

Regional Infrastructure For Growth Project

RESETTLEMENT AND INDIGENOUS PEOPLES POLICY FRAMEWORK

Rationale for the Resettlement and Indigenous Peoples Policy Framework (RIPF)

The Regional Infrastructure For Growth Project aims to stimulate integrative investment by improving access to financing for infrastructure and services to contribute to the economic recovery of participating LGUs by sustaining financing for infrastructure investments. In the course of implementing these investment projects project locations sometimes cause loss of land, structures and /or other assets or access to sources of livelihood to people who may be occupying the same site.

Unmitigated involuntary resettlement as an outcome of development projects have been noted to result to having production systems dismantled; loss of their productive assets or income sources leading to further impoverishments of affected persons. In some instances, people are relocated to new environments where their social support systems may no longer be accessible, their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened.

The coverage of this project is nationwide which is populated by a conglomeration of different ethnic groups. In the early 1900s, the population was classified into two main groups, the minority and the majority Filipinos. The so called minority Filipinos are the tribal or ethnica groups who resisted assimilation into the mainstream society called the majority Filipinos. Numerous and different terms have been used to refer to the tribal/ethnic groups. In the early part of the past century, the Bureau of Non Christian tribes which was under the Department of the interior called them the non Christian tribes. In the late 1970's, the Presidential Assistance on National Minorities (PANAMIN) referred to them as national minorities. When the Office of Muslim Affairs and Cultura; Communities (OMACC) was created, they were referred to as cultural communities. Under the 1987 Philippine Constitution, they were referred to indigenous cultural communities. The 1997 Indigenous Peoples Rights Act , uses the latest term referring to the tribal/ethnic group which is Indigenous Peoples or IPs. This is adopted from the United Nations and other international agencies.

Some infrastructure projects have been found to affect indigenous peoples and their ancestral domains. Possibly rare for RIGP since most integrative investments are expected to be located in areas not generally occupied by indigenous peoples and not within ancestral domains mostly found in upland, coastal and other isolated areas, still there is a need to come out with a set of guidelines of engagement with them.

Objective

The objective of this policy Framework is to lay out the principles and organizational arrangement for the following:

- resettlement and compensation consistent with the goal of assisting displaced persons in their efforts to improve or at least restore their standards of living from pre project level.
- mechanisms for meaningful participation that help ensure that the development process respects the dignity, human rights, economies, ancestral domain and culture of affected indigenous peoples.

Definition of Terms

Compensation means payment in cash or in kind for an asset to be acquired or affected by an infrastructure project at replacement cost

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

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

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

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

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

Financial Assistance is the cash amount given to tenants/settlers/occupants of severely affected land on top of cash payment/compensation of their crops and other fixed assets actually damaged by a subproject. It will also be given to owners of land acquired under Commonwealth Act 141 for the area of the affected portion subject to Section 112 thereof, which grants government easement right over a 60-meter wide corridor. Financial assistance will be determined based on applicable laws, in consultation with stakeholders and relevant government agencies, and thus given to:

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

Independent Shops are commercial stalls, such as groceries, vulcanizing shops, tailoring shops, beauty parlors, market stalls, hotels, movie houses, and similar establishments that serve as the

owner's principal source of income. Sari-sari stores, i.e., variety shops that usually attached to a dwelling unit, may fall in the same category of independent shops.

Indigenous People (IPs) or Indigenous Cultural Communities (ICC) refer to a group of people or homogenous societies identified by self ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory and who have, under claims of ownership since time immemorial, occupied, possessed customs, traditions and other distinctive cultural traits, or who have through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from majority of Filipinos. ICC/IPs shall likewise include people who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures or the establishment of the present state of boundaries, who retain some or all their own social, economic, and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

The World Bank Safeguards Policy on indigenous peoples (OP4.10) further gives the following characteristics of this group of people as follows: "a distinct, vulnerable, social and cultural group' possessing the following characteristics in varying degrees:

- Self identification as member of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area
- Customary cultural, economic, social or political inst that are separate from those of the dominant society
- An indigenous language, often diff. from the official language of the country or region."

Both these complementary definitions shall be used in this policy framework.

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

Land Acquisition means the process whereby a person alienate all or part of the land he/she owns or possesses to ownership and possession of other parties including the Government for public purpose. When compelled by Government it is called expropriation.

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

Professional Squatters, the term applied to persons who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing. This definition excludes individuals or groups that simply rent land and housing from professional squatters or squatting syndicates.

Project refers to the World Bank-funded Regional Infrastructure for Growth Project (RIGP) implemented by the Development Bank of the Philippines.

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

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

Replacement Cost is the amount needed to replace an asset without deduction for the costs of transaction. The computation of replacement cost is the value determined by an independent appraiser hired by the Project Proponent or by a court of law as compensation for:

- Agricultural lands, fishponds and fish pens based on productive value or residential land based on market value (for properties with similar location attributes);
- Houses and other related structures based on current market prices of materials and labor without depreciation and deductions for salvaged building materials;
- Crops based on current market value;
- Tree and other perennials based on the estimates of the Department of Environment and Natural Resources or those of the independent appraiser's;
- Other fixed assets such as mosques, churches, burial grounds, community wells, barangay halls and health centers based on replacement cost or cost of mitigating measures; and
- Businesses based on opportunity loss and business current market prices of materials and labor without depreciation and deductions of salvaged materials.

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

Rental Allowance is cash assistance given to house tenants of affected structures who will have to find a new place on account of the project, for the period between project site clearing and transfer to their new home but not exceeding a period of three (3) months.

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

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

Subproject refers to the project that is implemented by the LGU and funded by subloan from the RIGP loan facility implemented by the DBP.

Subproject Proponent could be a Local Government Unit (LGU, i.e., a City, Municipality or Province) or a public utility or private sector group providing local infrastructure services.

Overriding Development Objective

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

- Effect on income and resources will be avoided or minimized in assets acquisition that result in displacement of people;
- No demolition of assets and/or entry to properties will be done until a DP is fully compensated, except when a court of law grants a Writ of Possession to the Subproject Proponent for the subject property in expropriation cases as explained in Section 5 of this Framework.
- DPs are provided with sufficient compensation and assistance for lost assets, income sources, and livelihood that will assist them to improve, or at least maintain their pre-subproject standard of living;
- Special attention is paid to affected vulnerable groups, such as poverty groups, the handicapped, women-headed households, people with weak or absent tenure rights, etc; and
- All subproject stakeholders, including DPs, are consulted and are encouraged to participate in varying practicable ways in the design, implementation and operation of the subproject.

Institutional and Legal Framework

1.1 Institutional Framework

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

1.1.1 Development Bank of the Philippines (DBP)

Through its Lending Centers, assisted by the PMO, DBP will review all subproject RPs, whether full or abbreviated, to check its compliance with the agreed RCF.

1.1.2 Subproject Proponent

The Subproject Proponent could either be the Local Government Unit (LGU, i.e., a City, Municipality or Province) or a public utility or private sector group providing local infrastructure services. Through its Project Implementation Unit (PIU), the Subproject Proponent will be responsible for the overall planning, implementation, coordination and monitoring and evaluation of land acquisition and resettlement activities under the subproject:

- It will ensure that RPs are prepared, implemented and monitored and evaluated in accordance with the agreed RCF.
- The Subproject Proponent will set up a Resettlement Implementation Committee (RIC) for the implementation of the RP. The specific responsibilities of the RIC include:
 - Assist the PIU in validating the list of DPs and inventory of affected assets and in finalizing the compensation and other entitlements due to the DPs;
 - Assist in the conduct of public information campaign and consultation and help to ensure the participation of the public, especially the DPs;

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

Particularly for affected Indigenous Peoples, the sub borrower shall closely coordinate with the National Commission On Indigenous Peoples (NCIP) to facilitate consultations and agreements with affected IPs in compliance to the Indigenous Peoples Rights Act. (IPRA)

1.1.3 External Monitoring Agency (EMA)

The EMA, engaged by the Subproject Proponent, will monitor the effectiveness of resettlement activities in all stages of the subproject. Special efforts will be made to ensure good community relationships, for better reception of the subproject and for a clear understanding of its objectives. The EMA will submit periodic reports on the implementation process and make recommendations regarding identified issues and concerns.

1.1.4 Affected Communities

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

1.2 Legal Framework

1.2.1 Government of the Philippines (GOP) Regulations

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

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

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

Other relevant GOP laws and orders pertaining to land acquisition and compensation shall be adopted and observed by the Subproject Proponent.

Table B GOP Laws and Orders on Land Acquisition

Law/Order	Provisions
Executive Order 1035 (1985)	<p>Requires the conduct of:</p> <ul style="list-style-type: none"> • Feasibility Study • Public Information Campaign • Parcellary survey • Assets inventory <p>Other features include</p> <ul style="list-style-type: none"> • Land acquisition, based on fair market value to be negotiated between owner & appraiser • Resettlement / relocation of tenants, farmers & other occupants • Financial Assistance to displaced tenants, cultural minorities & settlers equivalent to the average gross harvest for the last 3 years & not less than P 15,000 per ha. • Disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest during the last 5 years • Compensation for improvements on land acquired under CA 141. <p>Government has power to expropriate in case agreement is not reached</p>
Supreme Court Ruling (1987)	<ul style="list-style-type: none"> • Defines just compensation as fair & full equivalent for the loss sustained, taking into account improvements, location, capabilities, etc. • The value given by the appraiser can only serve as a guide for negotiation. The objective is to enable the DBP to replace affected assets at current market price.
DPWH DP 142 (1995)	<ul style="list-style-type: none"> • Aims to avoid unnecessary delays in civil works • Inclusion of parcellary plans and cost estimates for ROW acquisition in detailed engineering stage. • EO 1035 & MO 65 will still be followed in matters relating to the acquisition and compensation of private properties
R.A 6389	<ul style="list-style-type: none"> • Provides for disturbance compensation to agricultural leases equivalent to 4 times the average gross harvest in the last 5 years.
R.A. 7279, Urban Development and Housing Act of 1992	<ul style="list-style-type: none"> • Provides guidelines for resettlement of persons living in danger areas, e.g. riverbanks, shorelines, & waterways or areas where government infrastructure projects are about to be implemented. Guidelines cover the provision of basic services & facilities in resettlement sites, livelihood support, meaningful participation & adequate social preparation for the affected households, close coordination between sending & host LGUs, grievance redress and related aspects. • Danger areas as enumerated in Article VII, Section 28 of RA 7279 includes Waterways but not specifically water/pipeline Right-of-Ways (ROW). The 2002 Bignay Incident of Manila Water showed that waterlines are potential danger areas. • Relocation involving court eviction cases shall be undertaken by the local government, agencies involved (in this case the MWSS) within forty-five (45) days from service of notice of final judgment by the court. • Informal settlers who built their house on or before the effectivity date (March 28, 1992) are entitled to all benefits and considerations prescribed in the said act. All those exempted or not covered by the said act will be dealt with accordingly (see Section 5.a)
RA 8368 (1997)	<ul style="list-style-type: none"> • Repealed PD 772 of 1975 which penalized squatting and similar acts • All pending cases under the provisions of PD 772 are consequently dismissed.
RA 8371 (1997)	<ul style="list-style-type: none"> • Protects & recognized rights of indigenous cultural communities on their ancestral lands.
RA 8974 (2000)	<ul style="list-style-type: none"> • Aims at ensuring that owners of real property acquired for NG infrastructure projects are promptly paid just compensation. It also provides for the compensation of affected improvements & structures at replacement cost without depreciation & inclusive of labor costs for reconstruction) & the arrangement of independent appraisers for a more accurate determination of the market values of lands and improvements. Section 5 provides for standards in the determination of the fair market value of land: • 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 just compensation, the court may consider, among other well-established factors, the following relevant standards: <ol style="list-style-type: none"> i. The classification and use for which the property is suited;

	<ul style="list-style-type: none"> ii. The developmental 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 &/or demolition of certain improvements on the land & for the value of improves thereon; vi. The size, shape or location, tax declaration & zonal valuation of the land; vii. The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and viii. Such facts & events as to enable the affected property owners to have sufficient funds to acquire similarly-situated land of approximate areas as those required from them by the government, & thereby rehabilitate themselves as early as possible.
Commonwealth Act 141 (CA 141). Public Lands Act (1936)	<ul style="list-style-type: none"> • Institutes classification & means of administration, expropriation and disposition of alienable lands of the public domain. • Under Section 112, lands awarded for Free Patent are “subject to a right of right-of-way not exceeding sixty (60) meters in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines and similar works as the Government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only.”
NCIP Administrative Order No. 3, Series of 2002	<ul style="list-style-type: none"> • Stipulates the processes necessary for securing FPIC from IP communities and EO 132 designating PCUP as clearing house for the conduct of demolition and eviction since both have bearing on actins related to IPs and RP.

1.3 Indigenous Peoples Legal Framework

The Philippines is recognized for its progressive policy and legal support for Indigenous Peoples rights. It has 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.

The 1987 Constitution, laid the foundation for the recognition of the rights of the IPs to their ancestral domains and their power of dominion over their lands and resources. Among its pertinent provisions are:

- a) Section 17, Art. XIV: *“customary laws governing property rights or relations shall be applied in determining the ownership and extent of ancestral domains; and*
- b) 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.
- c) The right to stay in their territory and not be removed there from except when relocation is necessary as an exceptional measure, as in the case of an ecological disaster or armed conflict. IPs has a right to return to their territories once the ground for relocation ceases.

Before the legal basis for the IPs was laid by the tenth Congress, The rights of Indigenous Cultural Communities/Peoples were included in the Social Reform Agenda in the early 1990’s. The initial task of recognizing and establishing ancestral domain claims was given to the DENR (DAO No. 2 Series of 1993), since most of the lands under consideration are part of the public land domain. It finally became a landmark law, when Congress passed Republic Act No. 8371, the Indigenous Peoples Rights Act of 1997. The law states certain requirements in activities and programs affecting Indigenous Peoples. Some relevant provisions include:

- a) Chapter III, Section 7b: *“...IPs have the right to an informed and intelligent participation in the formation and implementation of any project, government or private that will impact on their ancestral domain...”*

- b) 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...”*

Under this law, IPs are vested with the right to self –governance and empowerment. This is operationalized through the mechanism of Free and Prior Informed Consent (FPIC). The NCIP is mandated to ensure that IP rights and concerns are protected and advanced in projects that are proposed affecting their ancestral domains.

Pursuant to Section 80 of the IPRA law, some relevant implementing rules and regulations are used for guidance:

- a) Right to Stay in Territories and Not to be Displaced There from (Rule 3, Part II Sec.4 (a,b, c) . The rights of ICCs/IPs to stay in their territories shall remain inviolate. No ICCs/IPs shall be relocated without their free and prior informed consent or through any means other than eminent domain.
- b) All persons or entities allowed under the Act to participate in land development, utilization, exploitation, and extraction of natural resources, and government offices or agencies allowed to undertake or implement infrastructure projects within ancestral lands/domains, shall submit to the NCIP, through the concerned Regional Office, a culture-sensitive Environmental Conservation and Protection Program (ECP) stating in detail the environmental impact of such activities or projects proposed, control and rehabilitation measures and financial resource allocations therefore, implementation schedules, compliance guarantees and evaluation and monitoring schemes (Rule 3, Part II Sec 6 (b).
- c) Rule 4, Part 3, Sec 7 (a, b, c), Development and Cultural Activities Subject to Free and Prior Informed Consent (FPIC). Policies, programs, projects, plans and activities subject to free and prior informed consent shall include but not limited to the following
- Exploration, development, exploitation and utilization of natural resources within ancestral domains/lands;
 - Research in indigenous knowledge, systems and practices related to agriculture, forestry, watershed and resource management systems;
 - Displacement and Relocation

1.4 World Bank Policies

- OP 4.12, December 2001, on Involuntary Resettlement, providing the guidelines for the resettlement of project-affected population to assist DPs in their efforts to improve their incomes and living standards, or at least restore them to pre-displacement levels. This policy is triggered when there is involuntary taking of land and other assets, or when involuntary restriction of access to legally designated and protected areas results in adverse impact on the livelihoods of the displaced person. Only direct economic and social impacts resulting from “taking of land” are covered.

- World Bank’s Operational Policy 4.10, which instructs Bank-supported projects to give protection to indigenous peoples with regards to mitigating possible adverse impacts of investments and requires the development of an Indigenous Peoples Action Plan should these projects have potential adverse impacts on indigenous populations or positively enhance benefits the IPs may gain from the project.

1.5. GOP and WB Policies, and Framework for RIGP

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

1.6. Screening

The RIGP is a program type project through a Financial Intermediary. Because of this, the social impacts would only be identified when specific sub projects are identified either direct to DBP or through another bulk sale creditor. This may involve temporary or permanent displacement of people and assets and adverse or positive effects on local communities including the indigenous peoples. It also includes displacement of local communities directly contributing to the objectives of the project, done to allow the project to be implemented.

1.7. Review of Resettlement Plans

The WB will review this RIGP Resettlement and Indigenous Peoples Framework (RIPF) to ensure its compliance with OP. 4.12 and OP 4.10. It will agree with the Development Bank of the Philippines on the adoption of the RIPF as the set of guidelines on social safeguards for the Project. The WB will review all Full RPs and first three (3) Abbreviated RPs prepared under the Project.

Review will commence with the enumeration by the Lending Units, with assistance from the PMO, of the extent of land acquisition, project-affected population and asset loss/es that may result from a subproject’s implementation, using a checklist. To facilitate review, sub-borrowers will complete the checklist. Reviewers will verify the information put in by sub-borrowers from the submitted subproject documents aside from subproject site visits. Table 9

Table 1. Checklist of Project-Affected Persons and Assets

Social Impact	Yes	No	Specify Details
Involuntary Resettlement			
a) Land acquisition necessary			Size and use of land prior to construction of project
b) HHs/Persons will be displaced			Total no. of HHs/persons
c) Presence of informal settlers			Total no. of informal HHs/settlers
d) Legal structures acquired/damaged			No., size & built of structures
e) Informal structures beings removed			No., size & built of structures classified according to use:dwelling, shops/stores, livestock production, etc
f) People losing means of livelihood			Total no. of HHs, persons
g) Basic services will be inaccessible			Type/s of basic services (water, power connection, schools, multi purpose centers, religious center, etc
h) Crops/trees being damaged/lost			No. and type of crops/trees

i) Tenants/lessees losing crops/trees			No. of tenants, HHs losing what type, how many crops/trees?
j) Informal settlers losing crops/trees			Informal settlers losing what type, how many crops/trees?
k) Indigenous peoples to be displaced			Total no. of indigenous HHs/ persons to be displaced
Indigenous Peoples			
l. Ancestral domain affected			Size of the domain
m) name affected ethnic groups			Name of affected group(s) and number of people affected classified by type of effect
NO Cultural property affected			No., size, and type of cultural property

Social safeguards requirements will be triggered when any one of the above social impact is positively identified / confirmed. Based on the information derived from the checklist, the following are validated. Table 10

- Resettlement category of the subproject (full or abbreviated)
- prepared / submitted resettlement instrument for the social category of the subproject, and
- Conformity of the prepared social safeguard documents to the provisions of the RIGP Resettlement and Compensation Framework Table 2

Table 2 Required Social Safeguards Document per Category

Social Category	No. of Displaced HHs/Persons	Required Documents
3	> 200 persons / 50 HHs Adversely affected ancestral domain and indigenous cultural communities	Full Resettlement Plan (Attachment RCF-3 of Annex 4.1.1B) Indigenous Peoples Plan
2	1-199 persons / 50 HHs An ethnic community which has retained its indigenous system or way of life different from that of the mainstream community.	Abbreviated Resettlement Plan (Attachment RCF-4 of Annex 4.1.1B) Indigenous Peoples Plan
1	0	None

Table 3. Criteria for Review of Social Aspect

	Criteria	Means of Verification
1	Consultation and participation of adversely affected persons	- Minutes of Public Consultations - Expression of Support of stakeholders, particularly those adversely affected - Survey Report on Acceptability/Willingness - Free & Prior Informed Consent (FPIC), for DPs that are IPs
2	Compensation and transition assistances and rehabilitation programs to be provided according to the provisions of	- Compensation Table - Rehabilitation Program/s - Resettlement Implementation Schedule, in relation to Sub-project Implementation

	the RIGP Resettlement Policy Framework	Schedule
3	Resettlement site of adversely affected persons with conditions equal to, or better than that, in existing sites	<ul style="list-style-type: none"> - Resettlement Site Development Plan & Vicinity Map - Description of available / accessible basic infrastructure and services in resettlement areas - Visit to resettlement site/s
4	Implementation in relation to overall Sub-project Implementation Schedule	<ul style="list-style-type: none"> - Comprehensive Resettlement Implementation Schedule within the overall Sub-project Implementation Schedule
5	If applicable, progress on donations of affected lands for subproject implementation	<ul style="list-style-type: none"> - Documentation of meeting held regarding land donation/s. Or, if land already donated, documentation of donation/s (note the total land area from which portion needed by subproject is taken) and the legal tenability of the donation (e.g. no line, occupants in affected portion) - Assessment report on the donor's economic viability
6	Management of cultural properties within, or in close proximity to the subproject area	<ul style="list-style-type: none"> - Report on presence/absence of a cultural property - Brief reconnaissance report of competent authority to determine what is known of the cultural aspects of the subproject property
7	Provision for M & E by an external independent monitoring agency	<ul style="list-style-type: none"> - Resettlement Implementation Plan - Resettlement Plan Cost Estimates

2. Operational guidelines

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

- Only those DPs found to be residing in, doing business in, or cultivating land, or having rights over resources within the project area as of cut-off date (e.g., date of start of census surveys) are eligible for compensation for lost assets (i.e., land, structure and other fixed assets) and for other assistance. DPs will be compensated for affected land, based on their tenure status, e.g. legitimate owner, lessee, etc. Proof of ownership shall include full title, tax declaration of settlers in public land, possessory rights or usufruct, ancestral land claims, among others. However, in cases where a tax declaration over assets that are inalienable or those that cannot be titled as prescribed by law (e.g. river easement, forest reserve) is the only proof of ownership, only structures and other improvements found therein should be compensated.
- The Subproject Proponent shall compensate the DPs for land, structures and other fixed assets at “replacement cost” as defined in Section 1.
- DPs losing all of their lands and structures (e.g. farmland, house), or incurring partial loss but where the remaining assets and properties are determined by competent authorities as not viable

anymore for continued use will be paid full compensation for the entire asset at replacement cost. The compensation for the entire asset at replacement cost may be given in cash or in kind. The Subproject Proponent will assume ownership of the said asset upon payment of full compensation thereof.

- In the case of DPs whose assets are “marginally affected” as defined in Section 1, compensation for the affected assets will be paid in cash.
- Informal settlers who are affected by the project and who are not “professional squatters”, as defined in Section 1, are entitled to compensation at replacement cost for affected structures and other losses but not for land.
- Swap for “severely affected land” as defined in Section 1 will be in the form of land of equivalent productive value and/or characteristics at a location acceptable to the DPs, or if replacement land is not available, cash representing the current replacement value of the land. Replacement of residential and agricultural lands will be as close as possible to the land that was lost. All replacement lands for residence, commerce and agriculture will be provided with secured tenure status.
- In addition to compensation for crops or property acquired or damaged by the subproject, the Subproject Proponent will provide the following resettlement assistance to eligible DPs:
 - “Financial assistance” to tenants/settlers/occupants as provided in Section 1.
 - Rental allowance for house tenants of affected main structures who will have to find a new place on account of the project, equivalent to the period between project site clearing and transfer to their new home but not to exceed a period of three (3) months.
 - Transportation assistance (in cash or in kind, depending on the mutual agreement of the DP and the Subproject Proponent) to DPs who are relocating, including displaced shanty dwellers in urban areas who opts to go back to their places of origin (e.g. province) or to shift to government relocation sites.
- Granting of rehabilitation support in the form of special skills training, project-related employment, micro-credit or other self-help socio-economic support to DPs who are severely affected due to the loss of productive assets and/or their primary source of income and which will require them to engage in some other income-earning activities. If needed, the Subproject Proponent will coordinate closely with concerned government agencies that have the mandate and the expertise to undertake the needed rehabilitation assistance.
- Rehabilitation support will also be granted to severely affected vulnerable groups such indigenous groups, single parent households, the handicapped, the elderly, etc. who have the least capacity to cope with the adverse social and economic impacts of development projects.
- For married couples, payment of compensation and other entitlements (i.e., financial assistance and rehabilitation support) will be given in the names of both husband and wife.
- Where relocation is considered necessary, the lot owner of the proposed relocation site will also be entitled to compensation for his/her land, and depending on his/her choice, the compensation may be in cash or in the form of replacement land, of the same value, within or outside the relocation site.

- The Subproject Proponent shall provide the relocation site for residential or commercial purposes with such basic services as electricity, water, drainage, sewer system, road system, etc.
- Plans for the acquisition of land and other assets will be carried out in consultation with the DPs who will receive prior information on the compensation, relocation, and other assistance available to them.
- Any acquisition of, or restriction on access to resources owned or managed by DPs as a common property, e.g. communal forest, communal farm, or communal fishing ground, will be mitigated to ensure access of those DPs to equivalent resources on a continuing basis, where feasible, or other alternative measures to be determined in consultation with the DPs.
- Resettlement programs will include adequate institutional arrangements to ensure effective and timely design, planning, consultation and implementation of compensation and resettlement. The Subproject Proponent will ensure effective coordination with relevant agencies for the RP preparation and implementation.
- The resettlement transition period will be minimized and the acquisition of assets, compensation, resettlement and rehabilitation for a segment/section or phase (except where long-term rehabilitation measures such as vocational training recommended) will be completed at least one (1) month prior to the initiation of the preparation for construction work under the respective segment/section or phase thereof.

Entitlements and compensation for the types of loss shall be guided by the Compensation Table in this Framework.

Technically, all informal settlers found to be at the subproject site at the time of the census will be entitled to a specific compensation depending on the laws and standards being enforced at the beginning of the subproject. All possible means to alleviate the DPs will be exhausted to restore if not improve their level of living to the pre-resettlement level.

3. IP Engagement Protocol

3.1. Preliminary Screening

The objective of screening is to identify whether indigenous peoples are present in the project's area of influence and if so to collect necessary information on the ways the project may affect the way of life of the ethnic communities. Based on preliminary design, the project proponent will screen population statistics of the project's influence area. Initial discussions are held with the local communities to collect the following information:

- Names of ethnic group(s) affected by the project
- Population of indigenous peoples in project community/ies
- Number and ratio of the IPs living along the the project's influence area.

The Philippine indigenous peoples does not have an accurate census and statistics. The Tribal Forum estimated the population between 6.5 to 7.5 million people. This represents 12% to 16% of the national population. In 1993, the UNDP-ILOTSSI Mission reported the total population to be about 12 to 13 million people or about 18% of the national population divided into 110 ethnolinguistic groups. Shown below is the Ethnographic Map showing the distribution of the IPs

geographically. The first table shows Luzon and Visayas Island groupings. The second table shows the ethnolinguistic groups in Mindanao where roughly 60% of the IPs live.

CORDILLERA & REGION

Bontoc, Balangao, Isneg,
 Tinggian,, Kankanaey
 Kalanguya, Karao, Ibaloi,
 Ayangan, Ifugao, Tawali,
 Kalinga
 Apayao

ISLAND GROUPS

Agutaynon, Tagbanua,
 Dagayanen, Tao't Bato,
 Batak, Palawanon
 Molbog, Iraya Mangyan,
 Hanunuo Mangyan,
 Alangan Mangyan, Buhid
 Mangyan, Tadyawan
 Mangyan, Batangan
 Mangyan, Gubatnon
 Mangyan, Ratagnon
 Mangyan, Ati, Cuyunon,
 Ati
 Sulod/ Bukidnon,
 Magahat



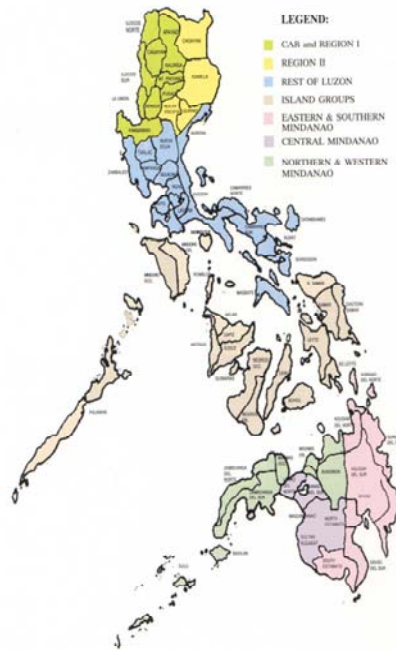
**REGION II,
 CARABALLO
 MOUNTAINS**

Agta,
 Kalanguya,
 Bugkalot,
 Isinai,
 Gaddang ,
 Aggay ,
 Dumagat ,
 Ibanag,
 Itawis, Ivatan

**REST OF LUZON/ SIERRA MADRE
 MOUNTAINS**

Aeta, Negrito. Baluga, Pugot,
 Abell ing, Agta, Dumagat,
 Remontado, Bugkalot, Omaron,
 Kabihug, Tabangnon, Abiyan,
 (Aeta), Isarog, Itom

ETHNOGRAPHIC MAP



NORTHERN & WESTERN MINDANAO

Manobo, Subanen, Arumanen Manobo, Arakan Manobo, Teduray, Dibabawon, Banwaon, Bagobo, Ubo Manobo, Tagakaolo, Talaingod,, Langilan, Mamanwa, Higaonon, Blaan, T'boli, Kalagan, Tagabawa, Manobo Blit, Matigsalog, Tigwahanon, Tagabawa, Sangil

SOUTHERN & EASTERN MINDANAO

Manobo, Mandaya, Mansaka, Dibabawon, Banwaon. Bagobo, Ubo Manobo, Tagakaolo, Talaingod, Langilan, Mamanwa, Higaonon, Blaan, T'boli, Kalagan, Tagabawa, Mangguangan, Tigwahanon, Sangil, Agusan Manobo

CENTRAL MINDANAO

Aromanon, Tiruray, Bagobo, Ubo Manobo, Higaonon, Subanen, Maguindanao, Maranao, Iranon, Karintik Blaan Lambangian

The proponent shall also refer to the website of the National Commission On Indigenous Peoples which recently has included the Ancestral Domain Information System (ADIS) to initially determine if IPs are present in the location and influence of their specific project.

3.2. Over and above the guidelines listed for involuntary resettlement the following shall govern the engagement with the indigenous peoples particularly in getting their Free and Prior Informed Consent

- ⇒ **Respect.** The rights of Indigenous people to own and control their resources and cultures should be respected. Diversity of Indigenous cultures should be acknowledged and encouraged. Indigenous worldviews, lifestyles and customary laws (such as the Laws of the Bodong) on resource management should be respected in contemporary
- ⇒ **Consultation, Communication and Consent.** This shall be based on honest disclosure of plans and impacts to affected tribes and their/or their ADs done in a culturally sensitive manner using the local language of the IPs with provisions for gender and intergenerational responsiveness. Cultural differences and preferences on leadership should be recognized prior to drawing indigenous peoples to consultations. In such manner any consultative process may require independently consulting different tribal groups on their views. Said consultations/ consent shall be properly and promptly documented.

- ⇒ **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 given the mechanisms for participation in decision making. This includes involuntary resettlement impacts and their rights for just and humane resettlement and assistance.
- ⇒ **Sharing of Benefits.** Indigenous people have the right to be paid for their assets that will be displaced because of the project in a value acceptable to them. They should benefit from activities of the project that are relevant to them.

3.3.Operational Strategies for IP Engagement

1. Social Assessment of affected IP communities
2. A social assessment of the affected IP community(ies) is needed to determine the socio economic condition of the IP community and the impacts of the subproject on them. It shall also identify culturally appropriate ways of working with them throughout the project cycle. Participation in Peace-building Efforts

The Indigenous Peoples shall be empowered to assert their own development priorities and preserve their cultural identity. Moreover, they shall be given the full capacity to be active agents of peace, reconciliation, and development. Confidence-building is indirectly achieved as the indigenous leaders acquire the necessary negotiation and conflict management skills as they engage in peace-building efforts.

3. Use of Culturally Appropriate Communication Media, Strategies, and Tactics for Social Mobilization

Project-related community meetings must be conducted in the local language or, at the very least, using the regional lingua franca. In addition, facilitators must use simple and uncomplicated process flows during these sessions.

4. Strong Adherence for Documentation and Compliance to Agreements Made

Project implementers must adhere to the requirements for documentation of meetings conducted with indigenous communities, especially those which pertain to the acquisition of Free and Prior Informed Consent. Project implementers shall not proceed with project endorsements or appraisal processes unless

the corresponding documentation of meetings with indigenous communities are attached to the project proposals that are submitted for review and/or approval.

5. Participation in Development, Monitoring, and Evaluation of Mitigation Measures

In cases where projects pose potential adverse impacts on the environment and the socio-economic and cultural lives of indigenous communities, the Indigenous Peoples must be informed of such impacts and their rights to just compensation. Compensation for ancestral land and other assets to be acquired will follow the World Bank's Policy Framework on Land Acquisition, Resettlement, and Rehabilitation. Should the indigenous communities grant their approval for such projects, the affected indigenous communities must be part and parcel of the development of mitigation measures. Project implementers must ensure that action plans are drawn to be able to monitor and evaluate the compensation agreements, with the active involvement of the affected indigenous communities. Project implementers should not allow work to commence on any project until compensation and/or the required traditional rituals have been completed to the satisfaction of the affected indigenous communities.

6. Indigenous Peoples Plan (IPP)

The objectives of the IPP is to avoid or reduce the adverse effects of the project and ensure that the IPs will benefit from the project equally to the mainstream society in the way that is acceptable to their culture. It shall include activities and measures mitigating the adverse effects and relevant modification of project design or project development assistance. In the case of land acquisition, the project shall ensure that the IPs right to free and prior informed consent is done in a manner that is culturally sensitive as provided for by the NCIP Administrative Order related to it. The IPP shall include:

- Legal and institutional framework applicable to the affected IP group (their own laws and rituals)
- Summary of the Social Assessment results
- Summary and proofs of the consultations conducted

- Information on Land use
- Strategy for consultation with and participation of the IPs during project construction and operations
Action plan indicating particular activities and measures to ensure that IPs are socially and economically benefited from the project in a culturally acceptable way.
- Action plan with mitigating measures for adverse effects
- Grievance and redress mechanism
- Mechanism for monitoring and evaluation and
- Cost and budget for the IPP.

4. MODES OF ACQUIRING PRIVATE ASSETS

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

- Donation and/or grant of ROW
- Negotiated purchase, or
- Expropriation
- Usufruct
- Lease Agreement

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

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

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

If negotiations fail, the Subproject Proponent shall initiate expropriation proceedings (through the concerned LGU if Subproject Proponent is not the LGU). Upon filing of the complaint, and after due notice to the defendant/property owner, the concerned LGU shall immediately deposit with the court or a court-appointed depository the amount equivalent to the sum of (1) one hundred percent (100%) of the value of the condemned property based on the current BIR zonal valuation and (2) an amount equal to the

replacement cost of the improvements and/or structures. The Subproject Proponent should then apply for a Writ of Possession to enable subproject construction.

COMPENSATION TABLE

Type of Loss	Application	Entitled Person	Compensation/Entitlement
1. Arable Land	Actual area needed by the project and the remaining land is still economically viable	Category A – Owners with full title, tax declaration or who are covered by customary law (e.g. Possessor’s	For the portion of land needed: <ul style="list-style-type: none"> • Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards • Subject to the provisions set forth in Section 5 of RA 8974 • Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee • DP will be given sufficient time to harvest crops on the subject land
		Category B – DP’s without title, tax declaration, or are not covered by customary law or other acceptable proofs of ownership	For the portion of the land needed <ul style="list-style-type: none"> • DP will be given time to harvest crop • Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee • Financial assistance to make up for land preparation, PHP 150/m2
	Remaining land becomes economically not viable (i.e. DP losing >20% of land holding or even when losing < 20% but the remaining land is not economically viable anymore)	Category A	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards, or if feasible, ‘land for land’ will be provided (a new parcel of land with an equivalent productivity, located at an area acceptable to the DP & with a long-term security of tenure • Subsistence allowance PHP 15,000/ha • DP will be given time to harvest crops • Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee • If relocating, DP to be provided free transportation • Rehabilitation assistance (skills training and other development activities), PHP 15,000, will be provided in coordination with other government agencies if the present means of livelihood is no longer viable & DP will have to engage in a new income activity.
		Category B	<ul style="list-style-type: none"> • Financial assistance equivalent to the average annual gross harvest for the past 3 years but not less than PHP at 15,000 • DP will be given time to harvest crops • Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee • Financial assistance to make up for land preparation, PHP 150/m2 • If relocating, DP to be provided free transportation • Rehabilitation assistance (skills training and other development activities), PHP 15,000, will be provided in coordination with other government agencies if the present means of livelihood is no longer viable & DP will have to engage in a new income activity.
		Category C – Agricultural Lessees	As per RA 6389 and EO 1035 <ul style="list-style-type: none"> • Disturbance compensation equivalent to 5 times the average gross harvest on land holding during

			<p>the 5 preceding years but not less than PHO 15,000</p> <ul style="list-style-type: none"> • Rehabilitation assistance, PHP 15,000
	Temporary use of land	ALL DPs	<ul style="list-style-type: none"> • Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration & damaged structure.
2. Residential land &/or Commercial land	Actual area needed by the project and the remaining land is still viable for continued use	Category A	<p>For the portion of the land needed</p> <ul style="list-style-type: none"> • Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards • Subject to the provisions set forth in Section 5 of RA 8974 • Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee
	Remaining residential or commercial land becomes not viable for continued use	Category A	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the land as determined by a licensed independent appraiser using internationally recognized valuation standards • Subject to the provisions set forth in Section 4 of RA 8974, or if feasible, 'land for land; acceptable to DP, & with long-term security of tenure. The replacement land should be of acceptable size under zoning laws or a plot of equivalent value, whichever is larger, in a nearby resettlement with adequate physical, social infrastructure. When the affected holding is larger in value than the relocation, plot, cash compensation will cover the difference in value. • Cash compensation for perennials of commercial value as determined by the DENR or concerned appraisal committee • If relocating, RP to be provided free transportation
	Temporary use of land	All DPs	<ul style="list-style-type: none"> • Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration, and damages structures
3. Main structures (e.g. house, shops, etc)	Structures with or without a building permit, partially affected and the remaining structure is still viable for continued use.	Owners of structure with full title or tax declaration to the land or those who are covered by customary law	<ul style="list-style-type: none"> • Compensation in cash for affected portion of the structure including the cost of restoring the remaining structure as determined by the concerned appraisal committee with no deduction for salvaged building materials. • DPs that have business affected due to partial impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. (to be computed by the RIC)
		Owners of structures, including shanty dwellers in urban areas, have not title or tax declaration to the land or other acceptable proof of ownership	<ul style="list-style-type: none"> • Compensation in cash for affected portion of the structure including the cost of restoring the remaining structure as determined by the concerned appraisal committee with no deduction for salvaged building materials. • Shanty dwellers in urban areas opting to go back to their place of origin or to be shifted to government relocation sites will be provided free transportation • DPs that have business affected due to partial impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. (to be computed by the RIC) • Professional squatters will not receive compensation but they can collect their salvaged materials.
		Renters of structures including renters of shanty dwellings I	<ul style="list-style-type: none"> • Given 1 month notice on the schedule of demolition • If shifting is required, DP is given transitional

		urban areas.	<p>allowance equivalent to 3 months rent of a similar structure within the area.</p> <ul style="list-style-type: none"> • For house tenants renting outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided. • Renting shanty dwellers in urban areas who opt to go back to their place of origin in the province or be shifted to government relocation sites will also be provided free transportation
	Entire structure affected or when remaining structure becomes not viable for continued use with or without a building permit	Owners of structures with full title or tax declaration to the land or those who are covered by customary law	<ul style="list-style-type: none"> • Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials • Inconvenience allowance of PHP 10,000 per DP. • DPs that have business affected due to the severe impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. To be verified and computed by the RIC. • Free transportation if relocation is necessary. • Rehabilitation assistance in the form of skills training and other development activities and equivalent to PHP 15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and the DP will have to engage in a new income activity • Professional squatter will not receive compensation but they can collect their salvageable materials
		Renters of structure including renters of shanty dwellings in urban areas.	<ul style="list-style-type: none"> • Given 1 month notice on the schedule of demolition • If shifting is required, DP is given transitional allowance equivalent to 3 months rent of a similar structure within the area • For house tenants renting outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided. • Renting shanty dwellers in urban areas who opt to go back to their place of origin in the province or be shifted to government relocation sites will also be provided free transportation • 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
4. Independent shops	Shops with or without building permit, partially affected and the remaining structures are still viable for continued use	Owners of structures with or without full title or tax declaration to the land or those who are covered by customary law	<ul style="list-style-type: none"> • Compensation is cash for affected portion of the structure, including the cost of restoring the remaining structure as determined by the concerned appraisal committee with no deduction to salvaged building materials. • As determined by the RIC, DPs will be entitled to transitional allowance to cover for their computed income loss during the demolition and reconstruction of their shops, but not to exceed a month period.
		Renters (tenants) of affected shops	<ul style="list-style-type: none"> • As determined by the RIC, shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted.
	Entire shop affected or when the remaining structure becomes not viable for continued use with or without building permit	Owners of structures with or without full title or tax declaration to the land or those who are covered by customary law	<ul style="list-style-type: none"> • Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials. • Subsistence allowance of PHP 15,000 to each DP

			<ul style="list-style-type: none"> • Free transportation, if relocating • Rehabilitation assistance in the form of skills training and other development activities and equivalent to PHO 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	<ul style="list-style-type: none"> • Given 3 months notice on the schedule of demolition • As determined by the RIC, shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted, but not to exceed a 3-month period
5. Other fixed assets or structures	Loss of, or damage to, affected assets, partially or entirely	DPs	<ul style="list-style-type: none"> • Cash compensation for affected portion of structure including cost of restoring remaining structure, as determined by the concerned appraisal committee, with no depreciation or deduction for salvageable building materials.
6. Electric and/or water connection	Loss of, or damage to, affected assets, partially or entirely	DPs	<ul style="list-style-type: none"> • Compensation to cover cost of restoring the facilities
7. Public facilities	Loss of, or damage to, public infrastructure	Concerned agencies	<ul style="list-style-type: none"> • Compensation in cash at replacement cost to respective agencies

If the property owner contests the compensation payment, the Court will determine the just compensation to be paid to the owner within sixty (60) days from the date of the filing of the expropriation case. When the decision of the Court becomes final, the Subproject Proponent will pay the owner the difference between the amount already paid and the just compensation determined by the Court (see Implementing Rules and Regulation, RA 8974, Section 4). The DP will receive the additional payment within one (1) month following the decision of the court.

The Subproject Proponent may resort to the imposition of an Easement of Right-of-Way provided for under the Philippine Civil Code. In such cases, a ROW easement agreement will be executed by the property owner and the 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 will pay the owner the value of the affected portion of the lot based on an independent appraiser carried out according to internationally accepted norms. In addition, the 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.

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.

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

5. APPLICATION OF THE PARTICIPATORY PROCESS

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

Table RCF-2 Role and Responsibilities

Subproject Stage	Participatory Activities	Participants	Responsible Office/Institution
Subproject Preparation			
Pre-Feasibility Study	Preliminary meeting within LGU for the overview of the proposed subproject	Local Chief Executive and Council, PIU-attached units, affected barangay captains	PIU &/or its Consultant, a Resettlement Specialist
	General orientation-meeting, barangay level, preparatory to conduct of technical, social & environmental studies	PIU, concerned barangay officials, DPs, affected communities	PIU &/or its RS
	Conduct of Social Impact Assessment	PIU, DPs, affected communities	PIU &/or its RS
Feasibility Study	RP Preparation, census & socio-eco survey	Community heads, concerned barangay officials, DPs	PIU &/or its RS, Community heads
	LGU draft RP orientation	LCE, LGU council, PIU-attached units, affected barangay captains	PIU &/or its RS
	Community consultation on draft RP	Community heads, DPs, affected communities	Affected barangay officials, PIU &/or its RS
Finalization of RP and Technical Design	RP finalization	Community heads	PIU &/or its RS
	Final RP orientation for LGUs, DPs & affected communities	LCE, LGU council, PIU-attached units, affected barangay officials, community heads, DPs and affected communities	PIU &/or its RS
Implementation			
	Setting up of RIC	LGU council, affected barangay officials, community heads, DPs, affected communities, UPAO head &/or NCIP commissioners	LGU council Chairman (Vice-Mayor) or his representative, PIU &/or its RS
	Implementation of RP		PIU &/or its RS & RIC
	Internal monitoring of RP implementation	RIC, PIU, community heads, DPs	PIU &/or its RS, LGUs and Community Heads
	External Monitoring	EMA	EMA
Post-Implementation			
	Evaluation of RP, processes and methodologies	RIC, DP reps, EMA, PIU, reps of relevant NGO & PO	PIU &/or its RS & EMA

- Setting up of RIC

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

- Head of UPAO
- If applicable, a Commissioner of the National Commission of Indigenous Peoples
- PIU, particularly its Resettlement Specialist
- Representative of the Barangay of affected communities (DP and host)
- Representative of the DPs in each affected barangay (to be elected by simple majority by DPs present in a meeting to be held for the purpose);
- If applicable, leader/s or elder/s of each affected IP group;
- Representative of a non-government organization (NGO) or people's organization (PO) actively operating in the subproject area (to be elected by simple majority by DPs in a meeting to be held for the purpose)

The RIC will be headed by either the head of UPAO, or if applicable, a Commissioner of the NCIP.

The RIC will meet regularly to record milestones and update the members on the progress of the RP. The following items may also be included in the agenda:

- Designation of specific assignments;
- RP timetable;
- Submittals to PCUP; and
- Other matters

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

Subproject Implementation Stage

- Participation in the Implementation

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

- Monitoring of the RP

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

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

In addition to the internal monitoring, an independent External Monitoring Agency (EMA) will be hired by the Subproject Proponent, to carry out a separate M & E program of the RP. This agency may be an NGO, an academic research institution, an independent consulting firm, with qualified and experience staff or a combination of these. Criteria for selecting the appropriate agency shall

be based on competence, experience and general advocacy of the group. The selection process will undergo the usual procurement procedures.

Post Subproject Implementation Stage

- Evaluation of the RP Implementation

Upon completion of the RP implementation, a body composed of representative from PIU (preferably its Resettlement Specialist), RIC head, DP representatives, and representatives from relevant NGO and PO will be formed to evaluate the different stages of the RP preparation and implementation, and the various processes and methodologies used. Areas for improvement and best practices will be identified for future use.

The EMA will give its independent evaluation of the RP and its implementation. All recommendations and comments will be documented and archived for future reference.

6. GRIEVANCE PROCEDURES

Accessible grievance mechanisms will be established for the DPs and their communities, and any host communities receiving them. It aims to address disputes that may arise from the resettlement.

Grievance will be handled through negotiations and are aimed to achieving consensus. Complaints will pass through two stages before they may be elevated to a court of law as a last resort.

Grievance Redress shall have the following level:

Level 1	A party lodges complaint or grievance to the RIC. After proper investigation of facts presented, the RIC will provide a written response within fifteen (15) days upon receipt of the complaint.
Level 2	If the complaint/grievance cannot be resolved at the level of the RIC, the case shall be formally referred to the PIU, which will act/decide on the complaint within fifteen (15) days. The PIU shall inform the RIC on the actions taken and progress of the case.

The RIC shall document all grievances, discussions, recommendations and resolutions in writing (or written when received verbally) at all grievance level.

DPs will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures.

Resorting to courts prior to availment of this complaint and grievance process will make the appellant's action dismissible on the grounds of non-exhaustion of administrative remedies. Details of grievance redress procedures are provided in the Operational Manual for Resettlement Planning and Implementation provided by the PCUP.

7. COSTS AND BUDGETS

The Subproject Proponent will be responsible for providing needed resources for all activities related to the RP planning and implementation, including the operation of the RIC. Each RP will include detailed cost estimates for compensation and relocation of DPS. If that be the case, with a

breakdown by category of DPs, agricultural, residential and business lands; houses, structures and other fixed assets affected; transport assistance when shifting DPs; etc. Cost estimate will make adequate provisions for contingencies.

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