the development cost 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 and/or demolition of certain improvements on the land and for the value of improvements thereon; (vi) the size, shape or location, tax declaration and 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 and events as to enable the affected property owners to have sufficient funds to acquire similarly-situated land of approximate area.

Commonwealth Act 141- Public Lands Act (1936) Institutes classification & means of administration, expropriation and disposition of alienable lands of the public domain; and under Section 112, lands awarded for Free Patent are “subject to a 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.”

World Bank Operational Policy 4.12, Involuntary Resettlement. October 2001

### **Definition of Terms:**

In order to ensure that implementation of the policies and guidelines is unified throughout the project certain terms commonly used in relation to these guidelines are defined as follows:

**Displaced Persons (DPs) or Project Affected Persons (PAPs)** refer to any person or persons who would be identified, through a baseline census information collected for each of the subprojects to be affected by any of the following circumstances: i) Acquisition or possession by the Project, in full or in part, permanent or temporary, of any title, right or interest over house/s, land/s (including but not limited to residential, agricultural and grazing lands) and/or any other fixed/movable assets; ii) Acquisition or possession by the Project of crops (annual and perennial) and trees whether partially or in whole; / Whose business/livelihood is in part or as a whole affected by the Project.

**Land Acquisition** refers to the process whereby a person or entity is compelled by a public agency to alienate all or part of the land a person/entity owns or possesses, to the ownership and possession of that agency for public purpose in return for a consideration.

**Replacement Cost** refers to the value determined to be fair compensation for real property based on its productive potential, replacement cost of houses and structures (as reckoned on current fair market price of building materials and labor without depreciation or deductions for salvaged building materials), and the market value of residential land, crops, trees and other commodities.

**Resettlement** refers to all measures taken to mitigate any and all adverse impacts of the project on PAP's property and/or livelihood including compensation, relocation and rehabilitation (where applicable).

**Relocation** refers to the physical relocation of a DP from his/her pre-project place of residence.

**Rehabilitation** refers to compensatory measures provided under these guidelines other than payment of the replacement costs of acquired or affected assets.

**Compensation** refers to payment in cash or in kind of the replacement costs of the acquired or affected assets.

### **Objective and Features of the Policy:**

The principal objective of this document is to ensure that all persons directly displaced by land acquisition due to the subproject are assisted in their socio economic recovery so that their way of life is the same if not better than pre displacement level. The document lays down the principles and objectives, eligibility criteria of entitlements, legal and institutional framework, modes of compensation, people participation features and grievance procedures that will guide the implementation of compensation for DPs.

**Principles and Objectives:** The principles outlined in the World Bank's Operational Policy 4.12 have been adopted in preparing this document. In this regard, the following principles will govern Project implementation:

1. Acquisition of land and other assets should be avoided, where feasible, and minimized as much as possible.
2. All DPs residing or cultivating land, working, doing business, or having rights of ownership or established possession along segments of lands to be utilized/traversed/improved/rehabilitated by the Project, as of the time of conduct of the baseline surveys, are entitled to be provided with compensation sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels.
3. Lack of legal rights to land will not bar the DP from entitlement to such compensation or rehabilitation measures for assets (structures, crops etc) lost.
4. Replacement agricultural land will be as close as possible to the land that was lost and is acceptable to the DPs.
5. All replacement land for agriculture, residential and business use will be provided with secured tenure status and without any additional cost, taxes, and surcharges to the DPs at the time of transfer.
6. Planning and implementation for acquisition of land and provision of compensation will be carried out in consultation with the PAPs, to ensure minimal disturbance and transparency in transactions between the Project implementers and DPs.
7. Entitlements will be provided to DPs no later than one month prior to expected start-up of works at the respective subproject site. Construction work will not be initiated until DPs are compensated or adequately relocated.
8. Financial and physical resources for compensation will be made available as and when required.
9. Community infrastructure, which are affected must be restored or replaced.
10. Institutional arrangements should be in place to ensure the effective and timely design, planning, consultation and implementation of the Inventories.
11. Effective and timely implementation supervision, monitoring and evaluation of compensation action plans must be carried out.

A census of affected persons and socio economic situation of each household needs to be done to determine the pre project situation of the affected persons. This will inform on the preparation of the Resettlement Action Plan and provide indicators for assessing the effectiveness of the RAP in improving or at the least, restoring the condition of the displaced person to his preproject condition. It should cover the following items

1. current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
2. standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
3. the magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic;
4. information on vulnerable groups or persons for whom special provisions may have to be made. This may include people with disabilities, the elderly and women headed households;
5. provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement;
6. public infrastructure and social services that will be affected; and
7. social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

### **Entitlement Framework**

In determining the amount of compensation and assistance to be received by displaced or affected persons, the compensation matrix found in the attachment shall be followed.

To respond to occasions when DPs lack the required minimum documentation of Tax Declaration Certificates to establish facts of possession for lands to be purchased for Project infrastructure, 30 day public notices posted at barangay and municipal halls shall be allowed prior to the acceptance of the person as DPs. If no competing claims/protests are received by the LGUs, notarized certifications attesting claims to such properties must be acknowledged by at least 5 adjoining lot owners, three officials of the Barangay Council, and noted by the Municipal

Assessor, to entitle the DP to compensation. This is different from the case when a person occupies a property that he does not own; in this case, the DP is not compensated for land but may be compensated for affected structure, crops or trees that will be adversely affected by the project.

### **Modes of Land Acquisition**

Private assets (e.g., land, structures and other improvements) will be acquired for the Sub-project through:

- Donation and/or grant of ROW
- Negotiated purchase, which is also equivalent to voluntary sale or willing buyer/willing seller scheme
- Expropriation
- Usufruct
- Lease Agreement

For land donation it is important to examine the processes and documents to ensure that donation was not coerced. The following protocol is prescribed to help ensure that donation is voluntarily done:

1. Ensure transparency of information and process in getting informed consent of the potential donor. The affected parties must understand:
  - a. what the land is going to be used for, by whom and for how long;
  - b. that they will be deprived of the ownership or right to use the land, and what this really means;
  - c. that they have a right to refuse to donate the land;
  - d. whether there are alternatives to using this land;
  - e. what they will need to do to donate the land and the costs involved (e.g. execute documents, get spouse consents, pay taxes);
  - f. The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
  - g. His right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. The decision to donate must be made without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.
  - h. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.
2. The proportion of land donated by any individual does not exceed 10 percent of the potential donor's land holding.

3. Voluntary land donation will not cause any household relocation to include those who may be informal settlers.
4. Voluntary land donation should be used only to support small scale community infrastructure, where the impacts are minor. For ASEP potential projects this may be applicable to small right of way.
5. There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re measuring/re titling the transferee's remaining land and any new documentation relating to it.
6. Ensure that the documentation establishes a deadline to initiate project use of donated land.

Thereafter, specific due diligence must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land)
- Any competing claims of ownership or use
- Structures and assets on the land
- Any encumbrances on the land

It is important to (i) identify the right that is being transferred (an ownership right, a use right, a right of way etc.) and (ii) check whether the transferee actually has the right s/he claims to have. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbors. If careful due diligence has not been carried out, significant conflict has arisen at the later stage if another party claims that they have the same or a competing right.

The subproject Proponent may seek the imposition of an Easement of Right-of-Way (ROW) provided for under the Philippine Civil Code. In such cases, a ROW easement agreement will be executed by the property owner and the Subproject 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 subproject Proponent may 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 subproject Proponent shall compensate the property owner at replacement cost for any improvements and/or structures on the land affected by the ROW. The subproject 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.

The subproject Proponent may also acquire a property through usufruct. The property owner retains the naked ownership of the land, while the subproject Proponent enjoys the benefit of the use of land. The subproject 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 which should not be lower than the project life.

The subproject Proponent may also acquire lands through lease agreements with the rightful property owner. The subproject 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 which should not be lower than the project life.

In the case of negotiated purchase, the subproject Proponents 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. This arrangement is a private land purchase - willing seller willing buyer arrangement, and it does not trigger WB OP 4.12. Most of land acquisition for recent sub projects of ECs used this transaction.

There are however instances when this can trigger OP 4.12 when the purchase of land is done by a government entity which has the authority to expropriate private land for public good. This happens when the subproject is site specific and alternate land that suits subproject design is not just difficult but may be impossible to find without significantly increasing the cost of construction. For such purposes, it is important that:

1. All displaced persons which includes owners and occupants are informed and consulted on the same items found above in item 1 for land considered for donation.
2. Minimize land acquisition. Toward this, encourage the participation of DPs during planning and implementation of RAP.
3. The land owner of partially acquired land equal to or beyond 20% may seek payment for the entire property since such loss may lead to loss of the economics of the land.
4. Additional grants and allowances to top up the compensation that may be prescribed by national laws to make up for issues in compensation related to replacement value, lost income specially for commercial properties be used.
5. Land for land compensation (of equal value and land use) should be considered when this is feasible.
6. Special assistance shall be provided to vulnerable groups (women headed households, elderly and disabled) to prevent being worse after relocation.
7. Community facilities damaged or displaced by proposed civil works should be replaced/ repaired at cost of sub proponent.
8. Document all issues related to RAP. A project cannot be considered complete when there are outstanding issues and these should be subject of supervision activities.

For detailed guidance particularly on compensation, see Attachment 5 of this framework.

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

### Implementation Arrangement

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

Subproject stages	TASKS	Responsible Unit	When
1. Screening	Identifying which of the subprojects will have involuntary resettlement impacts. Use both the Screening Checklist found in Annex 2 and the Subproject Checklist (Attachment 1 of LARRPF; Annex 15)	Subproject proponent in coordination with NEA – ORED  ORED copies WB and LGUGC of received completed checklists for potential subprojects as part of the periodic monitoring report.	During the project development which is way upstream of the ASEP process
2. Preparation of RAP	Using Attachment 2 of this framework, sub project proponent decides which required document is needed. (full or abbrev. RAP) Includes in the TOR of ESIA consultants, the preparation of the RAP. For completeness of contents, the outline for full RAP is in Attachment 3 and that of abbreviated RAP is in Attachment 4	Subproject proponent with technical advice/ guidance from NEA ORED  The ESIA Consultant in the preparation of the RAP shall ensure the participation of the DPs through consultation with them in identifying interventions that are fair and just. Also coordinates with LGUs and other entities for role clarification and availability of required resources.	Feasibility time, still upstream of the ASEP process.
3. Implementation	Conduct of activities to comply with the RAP.	Subproject proponent with cooperation from LGUs and other agencies and organizations for provision of planned mitigation.	Prior to implementation of sub project.
4. Monitoring and Evaluation	Submission of progress reports by subproject	Sub project proponent/ NEA ORED	Prior to issuance of proof of installation/operation

	<p>proponent to NEA ORED with copy to LGUGC.</p> <p>LGUGC submits this report together with RAP to WB Task Team</p>	LGUGC	
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## Public Consultation

This Framework is a product of the consultation done in March 3, 2016 in a public place in Makati City organized by LGUGC. The key stakeholders that attended the Public Consultation are: representatives of ECs, Renewable Energy Developer, DOE, NEA, and several commercial private banks likely to invest in the energy sector and other civil society groups concerned with renewable energy developers.

Sub project consultation will start when the subproject proponent has identified the exact location of the infrastructure and the technical requirements for site selection have been fulfilled. The stakeholders of the area including the DPs will be fully informed about the subproject and about the provisions of this Land Acquisition, Resettlement and Rehabilitation Policy Discussions will take place in this meeting(s) to solicit suggestions to minimize impacts to households are minimal, and ensure that conditions for acquisition of assets are fully understood by all parties involved. A series of meetings and consultations will follow to cover the following:

- An orientation on the Decentralized Rural Electrification Project and its Components X Subproject proposal, its benefits and possible negative impacts
- Location of proposed infrastructure and transmission lines (if applicable) -Schedules of implementation,
- LARR policy and its implementation arrangements
- Discussions on Compensation for Acquisition of Properties; this may be exclusively for DPS and in some instances done on a one on one.
- Conditions and documentation requirements for Sale or Donation of specific properties/assets to be affected
- Grievance mechanisms and processes;
- Meetings to share updates on the developments of the project in general and RAP in particular including resolutions/ updates on issues and complaints received

Copies of the key information on the Project background, LARR policies and entitlements will be written in the dialect understood by DPs and distributed among them, preferably before the public meeting.

When issues have been lodged a walk-thru to determine its specific location of on the ground will be arranged by the subproject Proponents. Field verification activities will be conducted with the technical design engineers present. All consultation meetings and other activities shall be properly documented.

In the event that a subproject involves acquisition of land and other assets results to adverse impacts, the LGUGC shall withhold approval of the subproject unless a compensation package or Certifications of Waivers in accordance

with this document, satisfactory to all concerned, is agreed upon between the subproject proponent and the owners/tenants of land/asset affected including those who stand to lose their crops, jobs or sources of income. The determination of the compensation for each of the affected households can be obtained from an independent land appraiser who should be consulted to provide the basis for land valuation at the expense of the proponent when such is the issue.

### **Supervision, Monitoring and Evaluation**

Implementation of the Resettlement/ Land acquisition action plans will be regularly supervised and monitored by the respective proponents' Land Acquisition and Resettlement Committees. The findings will be recorded in the progress reports to be submitted by subproject proponents to LGUGC. Prior to subproject approval which will most probably beyond the time RAP is prepared and implemented, the LGUGC ensures the completion of accurate information on the following:

- The baseline information of all DPs , the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation have been carried out in accordance with the provisions of this LARR Policy Framework, the respective inventory and land acquisition action plans.
- Determine whether the procedures for DPs orientation, consultation meetings, participation, relocation and delivery of compensation and other entitlements have been done in accordance with this LARR Policy;
- If legacy issues are found, verify and take follow-up action to ensure that funds for implementing the remaining actions for Resettlement/ land acquisition action plans are provided by the proponent in a timely manner and in amounts sufficient for their purposes, and those funds are used in accordance with the provisions of the respective land acquisition and resettlement plan.
- Assess if the objectives on the restoration of living standards and income levels of displaced persons have been met;
- Gather qualitative and quantitative indications of the social and economic impact of subproject implementation on the DPs;
- Suggest modifications on the implementation procedures of the inventories and the land acquisition and action plans, as the case may be, to achieve the principles and objectives of this document.
- Record all grievances and their resolution and ensure that complaints are dealt with in a timely manner.

### **Costs and Budget**

Each Resettlement and Land Acquisition Action Plans will include detailed costs of acquisition, compensation and other entitlements, with a breakdown of replacement or rehabilitation costs for agricultural land, residential land, business land, houses, business and other assets, public facilities and services, and utilities. The budget will also include adequate provisions for continuous consultation and information dissemination (production and distribution

of materials containing Project information and the LARR policy) and project supervision to be included for each subproject package.

### **Grievance and Redress Mechanism**

A grievance redress mechanism for the project is necessary for addressing legitimate concerns of affected individuals and groups who may consider themselves deprived of appropriate treatment under the project. Other proponents like Electric Cooperatives (ECs) have Membership/Consumer/Public Complaints Sections to address all complaints and grievances received from members of the cooperative and the general public. These Public Complaints Sections will be responsible to address and resolve any grievances from the public regarding the subprojects. Complaints and grievances related to any aspect of the subprojects, including environmental and social safeguards issues, will be addressed as follows:

- Step 1: Complainants will present their complaints and grievances to the Barangay officials for onward transmission of their complaints to the concerned proponent. The Proponent, together with the LGU officials, will make every attempt to resolve the grievances at the local level.

- Step 2: If the complaint is not addressed to the satisfaction of the complainant, or remains unresolved for 15 days from the date of first submission, the complainant may then submit his/her complaint directly to the Institutional Development Department of the National Electrification Administration (NEA). NEA shall furnish LGUGC with a copy of the complaint for monitoring and sharing with WB.

- Step 3: If the complaint is not addressed to the satisfaction of the complainant within 15 days from the date of submission to the proponent or remain unresolved, the complainant can approach the court of law within the jurisdiction of the EC and the complainant.

The following principles will apply to address complaints and grievances in the project:

- Complainants will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures. All such costs will be borne by the respective proponent.
- All complaints should be written. If received verbally, these shall be properly documented by the concerned proponent. It shall put all relevant details of complaints and the actions taken on their respective websites;
- The LGUGC will appoint designated staff with the responsibility to monitor the progress of actions on complaints related to the subproject;

The ECs will maintain proper documentation of all complaints received and actions taken. They will submit a report on these to the LGUGC, and the LGUGC PMO will monitor said complaints as part of its due diligence. It will closely coordinate with the subproject proponents, ECs and NEA ORED on possible remedial actions to resolve complaints expeditiously and adequately, and submit to the Bank a report on the complaints and the steps taken by the proponents to resolve the complaint, as part of the semi-annual SECR.

Attachment: 1

SUBPROJECT CHECKLIST FOR LAND, PERSONS AND ASSETS AFFECTED

<b>Social Impact</b>	<b>Yes</b>	<b>No</b>	<b>Specify Details</b>
<b>INVOLUNTARY RESETTLEMENT</b>			
Land acquisition necessary			Indicate land size and land use prior to project
Households/persons to be displaced			Total number of households and total number of persons
Presence of informal settlers			Total number of informal settlers
Legal structures acquired/damaged			Number, size, built of structures, Classification based on use (dwelling, shop, animal shelter, etc.)
Informal structures to be removed			Number, size, built of structures, Classification based on use (dwelling, shop, animal shelter, etc.)
People losing means of/access to livelihood			Total number of households and total number of persons
Basic services/facilities that will be inaccessible			Number and types of services/facilities (Water supply, power connection, road, school, market, religious center, etc.)
Crops, trees that will be lost/damaged			Number and type of crops and trees
Tenants/lessees losing crops and/or trees			Number of tenants/households and persons losing what type of crop/trees and the number of crop and trees e.g. 5 households will be losing 6 mango trees; 7 households will be losing > 0.5 hectares of vegetables
Informal settlers losing crops/trees			Number of informal settlers households and persons losing what type of crop and/or tree; and number of crops or trees
<b>INDIGENOUS PEOPLES</b>			
Ancestral domain affected			Land area (hectares)
			Name of affected ethnic group, number of households and persons per ethnic group affected
			Indicate impact/effect per ethnic group

**Attachment 2:**

**PROJECT DATA AND REQUIRED SOCIAL SAFEGUARD DOCUMENTS**

<b>No. of Displaced Persons</b>	<b>Required Documents</b>
<ul style="list-style-type: none"> <li>• More than 200 persons</li> <li>• Adversely affected ancestral domain and indigenous cultural communities</li> </ul>	<ul style="list-style-type: none"> <li>• Full Resettlement Plan</li> <li>• Indigenous Peoples Plan</li> </ul>
<ul style="list-style-type: none"> <li>• Less than 200 persons will be relocated or less than 10% of their assets are displaced</li> <li>• Presence of an ethnic community outside their ancestral domain which has retained its indigenous system or way of life (different from the mainstream community) and no adverse impact</li> </ul>	<ul style="list-style-type: none"> <li>• Abbreviated Resettlement Action Plan</li> <li>• Indigenous Peoples Plan</li> </ul>
<ul style="list-style-type: none"> <li>• No relocation; impacts are limited to temporary disturbances</li> </ul>	<ul style="list-style-type: none"> <li>• ARAP; Compensation Plan</li> </ul>

## Attachment 3

### Full RESETTLEMENT ACTION PLAN OUTLINE

1. Description of the project.

2. Objectives.

3. Social Assessment

(a) The results of a census survey covering:

- Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- The magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic;
- Information on vulnerable groups or persons as provided for in WB OP 4.12, para. 8, for whom special provisions may have to be made; and
- Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- Public infrastructure and social services that will be affected; and
- Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

4. Legal framework.

- The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

- Gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- 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 and traditional usage (see WB OP 4.12, para.15 b).

5. Institutional Arrangement.

- The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- An assessment of the institutional capacity of such agencies and NGOs; and
- Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

6. Eligibility.

Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

- 7. Valuation of and compensation for losses computed at replacement value.
- 8. The methodology to be used in valuing losses to determine their replacement cost;
- 9. Resettlement measures.

This describes the package of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the RAP. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, especially if they are IPs, and prepared in consultation with them.

10. Site selection, site preparation, and relocation.

Alternative relocation sites considered and explanation of those selected,

11. Housing, infrastructure, and social services.

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

12. Environmental protection and management.

A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. Community participation and integration with host community

- Description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
- A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- Arrangements for addressing any conflict that may arise between resettlers and host communities; and
- Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

14. Grievance procedures.

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

## **Attachment 4**

### **ABBREVIATED RESETTLEMENT ACTION PLAN**

An abbreviated plan covers the following minimum elements:

1. Census survey of displaced persons and valuation of assets;
2. Description of compensation and other resettlement assistance to be provided;
3. Consultations with displaced people about acceptable alternatives;
4. Institutional responsibility for implementation and procedures for grievance redress;
5. Arrangements for monitoring and implementation; and
6. Timetable and budget.

## Attachment 5

### COMPENSATION AND ENTITLEMENT 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> <p style="padding-left: 40px;">Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards as provided in 2.b and 2.q of the Policy.</p> <p style="padding-left: 40px;">Subject to the provisions set forth in Section 5 of RA 8974</p> <p style="padding-left: 40px;">Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee.</p> <p style="padding-left: 40px;">DP will be given sufficient time to harvest crops on the subject land</p>
		<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> <p style="padding-left: 40px;">DP will be given time to harvest crops</p> <p style="padding-left: 40px;">Cash compensation for perennials of commercial values as determined by DENR or the concerned appraisal committee</p> <p style="padding-left: 40px;">Financial assistance to make up for the land preparation in the amount of Php 150 per sq.m.</p>

	<p>Remaining land becomes economically not viable (i.e. DP losing &gt;20% of land holding or even when losing &lt;20% but the remaining land is not economically viable anymore)</p>	<p><i>Category A</i></p>	<p>Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards as provided in 2.b and 2.q of this Policy; 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 and with long term security of tenure.</p> <p>Subsistence allowance of Php 15,000 per ha.  DP will be given time to harvest crops  Cash compensation for perennial of commercial value as determined by the DENR or the concerned appraisal committee</p> <p>If relocating, DP to be provided free transportation  Rehabilitation assistance (skills training and 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 the DP will have to engage in a new income activity.</p>
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Type of Loss	Application	Entitled Person	Compensation / Entitlement
		<i>Category B</i>	<p>Financial assistance equivalent to the average annual gross harvest for the past 3 years but not less than Php 15,000</p> <p>DP will be given sufficient time to harvest crops</p> <p>Cash compensation for perennials of commercial value as determined by the DENR of the concerned appraisal committee</p> <p>Financial assistance to make up for land preparation in the amount of Php 150 per sq. m.</p> <p>If relocating, DP to be provided free transportation</p> <p>Rehabilitation assistance 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.</p>
		<i>Category C - Agricultural lessees</i>	<p>As per RA 6389 and EO 1035</p> <p>Disturbance compensation equivalent to five times the average gross harvest on the land holding during the five preceding years but not less than Php 15,000</p> <p>Rehabilitation assistance equivalent to Php 15,000</p>
2. Residential land and or Commercial land	Temporary use of land  Actual area needed by the subproject and the remaining land is still viable for continued use	All DPs  <i>Category A</i>	<p>Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration and damaged structures</p> <p>For the portion of the land needed:</p> <p>Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards as provided in 2.b and 2.q of this Policy.</p> <p>Subject to the provisions set forth in Section 5 of RA 8974</p> <p>Cash compensation for perennials of commercial value as determined by the DENR of the concerned appraisal committee</p>

Type of Loss	Application	Entitled Person	Compensation / Entitlement
	Remaining residential or commercial land becomes not viable for continued use	<i>Category A</i>	<p>Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards as provided in 2.b and 2.q of this Policy.</p> <p>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 the DP, and 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 and social infrastructure. When the affected holding is larger in value than the relocation plot, cash compensation will cover the difference in value.</p> <p>Cash compensation for perennials of commercial value as determined by the DENR of the concerned appraisal committee</p> <p>If relocating, DP to be provided free transportation</p>
	Temporary use of land	All DPs	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	<p>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.</p> <p>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 MRIC)</p>
		Owners of structures, including shanty dwellers in urban areas, have no title or tax declaration to the land or other acceptable proof of ownership.	<p>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.</p> <p>Shanty dwellers in urban areas who opt to go back to their place of origin or to be shifted to government relocation sites will be provided free transportation</p> <p>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 Land Acquisition/Resettlement Committee)</p> <p>Professional squatters will not receive compensation but they can collect their salvaged materials</p>

		Renters of structures including renters of shanty dwellings in	Give 3 months notice on the schedule of demolition If shifting is required, DP is given transitional allowance equivalent to one month rent of a similar structure within the area. For house tenants renting outside of, or within the ROW,
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Type of Loss	Application	Entitled Person	Compensation / Entitlement
		urban areas	<p>and who have to transfer elsewhere, free transportation will be provided</p> <p>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</p>
	Entire structure affected or when the 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.	<p>Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials</p> <p>Inconvenience allowance of Php 10,000 per DP</p> <p>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 MRIC</p> <p>Free transportation if relocation is necessary</p> <p>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.</p> <p>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>Given 3 months notice on the schedule of demolition</p> <p>If shifting is required, DP is given transitional allowance equivalent to one month rent of a similar structure within the area.</p> <p>For house tenants renting outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided</p> <p>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</p> <p>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.</p>

Type of Loss	Application	Entitled Person	Compensation / Entitlement
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.	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. 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 period of one month.
		Renters (tenants) of affected shops	Shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted.
	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.	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 the 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	Given 3 months notice on the schedule of demolition, 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	Cash compensation for affected portion of the structure including the cost of restoring the 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	Compensation to cover cost of restoring the facilities

9. Public facilities	Loss of, or damage to, public infrastructure	Concerned agencies	Compensation in cash at replacement cost to respective agencies
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# Indigenous Peoples Policy Framework

## Objectives:

The general objective of this framework and operational guidelines is to ensure that Indigenous Peoples are informed, meaningfully consulted and mobilized to participate in the identification, planning, implementation and monitoring of subprojects to be supported by ASEP. By doing so, benefits may be shared with them in greater certainty and/or protection from any potential adverse impacts of sub-projects to be financed by the Project may be mitigated if not fully avoided.

It updates the Policy Framework of the Rural Power Project, a Bank financed project managed by the Development Bank of the Philippines.

## Definitions:

"Indigenous Peoples" will be used to refer to cultural communities, tribal groups that can be identified in particular geographical areas by the presence in varying degrees of the following characteristics: (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (d) an indigenous language, often different from the official language of the country or region.

## Legal Framework:

The Policy Framework and Procedural Guidelines for Indigenous Peoples proposed for the Project have been prepared within the context of the World Bank Operational Policy 4.10, which instructs Bank-supported Projects to that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. and requires the development of an IP Plan should IP groups be found present in the area of influence of the sub projects.

It supports the priority given to Indigenous Peoples by the GOP, embodied foremost in the 1987 Constitution, which recognizes the rights of the IPs to their ancestral domains and their power of dominion over their lands and resources. Among its pertinent provisions are:

1) Section 17, Art. XIV: "customary laws governing property rights or relations shall be applied in determining the ownership and extent of ancestral domains;

2) Section 22, Art. II, Section 5, Art. XII: "...the rights of indigenous peoples to natural resources pertaining to their lands shall be specially safeguarded..." These rights include the right of the IPs to participate in the use, management and conservation of natural resources.

3) The right to stay in their territory and not be removed therefrom except when relocation is necessary as an exceptional measure, as in the case of an ecological disaster or armed conflict. IPs have a right to return to their territories once the ground for relocation ceases.

Another nationally legislated instrument protecting the rights of IP is the Indigenous Peoples Rights Act (IPRA or RA 8371), which state certain requirements in activities and programs affecting Indigenous Peoples. Some relevant provisions include:

1) Chapter 1II, Section 7b: "...IPs have the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will impact on their ancestral domain...",

2) Chapter IV, Section 16: "...IPs have the right to participate in decision-making, in all matters which may affect their rights, lives and destinies, through procedures determined by them as well as to maintain and develop their own indigenous political structures..."

Specific to the proposed subproject area within the boundaries of the Autonomous Region of Muslim Mindanao (ARMM), the new ARMM Law, RA 9054, provides through Sec. 5, Article III (Guiding Principles and Policies) that the "...regional government shall ensure the development, protection and well-being of all indigenous tribal communities..." This new law, as well as pertinent provisions in the 1987 Constitution and in the IPRA, attempt to correct centuries of oppression and marginalization of the indigenous populations in the country.

Additionally, the Philippines supported various international agreements and conventions to protect the rights and culture of IPs, among them: Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; United Nations Draft Universal Declaration on the Rights of Indigenous Peoples; and the 1996 International Labour Convention concerning Indigenous and Tribal People's in Independent Countries.

#### Guiding Principles:

The sub project proponent must ensure at all times that development processes implemented by the Project foster full respect for the Indigenous Peoples' dignity, human rights and cultural uniqueness.

It shall initiate actions to ensure that communities of Indigenous Peoples in their ancestral domains have given their free and prior informed consent using the IPRA approved procedure for consultation and decision-making processes, when the project location is within an ancestral domain. The conduct of field-based investigation and the process of obtaining the Free and Prior Informed Consent (FPIC) shall take into consideration the primary and customary practices of consensus-building, and shall conform to Section 14 (Mandatory Activities for Free and Prior Informed Consent) of NCIP Administrative Order No.1, series of 2006. If the project is located or will affect ancestral domains, a Certificate Precondition shall be sought from NCIP.

In instances when the IPs are residing outside their ancestral domain, the requirement is to ensure the conduct of IP dedicated consultation and that broad community support has been generated for the subproject.

With absolute certainty, IPs should receive culturally compatible social and economic benefits and must not suffer adverse effects during and after project implementation

Consensus of all IP members affected must be determined in accordance with their respective laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the sub-project activity, in a language and process understandable to the community.

For IP communities outside their ancestral domains, an NCIP Certificate of Non Overlap must be submitted by proponent. For both instances, an IP Plan with clear description of mechanism for IP participation in the project benefit shall also be prepared and submitted by the proponent of the subproject.

No infrastructure or related projects will damage non-replicable cultural property. In cases where sub-project infrastructure or transmission lines will pass through sites considered as cultural properties of the IPs, the subproject proponent must exert its best effort to relocate or redesign the sub-projects, so that these sites can be preserved and remain intact in situ.

Project designs and implementation approaches must at all times be consistent with the traditional and cultural practices of the IP group in the area (like performance of certain rituals if springs or rivers found in ancestral domains are utilized as sources of renewable energy).

#### Operational Strategies:

Specific subprojects for the Project are not yet known at appraisal time. For this reason, the screening of the ASEP project on whether or not subprojects it may support could have IP presence is not yet known. Individual sub project screening is expected to be done by the subproject proponent using the project checklist found in Annex 2. NEA-ORED will provide technical guidance for this activity. This is likely to happen during the preparation of the feasibility study and should therefore be covered by the TOR of the Environment and Social Impact Assessment (ESIA) to:

#### a) Social Assessment of IP Communities

The subproject implementer undertakes a social assessment within the ESIA. It shall:

- > screen the presence of Indigenous peoples in the subproject's area of influence or their collective attachment to it Among others, collective attachment includes use of the area for worship or food gathering.
- > evaluate the project's potential positive and adverse effects on the Indigenous Peoples,
- > Identify the key leaders and other stakeholders of the IP community(ies)
- > determine cultural sensitive ways of consulting, grievance mechanism and issue resolution, and
- > examine project alternatives where adverse effects may be present.

The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether such effects are positive or adverse. To carry out the social assessment, the borrower engages social scientists whose qualifications, experience, and terms of reference are acceptable to the Bank.

The IPs/Cultural Communities shall participate in the social impact validation, identification of facility locations and planning for sub-projects located within their barangay or ancestral domains. In barangays where IPs are not dominant, subproject proponent shall ensure that sub-project proponents IP dedicated meetings and would provide technical assistance to enable the IPs to participate meaningfully in the planning process. This may mean deployment of competent and committed Project partners who can work with IP communities and ensure that IPs fully understand, accept and support the implementation of the proposed electrification project.

b) Use of Appropriate Communication Media, Strategies and Tactics for Mobilization

Presentation meetings must be conducted in the local or native language. In addition facilitators must use simple and uncomplicated process flows during these sessions.

c) Adherence by implementing units for documentation of interactions with IP communities and compliance to agreements made must be established.

d) There should be IP participation in development, monitoring and evaluation of mitigation measures where sub-projects pose potential adverse impacts on the environment and the socio-economic-cultural-political lives of these IP communities. IPs must be informed of such impacts and their rights to compensation. Compensation for land and other assets to be acquired will follow the ASEP Policy Framework on Land Acquisition, Resettlement and Rehabilitation.

Indigenous Peoples Plan

Based from the results of the social assessment, sub project screening and in consultation with the affected Indigenous Peoples' communities, the sub project proponent prepares an Indigenous Peoples Plan (IPP). It discusses mechanisms and measures through which the borrower will ensure the following:

(a) Indigenous Peoples positively affected by the project receive culturally appropriate social and economic benefits; and

(b) When potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated.

The IPP is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed. The subproject proponent integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP

should be included in the overall subproject design, and a separate IPP is not required. In such cases, the subproject design includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

### Implementation Arrangement

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

Subproject stages	TASKS	Responsible Unit	When
5. Screening	Identifying which of the subprojects have IP presence in its significant area and if it is within an ancestral domain. Use the Screening Checklist found in Annex 2; checks the NCIP Ancestral Domain Information System ( <a href="http://202.57.46.78/adis/Public/default.aspx">http://202.57.46.78/adis/Public/default.aspx</a> ) for AD listing and mapping.	Subproject proponent in coordination with NEA –ORED.  ORED copies LGUGC and WB of received completed checklists for potential subprojects as part of the periodic monitoring report.	During project development
6. Preparation of IPP	>Coordinates with NCIP for the FPIC if sub project location is overlaps with an ancestral domain. > conducts IP dedicated consultations when the sub project location is outside an ancestral domain.  > Includes in the TOR of ESIA consultants, the preparation of the IPP. For completeness of contents, the outline for IPP is in Attachment 6.	Subproject proponent with technical advice/ guidance from NEA ORED  The ESIA Consultant in the preparation of the IPP shall ensure the participation of the IPs through consultation with them in identifying culturally responsive ways of enhancing benefits to them and mitigating adverse impacts, if any. Also coordinates with LGUs and other entities for potential support.	Feasibility time, still upstream of the ASEP process.
7. Implementation	Conduct of activities to comply with the IPP.	Subproject proponent includes culturally responsive mechanisms in project design for IP benefits; complies with provision of agreed Participatory IPP.  Cooperation from LGUs and other agencies and organizations for assistance is encouraged.	Prior to initiating civil works in the project implementation.
8. Monitoring and Evaluation	Submission of progress reports by subproject	Subproject proponent/NEA ORED	Prior to issuance of proof of

	<p>proponent to NEA ORED with copy to LGUGC, For projects that will be enrolled as pipeline projects of ASEP.</p> <p>LGUGC submits this report with IPP to WB Task Team.</p>	LGUGC	installation/operation
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**IPP Clearance and Disclosure:**

The subproject IPP shall be submitted to the Bank for clearance prior to decision to approve a given subproject. Upon Approval by the Bank, it is disclosed in the NEA and LGUGC websites and in the InfoShop of World Bank. In the municipality where the subproject is located, a hard copy will be made available in the public library.

**Coordination, Supervision and Monitoring:**

Supervision meetings/visits subproject activities will be done periodically (frequency to be established during ASEP launch) by the LGUGC and ORED starting from the time it was determined that the project will be among ASEP subprojects. Local IP representatives would be involved in these meetings/visits.

The subproject focal person for safeguards will monitor or help facilitate and document actions required follow-up actions to ensure that the sub-project benefits the IPs according to agreements, and that compensation or mitigation measures as documented are completed on time.

Supportive monitoring will be done regularly, involving affected IP communities and NCIP representatives, with emphasis on the following concerns:

- i. Verification as to whether the guiding principles for implementing subprojects with IP groups or communities are followed.
- ii. Review of subprojects IPP to determine whether these are being implemented as designed and approved;
- iii. Documentation of all meetings, assemblies and other gatherings done during the monitoring period, with copies furnished the affected IP community, LGU concerned at the barangay, municipal and provincial levels, NCIP Provincial and Regional office, and the LGUGC.
- iv. Assessment of whether recommended solutions discussed during previous supportive monitoring visits have been implemented as committed.

**Complaints and Grievances:**

In the course of subproject implementation, complaints or grievances from stakeholders are inevitable. All such complaints must be discussed in the specific IP community or locality where the sub-project is implemented.

Said complaints may also be raised with the developer, subproject proponent, LGUGC and NEA-ORED. The formal local leadership at the barangay, together with the Tribal leaders of the affected areas, will be tasked to facilitate public hearings and negotiations to resolve or provide redress to these complaints and possible options presented to them. They should be allowed to elevate such complaints first to the Provincial Representative of either the NCIP or counterpart agency under the autonomous regions.

Should the IP community still find the decisions rendered at the regional level unacceptable, they can elevate the issue to the central level office of the National Commission on Indigenous Peoples. The NCIP shall be tasked to coordinate with the agency subject of complaint to ensure that the issue is resolved to the best interest of the affected IP community. The subproject proponent, LGUGC and ORED must monitor the developments of filed cases.

ORED will take primary responsibility in receiving and monitoring complaints and grievances. It shall appoint a focal person (Head of ORED) for this task who shall keep a log on receipts and resolutions of issues received. Where necessary, an outside arbiter, which may be from NCIP, will be asked to participate in these discussions and/or negotiations. Resolution of the conflicts should be encouraged at the lowest level possible, thru the facilitation of the Municipal and Community Tribal Councils. Again, the minutes of such meetings and interactions with affected IP households/communities must be documented and distributed to relevant stakeholders especially LGUGC which will include this in its regular progress report to the Bank.