

ANNEX B

LAND ACQUISITION, RESETTLEMENT AND REHABILITATION POLICY FRAMEWORK

I. Introduction

This Policy Framework is 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 is projected to be minimal due to the nature of the sub-projects. Subprojects consist of 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.
- R.A. 6389, 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) 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.
- Republic Act 10752 (2015) provides for the acquisition of ROW, site or location for National Government Infrastructure Projects and for other Purposes. Implementing Rules and Regulations of RA10752 was also issued. This mandates the use of replacement cost for affected structures even for owners that do not have legally recognized rights to the land.
- 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) aims to improve or at least restore standards of living of project-affected persons to pre-project levels.

II. 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; iii) Whose business/livelihood is in part or as a whole affected by the Project. In order to be eligible for compensation and other assistance, PAPs needs to fall within the specified cut-off date.

Involuntary 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

III. Objective and Features of the Policy:

The principal objective of this document is to ensure that all persons directly displaced by involuntary 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.

IV. 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. Involuntary 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 ensure 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.

V. Social Assessment

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 provide information for the preparation of the Resettlement Action Plan, and indicators for assessing the effectiveness of the RAP in improving or at the least, restoring the condition of the displaced person to his pre-project condition. The census 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.

VI. Entitlement Framework

In determining the amount of compensation and assistance to be received by displaced or affected persons, the compensation matrix (Attachment 5 of this framework) 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, due diligence will be conducted to check various government agencies and other forms of documentation. The Registry of Deeds needs to be visited to look for official records. The Land Management Bureau may also be consulted to confirm ownership. It is also possible that heirs issued an affidavit of extrajudicial settlement of estate.

VII. Modes of Land Acquisition

Private assets (e.g., land, structures and other improvements) may be acquired for the Subproject 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. Their right to refuse must be a legitimate right, unconditional, and the potential transferees 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 may arise 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 Sub-project Proponent, whereby the former will grant the latter the right to use the affected portion of the lot, as ROW, but the owner retains ownership of the said portion of the lot. In these cases, the 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:

- a. All displaced persons which include owners and occupants are informed and consulted.
- b. Minimize land acquisition. Toward this, encourage the participation of DPs during planning and implementation of RAP
- c. Additional grants and allowances to top up the compensation that may be prescribed to make up for issues in compensation related to replacement value, lost income specially for commercial properties be used.
- d. Land for land compensation (of equal value and land use) should be considered when this is feasible.
- e. Special assistance shall be provided to vulnerable groups (women headed households, elderly and disabled) to prevent being worse after relocation.
- f. Community facilities damaged or displaced by proposed civil works should be replaced/ repaired at cost by the subproject proponent.
- g. Document all issues related to RAP. A project cannot be considered complete when there are outstanding compliance issues and these should be subject to supervision activities.

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

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

Subproject Stages	Tasks	Responsible Unit	When
1. Screening	Identify which of the subprojects will have involuntary resettlement impacts using the Project	Subproject proponent to accomplish Project Screening Form 1 and NPC to	During the project development

	Screening Form 1 (Annex D of the ESSF) and Project Screening Form 2 (Annex E of the ESSF)	accomplish Project Screening Form 2. NPC to submit copies of the completed checklists to World Bank as part of the periodic monitoring report	
2. Preparation of RAP	<p>Using Attachment 2 of this framework, determine if full RAP (Attachment 3) or abbreviated RAP (Attachment 4) is required.</p> <p>Conduct consultation with DPs for the identification of fair and just interventions,</p> <p>Coordinate with LGUs and other entities for role clarifications and availability of required resources.</p>	Subproject proponent.	Feasibility Study stage
3. Implementation	Conduct activities in accordance with the RAP	Subproject proponent in cooperation with LGUs and other relevant agencies and organizations	Prior to implementation of subproject.
4. Monitoring and Evaluation	<p>Submit progress report on the RAP implementation to NPC</p> <p>Submit report on subproject proponents compliance with RAP to World Bank .</p>	<p>Subproject proponent</p> <p>NPC</p>	Prior to issuance of proof of installation / operation

VIII. Public Consultation

Subproject 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 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 that results to adverse impacts, NPC 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.

IX. Supervision, Monitoring and Evaluation

Implementation of the Resettlement action plans/ARAPs 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 NPC. Prior to subproject approval which will most probably beyond the time RAP is prepared and implemented, NPC 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.

X. 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.

XI. Grievance and Redress Mechanism

A Grievance Redress Mechanism of ASEP was established to provide a communication channel for the affected individuals and/or communities to raise their concerns and complaints with regards to the environmental and social performance of the project. It aims to provide an alternative dispute resolution (other than judicial or legal dispute resolution) in a simplified and mutually beneficial approach to the project implementers and communities. The grievance mechanism shall be made known during the public consultation and information disclosure to be able to ensure that the mechanism is acceptable and accessible to all concerned individuals and/or communities. Information on the grievance mechanism to be disclosed to the general public shall include the following:

- Scope and delimitations of the mechanism, including the eligibility and non-eligibility of the complaints or grievances;
- To whom and where can they raise concerns and/or file complaints or grievances; and
- Expected timing and sort of response from the designated grievance officer.

The Public Complaints Section of each of the Electric Cooperatives is primarily responsible in addressing and resolving all project related concerns and complaints or

grievances received from the affected individuals and/or communities. Each EC shall designate a Grievance Officer who can receive and respond promptly to the complainants. Provided below are the duties of the ECs, when handling concerns and complaints or grievances:

- a. Acknowledge receipt without delay, and assure the complainants for a response.
- b. Assess and resolve the issue within 15 days from the date it was received.
- c. If the concerns and/or complaints are completely outside the scope of the mechanism, the EC shall provide an explanation including on the alternatives they could use to appropriately resolve the issue.
- d. If the result of the assessment requires the issue to be escalated to NPC and/or WB for assistance and/or be resolved more than 15 days, the EC shall inform the complainants on the actions required to be taken and the likely timeline.

The contact information of the designated focal person of NPC to whom the issue may be escalated is provided below:

The Program Officer:	<u>Mr. Rommel U. Mamañgun</u>
E-mail address	rumamanqun@napocor.gov.ph
Office Address	: National Power Corporation BIR Road corner Quezon Avenue, Diliman Quezon City 1100, Philippines
Telephone No.	: <u>(02) 8924-5311</u>

- e. The EC shall properly document all the relevant details of the concerns and complaints received, and the actions taken and shall copy furnish NPC and WB, regularly.

The Project Management Office-NPC shall monitor and closely coordinate with ECs in handling complaints and grievances to ensure the delivery of appropriate and timely remedies to the raised concerns and issues. NPC shall maintain a database containing all grievances received and the status of their resolution. NPC shall also prepare a Grievance Monitoring Report containing updates on all the project related concerns and complaints received, and actions taken (if there is any) which shall form part of the semi-annual Environmental and Social Compliance Report to be submitted to WB.

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 NPC will appoint a personnel who will be responsible for the monitoring of the progress of actions on complaints related to the subproject.

Attachment 1

SUBPROJECT CHECKLIST FOR LAND, PERSONS AND ASSETS AFFECTED

Social Impact	Yes	No	Specify Details
INVOLUNTARY RESETTLEMENT			
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
Informal settlers to be displaced			Total number of informal settlers and informal settler families
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
INDIGENOUS PEOPLES			
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

No. of Displaced Persons	Required Documents
<ul style="list-style-type: none"> • More than 200 persons • Adversely affected ancestral domain and indigenous cultural communities 	<ul style="list-style-type: none"> • Full Resettlement Action Plan • Indigenous Peoples Plan
<ul style="list-style-type: none"> • Less than 200 persons will be relocated or less than 10% of their assets are displaced • 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 	<ul style="list-style-type: none"> • Abbreviated Resettlement Action Plan (ARAP) • Indigenous Peoples Plan
<ul style="list-style-type: none"> • No relocation; impacts are limited to temporary disturbances 	<ul style="list-style-type: none"> • ARAP; Compensation Plan

Attachment 3
RESETTLEMENT ACTION PLAN OUTLINE

1. Description of the project.
2. Objectives.
3. Social Assessment

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 RAP 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
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	<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>For the portion of land needed:</p> <p>Cash compensation at replacement cost for the land, as determined by a licensed independent appraiser using internationally recognized valuation standards</p> <p>Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee.</p> <p>DP will be given sufficient time to harvest crops on the subject land</p>
		<i>Category B</i> - DPs without title, tax declaration, or are not covered by customary law or other acceptable proofs of ownership	<p>For the portion of the land needed:</p> <p>DP will be given time to harvest crops</p> <p>Cash compensation for perennials of commercial values as determined by DENR or the concerned appraisal committee.</p> <p>Financial assistance to make up for the land preparation in the amount of Php 150 per sq.m.</p>
	Remaining land becomes economically not viable (i.e. DP losing >20% of land holding or even when losing <20% but the remaining land is not economically viable anymore)	<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 ; 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.</p> <p>DP will be given time to harvest crops</p> <p>Cash compensation for perennial of commercial value as determined by DENR or the concerned appraisal committee.</p> <p>If relocating, DP to be provided free transportation</p> <p>Rehabilitation assistance (skills training and other development activities) equivalent to Php 15,000 will be provided</p>

			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.
		<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. 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>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>
	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
2. Residential land and or Commercial land	Actual area needed by the subproject and the remaining land is still viable for continued use	<i>Category A</i>	<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.</p> <p>Cash compensation for perennials of commercial value as determined by the DENR of the concerned appraisal committee</p>

	Remaining residential or commercial land becomes not viable for continued use		<p>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>'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.</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.</p>

			<p>(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>
		<p>Renters of structures including renters of shanty in the urban dwelling in the urban area</p>	<p>Give 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 ROW</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>Entire structure affected or when the remaining structure becomes not viable for continued use with or without a building permit</p>	<p>Owners of structures with full title or tax declaration to the land or those who are covered by customary law.</p>	<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.</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>

		<p>Renters of structures including renters of shanty dwellings in urban areas</p>	<p>Given 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.</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>
4.Independent shops	Shops with or without building permit, partially affected and the remaining structures are still viable for continued use	<p>Owners of structure with or without full title of tax declaration to the land or those who are covered by customary law.</p>	<p>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.</p> <p>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.</p>
		<p>Renters (tenants) of affected shops</p>	<p>Shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted.</p>
	<p>Entire shop affected or when the remaining structure becomes not viable for continued use with or without building permit</p>	<p>Owners of structure with or without full title of tax declaration to the land or those who are covered by customary law.</p>	<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>Subsistence allowance of Php 15,000 to each DP.</p> <p>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.</p>

			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
7. Public facilities	Loss of, or damage to, public infrastructure	Concerned agencies	Compensation in cash at replacement cost to respective agencies