

Resettlement Framework

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Philippines: Bataan – Cavite Interlink Bridge Project

Prepared by the Department of Public Works and Highways (DPWH) for the Asian Development Bank (ADB).

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Abbreviations

ADB	Asian Development Bank
AP	Affected Person
BSP	Bangko Sentral ng Pilipinas
CGT	Capital Gains Tax
CLOA	Certificate of Land Ownership Award
DED	Detailed Engineering Design
DDR	Due Diligence Report
DMS	Detailed Measurement Survey
DOLE	Department of Labor and Employment
DPWH	Department of Public Works and Highways
DRAM	DPWH Right-of-Way Acquisition Manual
EA	Executing Agency
EIS	Environmental Impact Statement
EMA	External Monitoring Agency
GRM	Grievance Redress Mechanism
IA	Implementing Agency
IEC	Information, Education, and Communication
IP	Indigenous People
IR	Involuntary Resettlement
ISF	Informal Settler Family
LARP	Land Acquisition and Resettlement Plan
LARRIPP	Land Acquisition, Resettlement, Rehabilitation, and Indigenous Peoples Policy (DPWH, 2007)
LHB	Local Housing Board
NCIP	National Commission on Indigenous Peoples
NEDA	National Economic and Development Authority
NHA	National Housing Authority
NHMFC	National Home Mortgage Finance Corporation
NoT	Notice of Taking
OCT	Original Certificate of Title
Pag-IBIG	Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno
PHP	Philippine Peso
RF	Resettlement Framework
RIC	Resettlement Implementation Committee
ROW	Right-of-Way
RPT	Real Property Tax
SES	Socioeconomic Survey
SHFC	Social Housing Finance Corporation
TCT	Transfer Certificate of Title
TESDA	Technical Education and Skills Development Authority

Glossary

Affected persons (APs)	ADB's SPS does not define <i>affected person (AP)</i> but uses the term to include people indirectly affected by the project beyond the defined project area (such as a road right-of-way), and especially in the context of information disclosure, consultation and participation, and grievance redress mechanism. The host community is an example. However, in the DMC (Philippines), <i>affected person</i> or <i>project-affected person (PAP)</i> is commonly used to denote any project-affected person (including displaced person). A safeguard instrument, being the borrower's document, in this LARP, AP, DP, and PAP have been interchangeably used.
Compensation	Payment in cash or in kind for land, housing, income, and other assets acquired or adversely affected by the project. All compensations are based on the principle of replacement cost.
Cut-off date of eligibility	The date during which the APs are considered eligible for compensation and other forms of assistance. For nonlandowners, this will be the date of the commencement of the census and tagging (CAT) activities. For landowners or formal settlers, the cut-off date will be declared based on the issuance of the Notice of Taking (NoT) by DPWH in accordance with applicable laws (Section 11 of RA 10752 and Section 16 of its IRR).
Detailed Engineering Design	The conduct of technical investigations and analyses to define the appropriate features of an infrastructure project, usually with a degree of accuracy of $\pm 5\%$ to 10% of the final quantities and costs of the completed structure. The degree of accuracy pertains to the final quantities and costs of the bridge structure, and has no impact on the right-of-way (ROW) and accuracy of the replacement cost study (RCS) and detailed measurement survey (DMS). The DED outputs typically include, among others, the parcellary survey and final Resettlement Action Plan (RAP), including property appraisal for the project.
Displaced persons (DP)	Those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlement	Range of measures comprising compensation, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature and severity of their losses, to restore their economic and social base.
Household	A social unit consisting of a person living alone or a group of persons who sleep in the same housing unit and have a

	common arrangement in the preparation and consumption of food.
Income restoration	Re-establishing income sources and livelihoods of APs to approximate or, better, exceed the level it had been before the development project.
Indigenous People	A group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, nonindigenous religions and culture, became historically differentiated from the majority of Filipinos. (Republic Act 8371)
Informal settler	An individual or family who has no legally recognized right to the land which it and its structure occupies.
Land acquisition	The process whereby a person is compelled to relinquish ownership, possession, control, or use of all or part of their land, structures, or other assets to the project in exchange for cash or in-kind compensation. This includes land or assets which the possessor or user enjoys customarily or has uncontested access but lacks legal title.
Parcellary survey	It is comprised of activities undertaken as part of the Detailed Engineering Design of a project to define the proposed ROW alignment and limits, as well as affected lots showing the names of the owners/claimants, lot numbers and technical descriptions, and all improvements within the ROW limits.
Rehabilitation	Re-establishing incomes, livelihoods, living, and social systems
Relocation	Physical displacement of affected persons from their pre-project place of residence and transfer to another place.
Replacement cost	Amount of cash or kind needed to replace an asset (e.g., land, private structure, crops and trees, public structure, and common resource). The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.
Resettlement	All measures taken to mitigate any and all adverse impacts of a project on affected persons' properties and/or livelihoods, including compensation, relocation, and rehabilitation as needed.
Vulnerable households	Distinct households which might suffer disproportionately or face the risk of being marginalized because of the effects of resettlement. They specifically include households (i) with

income below the poverty line (the monthly per capita income is PHP2,416.37 and below); (ii) headed by an elderly (person aged 60 or older); (iii) headed by solo parent with dependents (<18 and >60 years old), including woman-headed households; (iv) with member/ members who, as of the cut-off date, has physical disability (blind, mute, cannot walk, etc.) and/or mentally challenged; and (v) the landless and those without legal title to the land they occupy for residential and/or livelihood purposes.

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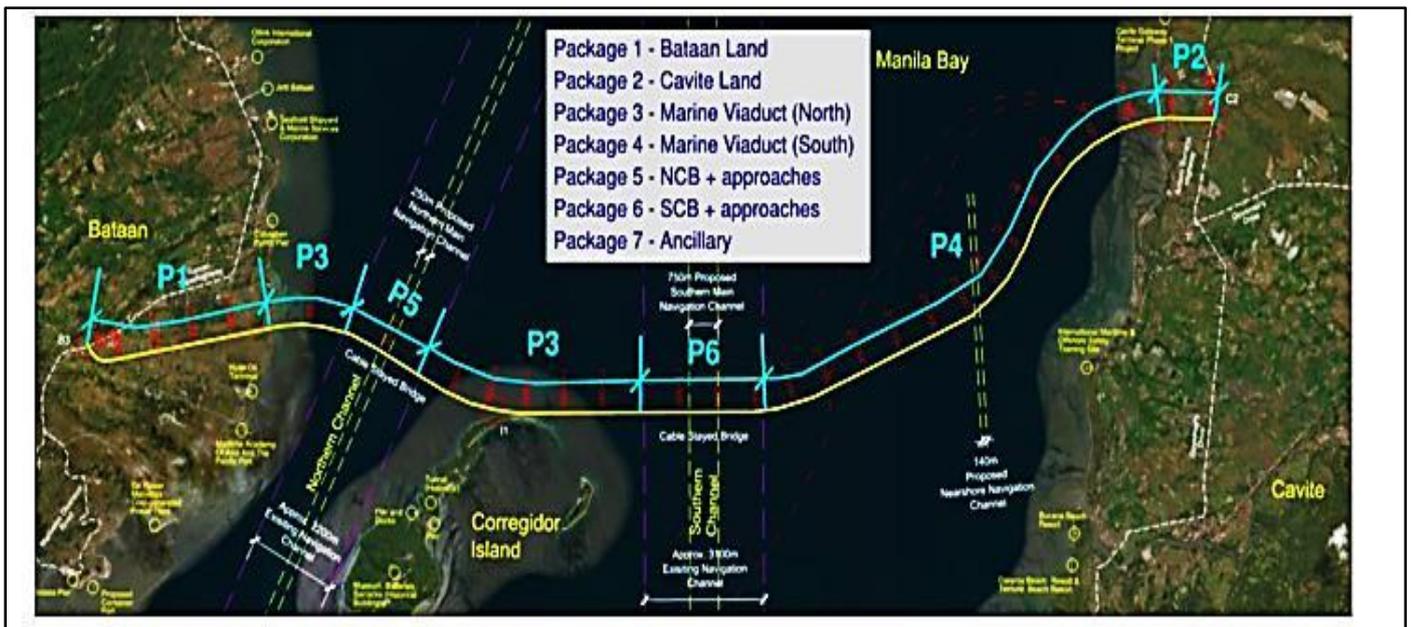
I. Introduction

1. This Resettlement Framework (RF) was prepared to provide guidance in the preparation of Land Acquisition and Resettlement Plan (LARP) for the multi-tranche financing facility (MFF) Bataan-Cavite Interlink Bridge (BCIB) project. The RF will set out requirements in terms of standards, entitlements, and practices to be applied by the Government of the Philippines to ensure that involuntary resettlement impacts caused by the project are appropriately identified and mitigated. These standards and requirements in the RF follow relevant laws and regulations/policies of the Government of the Philippines, as well as ADB's Safeguard Policy Statement (SPS 2009).

A. Project Description

2. The BCIB is one of the flagship projects of the Build, Build, Build (BBB) Infrastructure Program of the Government of the Philippines. Its strategy to economic growth is to provide the urgently needed relief to decongest Metro Manila by linking the key economic regions, Region 3 (Central Luzon) and Region 4A (Calabarzon), with a reliable transport mode across the mouth of Manila Bay. The project also includes a direct access in the future to Corregidor Island that will allow a further growth of tourism in the area.

3. The BCIB project features a 32.15-kilometer alignment comprising two major cable-stayed bridges across Manila Bay, connecting the coastlines of Mariveles, Bataan and Naic, Cavite. It has seven packages shown in **Figure 1**.



Source: DPWH BCIB Project. November 2020.

Figure 1: BCIB Project Packages

1. Bataan Land Viaduct (Package 1)

4. Package 1 covers the Bataan land approach located in the Municipality of Mariveles, Bataan. The affected areas are mostly in Barangay Alas-asin, together with some parcels of land in Barangay Mountain View. The alignment is 5.4 km long and its major structure components include the trumpet interchange that connects the BCIB with Roman Highway, Roman Interchange Bridge, Alas-asin Overpass Bridge, Mt. View Overpass Bridge, Mt. View

Waterway Bridge, and the Bataan land viaduct.

5. The mainline has a length of 4.75 km and a right-of-way (ROW) of 60 m inclusive of the embankment, except at the bridge where the ROW is reduced to 30 m. The mainline is a divided road with median barriers, with two lanes per direction. Lanes are 3.35 m wide with shoulders at 2.30 m.

6. The road alignment traverses mostly agricultural and residential lands, including some subdivisions owned by small and medium landowners, and some commercial lands located along the Roman Highway.

2. Cavite Land Viaduct (Package 2)

7. The mainline, a divided road with median barriers and two lanes per direction, has a length of 1.38 km and ROW of 60 m inclusive of embankment, which is reduced to 30 m at the bridge area. The lanes have width of 3.35 m, with 2.30 m wide shoulders. Guard rails, if required, will be installed at the edges of the roadway throughout its length.

8. The major components of the mainline from the Antero Soriano Interchange include the Tramo Underpass, Timalan-Balsahan Underpass, and the Cavite land viaduct. The Tramo Underpass and Timalan - Balsahan Underpass are reinforced concrete box culvert (RCBC) structures along the mainline that link the local roads and allow for movement between the areas bisected by the BCIB. These underpasses are 2-lane, 2-way access roads with 3.05 m wide lanes and 1.5 m shoulders.

9. The land viaduct is a 40.15 m span bridge that begins at Sta. 31+840.00 and ends at Sta. 31+920.150 for an 80.15 m run. This structure links with P4, the marine viaduct.

B. Anticipated Involuntary Resettlement

10. Involuntary resettlement is anticipated in Tranche 1 of the the BCIB project (MFF) due to land acquisition, which has been given a Category A classification at the feasibility study (FS) stage. It will require land acquisition in Package 1 (Brgys. Alas-asin and Mt. View) and Package 2 (Brgys. Timalan-Concepcion and Timalan-Balsahan), with more land needed in the Bataan side. The affected lands are mostly agricultural, and there are some residential, commercial, industrial, and other types of lands (e.g., private roads, mixed-use development, beach land, railroad, residential-agricultural, open space subdivision). Furthermore, the land acquisition will have impact on residential and commercial structures, community and institutional structures, trees and plants, and existing roads and easements. It will result in the displacement of households, business owners, and workers, with more affected persons (APs) expected in the Cavite land side. A land acquisition and resettlement plan (LARP) has been prepared for the Tranche 1 project.

11. The presence of vulnerable households is anticipated and they are classified as follows: (1) households below the poverty threshold (i. e., those with per capita monthly income of PHP2,416.37 based on the Philippine Statistics Authority standards); (2) households headed by an elderly (person aged 60 or older); (3) households headed by solo parents with dependents; (4) households with member/s who, as of the cut-off date, has physical disability (blind, mute, cannot walk, etc.) and/or mentally challenged; and (5) the landless and those without legal title to the land they occupy for residential and/or livelihood purposes. Woman-headed households are categorized under those headed by solo parents. When physically or economically displaced, these households will most likely experience more difficulties in coping with transition and living at a relocation site without appropriate support and assistance.

12. No Indigenous People will be displaced. The National Commission on Indigenous Peoples (NCIP) issued a Certificate of Non-Overlap (CNO) to DPWH on August 24, 2021, certifying that “the Bataan Cavite Interlink Bridge Project does not affect any ancestral domain/land of indigenous cultural communities/Indigenous Peoples.”

II. Objectives, Policy Framework, and Entitlements

13. The preparation and implementation of the BCIB project's land acquisition and resettlement plan, especially compensation and other entitlements, shall comply with ADB's Safeguard Policy Statement requirements and with relevant Philippine laws and their respective implementing rules and regulations (IRR). The following sections describe ADB Safeguard Policy Statement in relation to involuntary resettlement and the applicable national laws and regulations and compare these and delineate measures to fill any identified gaps.

A. ADB Policy on Involuntary Resettlement

14. ADB involuntary resettlement safeguard aims the following: (i) avoid involuntary resettlement wherever possible; (2) minimize involuntary resettlement by exploring project and design alternatives; (3) enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real terms relative to pre-project levels; and (4) improve the standards of living of the displaced poor and other vulnerable groups. The involuntary resettlement safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of involuntary land acquisition, or involuntary restrictions on land use or access to legally designated parks and protected areas. It encompasses physical and economic displacement regardless of whether such losses and involuntary restrictions are full or partial and permanent or temporary.

15. In ADB-supported projects, involuntary resettlement is considered significant if 200 or more persons will experience major impacts, which are defined as being physically displaced from housing, or losing 10% or more of their productive assets (income generating).

16. An important aspect of ADB's involuntary resettlement safeguard requirement is compensation at replacement cost comprising of the following elements: (1) fair current market value at the time of compensation, (2) transaction costs, (3) interest accrued, (4) transitional and restoration costs, and (5) other applicable payments, if any. In the calculation, structures are required to be compensated at replacement costs without depreciation of structures. Qualified and experienced experts undertake the valuation of acquired assets.

17. ADB policy principles on involuntary resettlement are briefly described below.

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and IPs, and those without legal title to land, and ensure their participation in consultations.
3. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

4. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
5. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
6. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
7. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter negotiated settlements will maintain the same or better income and livelihood status.
8. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets, such as dwellings or other improvements on the land at full replacement cost, if they have occupied/used the land or structures in the affected land prior to a declared cut-off date.
9. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
10. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
11. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
12. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
13. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

B. Philippine Laws and Policies on Land Acquisition and Resettlement

1. Philippine Constitution of 1987

18. The Philippine Constitution of 1987 specifically covers the following provisions:

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

19. Article XIII, Social Justice and Human Rights, Section 10: Urban or rural poor dwellers shall not be evicted, nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

2. Republic Act (RA) 10752 - An Act to Facilitate the Acquisition of Right-of-Way (ROW), Site or Location for National Government Infrastructure Project

20. RA 10752 was enacted to further strengthen the above cited constitutional provisions and ensure that property owners and project-affected properties impacted by national government infrastructure projects will be given just compensation.

21. Main provisions in RA 10752 sought to expedite the implementation of infrastructure projects while ensuring that just and equitable compensation be provided to the project-affected persons. The pertinent revisions in RA 10752 include: (1) refining the modes of acquisition, (2) compensation based on current market value for land, and replacement cost for structures and improvements, (3) changes in guidelines for expropriation proceedings, (4) payment terms, (5) cut-off-date for legal/formal structures, and (6) government appropriation.

22. **Negotiated Land Acquisition.** Acquisition through negotiated sale is the preferred mode of ROW acquisition and should be explored before resorting to expropriation. RA 10752 made negotiated sale more attractive through a streamlined process, which reduces time compared to expropriation, and at the same time providing realistic price offers.

23. In accordance with the RA 10752, the executing agency or implementing agency (EA/IA) shall offer, through negotiated sale, as compensation price, the sum of (i) the current fair market value of the land, (ii) the replacement cost of structures and improvements, and (iii) the current fair market value of crops and trees. To determine the appropriate price offer, the EA/IA will engage the professional services of a government financial institution (GFI) or IPA accredited by the Bangko Sentral ng Pilipinas (BSP), and it is encouraged to develop its in-house personnel who are capable to validate the appraisal reports. The EA/IA may use the duly validated GFI/IPA appraisal report as one of the bases of the price offer for negotiated sale. The payment by the EA/IA of the capital gains taxes only for negotiated sale provides incentive to the lot owners to accept the offer of the government.

24. Under negotiated sale, the EA/IA upon execution of a deed of sale shall pay the property owner (i) 50% of the negotiated price of the affected land, exclusive of the payment of unpaid taxes remitted to the LGU concerned, and (ii) 70% of the negotiated price of the affected structures, improvements, crops, and trees, exclusive of unpaid taxes remitted to the LGU concerned. The EA/IA shall pay the property owner the remaining 50% of the negotiated price of the affected land after the transfer of title in the name of the Republic of the Philippines in case the land is wholly affected; or at the time of the annotation of a deed of sale on the title, in case the land is partially affected. The EA/IA shall pay the remaining 30% of the affected

structures, improvements, and crops and trees, exclusive of unpaid taxes remitted to the LGU concerned, after the land is already completely cleared.

25. ROW acquisition starts with the issuance of the Notice of Taking (NoT). Then based on the approved appraisal price set in the validated and approved social safeguard document/plan, the EA/IA shall send the Letter Offer to the owner, indicating that he/she has 30 days to decide whether to accept or reject the price consideration. A successful negotiation will result in the execution of the Deed of Absolute Sale, and the EA/IA being given a Permit to Enter. A failed negotiation, on the other hand, means that the property owner either rejected the offer or accepted it but failed to submit the required documents, thus enabling the EA/IA to initiate expropriation proceedings.

26. **Acquisition by Expropriation Process.** Under RA 10752, the expropriation process requires (i) complete documentation to support the expropriation complaint, (ii) deposit to the court the value of the property being acquired, and (iii) immediate issuance of Writ of Possession to enable early project implementation. The EA/IA, through the Office of the Solicitor General or its deputized legal counsel, shall initiate the expropriation proceedings by filing a verified complaint before the proper court.

3. Republic Act (RA) 7279 – Urban Development and Housing Act of 1992

27. RA 7279 (Urban Development and Housing Act of 1992) stipulates that it is the policy of the state, in coordination with the private sector, to uplift the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available decent housing at affordable cost, basic services, and employment opportunities. Socialized housing encompasses housing programs and projects covering houses or home lots for the homeless and underprivileged and provision of basic services and facilities. This shall be provided by LGUs or the National Housing Agency (NHA) in cooperation with the private developers and concerned agencies.

28. Under Section 16, the following are eligible beneficiaries of socialized housing: (i) must be a Filipino citizen, (ii) must be underprivileged and homeless, (iii) must not own any real property whether in urban or rural areas, and (iv) must not be a professional squatter or a member of a squatting syndicate.

4. Commonwealth Act of 141 of 1936 - The Public Land Act

29. Commonwealth Act (CA) 141 of 1936, "The Public Land Act," prescribes a 20-meter strip of land reserved by the government for public use, with damages being paid for improvements only. Presidential Decree (PD) 635 amended Section 112 of CA 141, increasing the width of the reserved strip of 20 meters to 60 meters.

5. Republic Act (RA) 6389 - Code of Agrarian Reform in the Philippines

30. RA 6389 (Code of Agrarian Reform of the Philippines) provides for disturbance compensation to agricultural lessees' equivalent to five times the average gross harvest in the last five years.

6. Executive Order No. 1035, Series of 1985

31. EO 1035, Series of 1985, provides the procedures and guidelines for expeditious acquisition by the government of private real properties or rights thereon for infrastructure and other government development projects. Based on this legislation, financial assistance shall be provided to the portion subject to the reservation under Section 112 of CA 141 on land

acquired under CA 141 (for original patent holders only). Under CA 141, the ROW strip not exceeding 20 meters in width within the land acquired under the law, or 60 meters (under PD 635) is reserved for public use. This shall be over and above compensation for affected portions of structures and improvements therein.

32. Specifically, the order stipulates (i) the provision of financial assistance to displaced tenants, Indigenous Peoples (IPs), and settlers duly accredited by concerned government office. In the case of IPs, payment of such financial assistance shall be based on land occupancy certificates pursuant to the provision of PD 419. The amount of financial assistance to be given to tenants/farmers of agricultural lands, which is to be determined by the implementing agency concerned in consultation with appropriate agencies, shall be equivalent to the value of the gross harvest for one year on the principal and secondary crops of the area acquired, based on the average annual gross harvest for the last three preceding crop years, provided that in no case shall the financial assistance be less than PHP15,000.00 per hectare.

7. DPWH Department Order 152, Series of 2017

33. DO 152, Series of 2017, directs the use of the updated Right-of-Way Acquisition Manual (DRAM) by all concerned DPWH personnel. It was developed in compliance with Section 18 of the IRR of RA 10752, which prescribes that, to provide clear, specific, and operational guidelines for the efficient acquisition of ROW for its infrastructure projects, each IA shall prepare and implement its own manual of procedures for ROW acquisition. The DRAM covers the entire ROW acquisition process, from the feasibility study to the management of the acquired ROW.

8. DPWH Land Acquisition, Resettlement, Rehabilitation, and Indigenous Peoples Policy (March 2007)

34. DPWH LARRIPP provides the legal framework and donors' policies governing instances when infrastructure projects implemented by DPWH cause the involuntary taking of land, structures, crops, and other assets resulting, in some cases, in the displacement and resettlement of affected persons. LARRIPP enumerates the entitlements and benefits that affected households or APs should rightfully receive under the law based on the project's adverse impacts on their assets, livelihood, and lives. It expounds on safeguards to be followed based on Philippine law when these affected persons are Indigenous Peoples, living inside and outside an officially declared ancestral domain.

9. DPWH Department Order 65, Series of 2017

35. DPWH DO 65, Series of 2017 [Re-issuance of Department Order No. 19, Series of 2017, Delegating to Regional Directors the Approval/Signing of Documents Pertaining to Infrastructure Right-of-Way (ROW) for National Projects Including the Approval for Payments of Claims and Signing of Checks] is part of the continuing effort of DPWH to streamline its operations, decentralize, and rationalize ROW operations. The DO also reiterates that the ROW functions are delegated, and a system of deploying ROW task force UPMO-ROW activities and their approving authorities shall continue to be governed by DO 203, Series of 2016; and Special Order (SO) No.1, Series of 2017.

C. Comparison of Resettlement Requirements and Gap Analysis, and Gap Filling Measures

36. A gap analysis of Philippine government's applicable laws and regulations and ADB's safeguard policy requirements for involuntary resettlement has been done to guide the LARP preparation. To bridge the identified gaps, mitigation measures have been proposed. The assessment done is analytical and compensation approaches to be considered under the project are reflected in the entitlement matrix.

37. Provisions under the most recent Philippine ROW law – RA 10752 and its IRR – match ADB's compensation requirements at full replacement cost, particularly for land and structures. A significant difference is the basis for determining severity of impact (Item 12 in Table 1). While ADB defines *severely affected* as losing 10% or more of productive assets (income generating), DPWH DO No. 327 (Series of 2003), sets the criteria at 20% and higher. Consequently, APs who are severely affected based on ADB guideline, could be marginally affected only based on DPWH policy. In such cases, the more stringent law or policy is followed for this project. Other gaps are shown in **Table 1**.

Table 1: Gap Analysis and Proposed Gap Filling Measures

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
1	APs who have neither formal legal rights nor recognizable claims to affected land they occupy are to be compensated for the loss of assets other than land, and for other improvements to the land, at full replacement cost, provided they occupied the project area prior to the project's cut-off date.	<p>RA 10752, Section 5(b) states that for owners of structures and improvements with no legally recognized rights to the land, payment of the replacement cost of structures and improvements shall apply as long as they meet the following conditions:</p> <ul style="list-style-type: none"> • They are Filipino citizens; • They do not own any real property or other housing facility in any urban or rural area; and • They are not professional squatters or members of a squatting syndicate as defined in RA 7279, the Urban Development and Housing Act of 1992¹ 	APs without legal rights to affected land are potentially ineligible for compensation for nonland losses if they do not meet the criteria set forth by RA 10752 (The Right-of-Way Act).	All people affected by the project who do not have legally recognizable right to the affected land but who occupy the project-affected area prior to the cut-off date are eligible for compensation (including those occupying existing government ROW) for affected nonland assets including crops and trees, and other improvements, at full replacement cost. They include those that do not meet the criteria set forth by RA 10752, Section 5 (b), with the exception of those belonging to a squatting syndicate who are engaged in the business of squatter housing for profit or gain.
2	For physically displaced persons, provide relocation assistance, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, and civic	RA 10752, Section 10(c) provides that the cost of the development and implementation of resettlement projects covered by the Act, including planning, social preparation, and other activities under a resettlement action plan shall be provided with adequate appropriations to cover the funds needed for such.	Restrictions on eligibility for resettlement assistance for those who do not meet the criteria for socialized housing beneficiary.	All physically displaced APs will be eligible for self-relocation assistance, or assisted resettlement, which can be either through government socialized housing or low-cost housing under PAGIBIG Fund.

¹RA 7279 provides the following definitions: (1) *Professional squatters* refers to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have previously been awarded homelots 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. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates; (2) *Squatting syndicates* refers to groups of persons engaged in the business of squatter housing for profit or gain.

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
	<p>infrastructure and community services as required.</p>	<p>RA 7279, Section 16, states that to qualify for the socialized housing program, a beneficiary must meet the following:</p> <ul style="list-style-type: none"> • a Filipino citizen; • an underprivileged and homeless citizen • does not own any real property whether in the urban or rural areas; and • not a professional squatter or a member of squatting syndicate. 		<p>Members of squatting syndicates in the list of the Department of Human Settlements and Urban Development (DHSUD) will not be eligible for resettlement assistance.</p> <p>APs who are members of squatting syndicates do not actually occupy project-affected structures and are residing elsewhere. Thus, they are not physically displaced and, as such, will not be eligible for relocation assistance and transitional support.</p>
3	<p>The rate of compensation for acquired housing, land, and other assets will be calculated at full replacement cost. Calculation of full replacement cost will be based on the following elements:</p> <ul style="list-style-type: none"> • Fair market value • Transaction costs • Interest accrued • Transitional and restoration costs • Other applicable payments, if any. <p>The above applies to those who are legal owners of the affected land and those who have no formal legal rights to such land but who have claims to such lands that are recognized or recognizable under national laws (e.g., heirs of deceased estate holders).</p>	<p>RA 10752 states that under negotiated sale, the IA shall pay for the account of the AP the capital gains tax (CGT), as well as the documentary stamp tax (DST), transfer tax, and registration fees. The property owner AP will pay any unpaid real property tax (RPT). Under expropriation proceedings, the property owner AP will pay the CGT and any unpaid RPT. The IA shall pay the DST, transfer tax, and registration fees.</p>	<p>Payment of CGT by AP if land is expropriated is inconsistent with ADB's principle of full replacement cost.</p>	<p>DPWH will pay CGT for properties acquired under negotiated sale as well as those that will undergo expropriation proceedings.</p>

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
4	<p>The borrower/client will ensure that no physical displacement or economic displacement will occur until the following are done:</p> <ul style="list-style-type: none"> • Compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; • Other entitlements listed in the resettlement plan have been provided to displaced persons; and • A comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods. 	<p>RA. 10752 states that under negotiated sale, APs will be paid in two installments for their affected properties. The balance in compensation for the land will only be paid after (1) annotation of the Deed of Absolute Sale for partially acquired land, and (2) transfer of the title to the government for fully acquired land. The balance of payment for structures and improvements will be paid to APs only after the acquired lands have been cleared of all improvements (i.e., structures, trees, and crops). For expropriated properties, the government may take possession of the property after issuance of the Writ of Possession by the concerned court of law. While case is being adjudicated, the property owner may, at any time request the Court to release payment of property upon presentation of proof of ownership. DPWH Department Order (DO) 5, Series of 2003 states that all ROW must be fully acquired and cleared before issuance of the Notice of Award for the project. Under the LARRIPP, APs undergoing Extra Judicial Settlement of Estate are given two years grace period to process the requirements prior to court proceeding.</p>	<p>Gaps on timing for payment and for expropriation cases the need to provide proof of ownership to the Court prior to payment.</p>	<p>For properties acquired through negotiated sale, APs will not be displaced until they are compensated in full.</p> <p>As provided in DO 5, S. 2003, no displacement nor civil works will commence until property is fully acquired and cleared. In cases wherein APs need to undergo the Extra Judicial Settlement of Estate (EJSE) process for the paperwork, the DPWH will assist them to complete title segregation prior to the issuance of the Letter Offer and, thus, they can be eligible for negotiated sale.</p>
5	<p>In the case of physically displaced persons, provide: (1) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and</p>	<p>RA 10752, Section 15 of its IRR states that development cost may include land development and housing construction, provision of basic services and community facilities, livelihood restoration and improvement, and other activities under the</p>	<p>APs whose structures are severely affected but are nonlandowners are not eligible to receive</p>	<p>All physically displaced APs whose structures are severely affected will be eligible to inconvenience allowance regardless of land tenure. Other transitional support and development benefits during the period when APs resettle and re-establish their</p>

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
	(2) opportunities to derive appropriate development benefits from the project.	resettlement action plan in coordination with concerned government agencies. DPWH LARRIPP (2007) cites that inconvenience allowance is provided to an AP whose land is severely affected and who owns a house within the affected land, thereby needs to move elsewhere. DPWH DO 327, Series of 2003, Annex B reiterates the provision of inconvenience allowance and provides rehabilitation assistance in the form of skills training or other development activities equivalent to PHP15,000.00 to APs whose only source of income are severely affected.	inconvenience allowance.	livelihoods will be provided to stabilize their living standards should the result of social impact assessment and consultation with APs require so.
6	The standards of living of the displaced poor and other vulnerable groups, including women, will be improved to at least national minimum standards, and appropriate income sources and legal and affordable access to adequate housing will be provided for them. Particular attention will be given to the need of disadvantaged or vulnerable groups, especially those below the poverty line, landless, elderly, female-headed households, women and children, Indigenous Peoples, and those without legal title to land.	DPWH DO 327, Series of 2003 provides the same rehabilitation assistance in a form of skills training or other development activities equivalent to PHP15,000.00 to vulnerable groups. DPWH Social and Environmental Management System Policy Framework (SEMS PF) states that vulnerable APs will be entitled to participate in any training course. Priority assistance will be provided in terms of loan assistance and other forms of support to augment their income. Additional food subsidies equivalent will be granted for a period of one year to APs under this category. Furthermore, SEMS PF also provides for other initiatives that will supplement income in the form of short-term welfare services focusing on vulnerable groups such as children under 5, undernourished children, pregnant women, elderly, and disabled persons. A	Definition of vulnerable groups differ	<p>Reconcile the definition, and include the following under vulnerable households:</p> <ul style="list-style-type: none"> • With income below poverty threshold • Headed by an elderly • Headed by a solo parent with dependents (<18 and >60 years old) • With member/ members who, as of the cut-off date, has physical disability (blind, mute, cannot walk, etc.) and/or mentally challenged • The landless and those without legal title to the land they occupy for residential and/or livelihood purposes. <p>Provision of inconvenience allowance in the amount PHP10,000.00 to respective vulnerable households, and</p>

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
		<p>supplementary feeding program will be administered by the project during the settlement phase. If appropriate, this will be continued until desired level of nutritional status has been achieved.</p>		<p>rehabilitation assistance in the form of skills training or other development activities equivalent to PHP15,000.00 per household</p>
7	<p>The borrower/client will include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plan. Income sources and livelihoods affected by project activities will be restored to pre-project levels, and the borrower/client will make every attempt to improve the income of displaced persons, so that they can benefit from the project. For vulnerable groups, the resettlement plan will include measures to provide extra assistance, so that they can improve their income in comparison with the pre-project level. The resettlement plan will specify income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.</p>	<p>RA 10752 and its IRR states that government appropriations should be available to cover the cost of the development and implementation of resettlement projects and may include livelihood restoration and improvement activities.</p> <p>RA 7279 mandates government agencies dealing with development of livelihood programs and grant of livelihood loans to give priority to the beneficiaries of the government socialized housing program.</p>	<p>There are requirements for supplementary assistance or training to certain categories of APs. However, the requirements do not have specific objectives to restore income-earning capacity and are limited in scope and application. ADB guidelines are more specific regarding objectives of restoring income-earning capacity and include APs whose income generation resources are severely affected.</p>	<p>Income restoration and livelihood improvement measures will be designed in consultation with APs. These will be adequately designed to restore their income-earning capacity. In the same manner income-earning capacity of vulnerable APs must be improved. The effectiveness of income restoration and livelihood improvement activities will be monitored and reviewed during project implementation</p>
8	<p>The borrower/client will provide assistance such as credit facilities, training, and employment opportunities so that the APs can improve, or at least restore, their</p>	<p>There are no specific laws that cover payment of income losses for those who will be displaced as a result of ROW acquisition. DPWH LARRIPP 2007 provides for rehabilitation assistance in the amount of not</p>	<p>Lack of specific provision in the law for income loss compensation may be regarded as</p>	<p>Cash compensation for income losses during transition period corresponding to stoppage of business activities. Participation in the livelihood restoration and improvement program as needed.</p>

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
	income-earning capacity, production levels, and standards of living to pre-project levels.	more than PHP15,000.00 or to be based on the latest copy of AP's tax record for the period corresponding to the stoppage of business activities for those whose structures are severely affected and whose business/income are affected.	noncompliance to ADB policy of restoring livelihoods to pre-project condition.	
9	Appropriate and accessible grievance redress mechanism (GRM) must be established for the affected people and their communities.	There are no specific laws that stipulate the GRM during land acquisition in the Philippines.	There are no specific laws that stipulate the grievance redress mechanisms for land acquisition in the Philippines. ²	An effective and accessible GRM will be established for the project to resolve disputes outside the judicial system. Prior to start of ROWA, ³ DPWH will establish a Help Desk at each city/ municipality to address the concerns of APs pertaining to LARP and ROWA. Each Help Desk must be established immediately before the sending of the NoT to APs by DPWH. A database of APs' concerns, actions taken, referrals made, and resolution status of said concerns shall be developed and maintained by DPWH. Once the ROWA commences, GRM is triggered and the Help Desk, in coordination with the MRIC and LIAC shall serve as recipient and database manager of grievances filed.
10	For projects with significant involuntary resettlement impacts, the borrower/client will retain qualified and experienced experts to conduct external monitoring.	Not required by law	Requirement for external monitoring of projects with significant impacts	The IA will engage qualified experts to conduct external monitoring of LARP implementation. External monitoring is an additional layer on top of the internal system to check for safeguard shortfalls and to help design corrective actions.

² Section 3.4, Tracking and Monitoring Implementation of Grievance Procedures of the DPWH LAPRP Tracking Manual of 2003 was previously used as reference.

³ Onset is marked by the sending of the Notice of Taking (NoT) by DPWH.

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
11	Scope to cover direct impacts of land acquisition and restricted land use for the project, including any land acquired for development of resettlement sites specifically for the project. Involuntary land acquisition for resettlement sites to be avoided, where possible	Unless specifically included in the LARP, only government policies and standards will be applied. RA 7279 states that land for socialized housing can be expropriated – but should be resorted to only when other options have been exhausted.	Potential gap with respect to application of policies and entitlements under LARP to those who are affected by land acquisition to develop resettlement sites for the project.	Any land acquired for the project requirements, including ROW and resettlement site development, will be included in the scope of LARP, and will follow the project specific policies outlined in it. DPWH will oblige any agency responsible for land acquisition for project needs, including ROW adjustments, resettlement sites, utilities relocation, and access roads, to apply the same standards and entitlements as set out in the policy framework.
12	Severely affected: When the loss of the AP is equivalent to 10% or more of its total productive assets (e.g., farmland, fish farm, shops, commercial land) and income from other sources (e.g., business/shops), and/or when the AP loses his/her house totally and must reorganize behind the ROW or relocate elsewhere	DPWH DO No. 327, Series of 2003 defines severely affected APs. 1. The portion of the property to be affected is 20% and above of the total area, and if the remaining portion is no longer economically viable or if it will no longer function as intended. 2. The portion of the residential structure affected is 20% and above of the total area, and the remaining portion is no longer livable or no longer function as intended. Marginally affected APs: The portion of the property to be affected is only partial or less than 20% of the total area, and the remaining portion of the property or asset is still viable for continued use.	There is difference in usage of severity.	Marginally affected APs will be reclassified as severely affected if they are losing 10% or more of their productive assets.

No.	ADB Involuntary Resettlement Policy (SPS 2009)	Philippine Laws and Policies	Identified Gap	Proposed Gap Filling Measure
		If the property affected is less than 20% but the remaining portion is no longer viable for continued use, the property will be reclassified as severely affected.		

D. Measures to Avoid and Minimize Involuntary Resettlement

38. During the DED, it is expected that there will be adjustments in the FS bridge design due to considerations of results of field investigations and in-depth studies. The design engineers, however, are aware of the significance of social safeguard policy requirements and will adhere to minimization of involuntary resettlement should there be changes in the design aspect of the project. Close coordination also among the implementing agency, design and engineering experts, social safeguards specialists, and key stakeholders are in place to ensure that any concern that will trigger involuntary resettlement will be resolved with minimization of impact as the priority.

E. Compensation and Entitlements

1. Types of Affected Persons

39. The affected persons (APs) are those who stand to lose, because of the BCIB project, all or part of their physical and nonphysical assets, including homes, communities, productive lands, and resources such as commercial properties, tenancy, income-earning opportunities, social and cultural networks, and activities. Such impacts may be permanent or temporary.

40. Compensation and assistance will take into consideration the severity of impact caused by the displacement on three types of APs:

- (i) Persons with formal legal rights to land and structures lost in its entirety or in part.
- (ii) Persons who have no formal legal rights to such land and/or structures, wholly or in part, but who have claims to such lands that are recognized or recognizable under national laws; and
- (iii) Persons who lost the land they occupy in entirety or in part who have neither legal rights nor recognized or recognizable claims to such land.

41. Specific to the BCIB project, the various types of APs listed below are qualified to receive compensation and entitlements. This list may be updated in the LARP based on the DMF and additional types of affected people may be added.

- (i) Landowners and Land Users
 - a. Legal owners (e.g., agricultural, residential, commercial, and institutional) who have full title, tax declaration, or who are covered by customary law (e.g., possessory rights, usufruct, etc.) or other acceptable proof of ownership over the affected land
 - b. Users or occupants that have no land title or tax declaration over the affected land. They include informal settler families (ISFs) defined as those who settle on the land of another without title or right or without the owner's consent
 - c. Renters of the affected land
- (ii) APs with Structures
 - a. Owners of structures who have full title, tax declaration, or other acceptable proof of ownership (e.g., possessory rights, usufruct, etc.)
 - b. Owners of structures, including shanty dwellers, who have no land title or tax declaration or other acceptable proof of ownership.
- (iii) APs who do not own the structure they live in and the land where the structure is built
 - a. Renters

- b. Rent-free occupants
 - c. Caretakers
- (iv) APs with fruit-bearing trees, shady or forest trees, and ornamental plants
 - a. Owners of affected fruit-bearing trees, shady or forest trees, and ornamental plants who have full title, tax declaration, or other acceptable proof of ownership (e.g., possessory rights, usufruct)
 - b. Owners of affected fruit-bearing trees, shady or forest trees, and ornamental plants as of the cut-off date who have no land title or tax declaration or other acceptable proof of ownership.
 - (v) APs Affected by the Loss of Business, Livelihood, and Sources of Income
 - a. Owners of registered or unregistered shops, regardless of land tenure status, whose business operation will be disrupted temporarily or permanently due to the project.
 - b. Hired labor (e.g., farm worker, house help, and store helper) who will lose their job temporarily or permanently due to the project.
 - (vi) Affected Households Classified as Vulnerable
 - a. Households below poverty threshold (the monthly per capita income is PHP2,416.37 and below)
 - b. Households headed by an elderly (person aged 60 or older)
 - c. Households headed by a solo parent with dependents (<18 and >60 years old), including woman-headed households;
 - d. Households with any member, as of the cut-off date, has physical disability (blind, mute, cannot walk, etc.) and/or mentally challenged; and
 - e. The landless and those without legal title to the land they occupy for residential and/or livelihood purposes.
 - (vii) Government Agencies/Local Government Units (LGUs) who are owners of affected public structures and community facilities (no compensation for public lands)

2. Estimated Number of Affected Persons

42. The FS had identified 212 residing APs, a number which is expected to increase at the DED phase as the ROW footprint is finalized and a thorough census and tagging activity is done along with the conduct of other field survey activities. The IR categorization, therefore, is expected not to change (Category A).

3. Cut-Off Dates and Eligibility

43. The cut-off refers to the date during which the APs are considered eligible for compensation and other forms of assistance. For nonlandowners, this will be the date of the commencement of the census and tagging (CAT) activities. The census will generate the list of APs, while the tagging will determine the main and associated structures within the ROW that will be marginally and severely affected by the BCIB project.

44. For landowners or formal settlers, the cut-off date will be declared based on the issuance of the Notice of Taking (NoT) by DPWH in accordance with applicable laws (Section 11 of RA 10752 and Section 16 of its IRR). Based on these statutes, any new structure or improvement to an existing one on the land covered by the ROW acquisition shall not be compensated after the respective cut-off dates.

45. The establishment of the eligibility cut-off date is intended to prevent the influx of ineligible nonresidents who might take advantage of project entitlements. The cut-off will be announced and explained to the APs during the 1st stakeholder consultation meetings.

4. Indicators of Severity of Impact

46. Properties to be acquired for the project may include the entire area or a portion of it. Hence, compensation for such assets or properties depends on whether the entire property will be affected or just part of it.

- **Severe** – The portion of the property affected is more than 10% of the total landholding/productive asset, or where less than 10% is lost but the remaining landholding becomes economically unviable. Severe impact on a property causes physical relocation of households.
- **Marginal** – The impact is only partial, and the remaining portion of the property or asset is still viable for continued use. Compensation will be based on the affected portion only.

5. Compensation and Entitlement Matrix

47. Compensation and entitlements of project-affected persons are determined according to the nature of impacts as shown in **Table 2**.

Table 2: Compensation and Entitlement Matrix

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
Impact: LOSS OF LAND⁴			
A.1	APs who have full title: Original Certificate of Title, Transfer Certificate of Title, Emancipation Patent, Certificate of Land Ownership Award (OCT/TCT/EP/CLOA)	<ul style="list-style-type: none"> • Cash compensation for loss of land at full replacement cost computed at current market value, free of taxes, including capital gains tax (CGT), documentary stamp tax (DST), transfer tax, and registration fees, except real property tax (RPT) arrears.⁵ • Livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. • Option of the AP to have the entire lot acquired if the remaining portion is economically unviable. 	<ul style="list-style-type: none"> • Cash compensation for the portion of land at full replacement cost computed at current market value, free of taxes, including capital CGT, DST, transfer tax, and registration fees, except RPT arrears and Estate Tax. • Easement Agreement: If the portion of a lot required for a ROW is minimal, such that the expenses for surveying or segregating that portion from the main lot would be more than the value of the part of the lot needed, the DPWH may, if the lot owner agrees, resort to the mode of easement of ROW (Title VII, Chapter 1 and 2, Civil Code of the Philippines). In this case, cash compensation for the value of the portion of the land subjected to easement agreement computed at the latest BIR zonal value, the owner retaining ownership of said portion of land (Article 630, Chapter 1, Civil Code of the Philippines).
A.2	Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act (RA 6657)		
A.3	APs who are holders of free or homestead patents and CLOA under CA 141 ⁶ , if the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title		
A.4	APs without title but with tax declaration and/or other documents that may show proof of ownership provided that the AP shall present: <ol style="list-style-type: none"> a. Tax declaration showing the AP's and the predecessor's open and exclusive possession of the property for 30 years⁷; 		

⁴ This refers to agricultural, commercial, and residential lots.

⁵ This is for a negotiated purchase agreement. If the mode of acquisition is expropriation, follow the provisions of RA 10752. This condition covers all types of land losses.

⁶ These are titles issued under Commonwealth Act No. 141 by the DENR.

⁷ As provided under the Civil Code, the uninterrupted adverse possession of unregistered land for 30 years could ripen into ownership of the land through acquisitive prescription which is a mode of acquiring ownership and other real rights over immovable property.

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
	<p>b. Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable; and</p> <p>c. Other legally recognized proofs of ownership</p>		
A.5	<p>APs who are holders of Certificate of Land Ownership Award (CLOA) granted under CA 141 - The Public Land Act, where the land has not been subjected to previous government exercise of its lien</p>	<p>No compensation for land up to 20 meters width if patent was granted prior to 1975, and up to 60 meters width for patents granted thereafter.</p> <p>In excess of government lien, follow other entitlements for A.1.</p>	<p>No compensation for the affected portion of land up to 20 meters width if patent was granted prior to 1975, and up to 60 meters width for patents granted thereafter.</p> <p>In excess of government lien, follow other entitlements for A.1 marginally/partially impacted.</p>
A.6	<p>APs whose properties are mortgaged</p>	<p>Same as entitlement for A.1, but check payment will be split into:</p> <ul style="list-style-type: none"> • Full replacement cost as defined above, less remaining amortization to be paid to Mortgagor APs • Remaining amortization amount, computed based on original amount of principal, less interests for remaining amortization to be paid to Mortgagee 	<p>DPWH to request Mortgagee to segregate the portion of the property to be acquired for ROW from the rest of the property.</p> <ul style="list-style-type: none"> • Full replacement cost for portion of the mortgaged property to be acquired, less remaining amortization to be paid to Mortgagor APs. Remaining amortization amount needed to release portion of mortgaged property to be paid to Mortgagee.
Impact: LOSS OF MAIN STRUCTURES⁸			
B.1	<p>APs who are structure owners and landowners (i.e., with title, tax declaration, or other proofs of ownership of the land upon which the structures are built)</p>	<ul style="list-style-type: none"> • Cash compensation for the entire structure at full replacement value without depreciation or deduction for salvageable materials. The owners are allowed to take salvageable materials free of costs. 	<ul style="list-style-type: none"> • Cash compensation for the affected portion of the structure at replacement value without depreciation or deduction for salvageable materials. Owners are allowed to take the salvageable materials free of costs.

⁸ This applies to commercial and residential lots.

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
		<ul style="list-style-type: none"> • Assistance to landowner households in finding options for replacement property and in providing paperwork assistance in applying for loans, if they wish, to avail of bigger/better properties. • Inconvenience allowance⁹ amounting to PHP10,000.00. • If relocating to another location, transport assistance will be provided to APs who need to relocate their residence, business, establishment, shop, or fixed store. The amount is at PHP16,000.00 per household. • Inclusion in the Livelihood Restoration and Improvement Program (LRIP), as prescribed in the LARP. <p>Severely or Fully Affected Structures: (1) For residential structures, these refer to structures where there is more than 20% structure loss or where there is less than 20% structure loss, but the remaining structures no longer function as intended or are no longer viable for continued use.¹⁰</p>	<ul style="list-style-type: none"> • Cash allowance for repairs and reconnection of utilities¹¹ <p>Marginally or Partially Affected Structures: (1) For residential structures, these refer to structures where there is less than 20% structure loss and the remaining portion is still viable for continued use. (2) For commercial structures, these refer to structures where there is less than 10% structure loss and the remaining portion is still economically viable.</p>

⁹ Inconvenience Allowance is the allowance provided to an AP whose land is severely affected and who owns a residential or commercial structure within the affected land, thereby needing to move elsewhere.

¹⁰ This is based on the Replacement Cost Survey.

¹¹ The calculation of compensation at replacement cost by IPA includes cost of repairs of partially affected structures and reconnection of utilities. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
		(2) For commercial structures, these refer to structures where there is more than 10% structure loss or where there is less than 10% structure loss, but the remaining portion of the structures becomes economically unviable.	
B.2	APs who are structure owners but nonlandowners (i.e., without title or without other proof of ownership of the land upon which the structures are built, provided that they are not professional squatters or members of squatting syndicate, as defined in Republic Act No. 7279 (defined in para. 187).	<ul style="list-style-type: none"> • Cash compensation for the entire structure at full replacement value without depreciation or deduction for salvageable materials. The owners are allowed to take salvageable materials free of costs. <p>In cases where the structures are being used as residential dwellings:</p> <ul style="list-style-type: none"> • APs will be provided with relocation options suitable to their preference and eligibility. Options are (1) self-relocation, (ii) on-site relocation, and (iii) relocation to project-sponsored resettlement sites in cooperation with NHA. • Inconvenience allowance amounting to PHP10,000.00. • Transportation assistance will be provided, amounting to PHP16,000.00 to move household belongings to new site. • Rental subsidy, if resettlement is not ready for occupancy at the time of displacement, for the duration of displacement until relocation to the new dwelling. 	<ul style="list-style-type: none"> • Cash compensation for the affected portion of the structure at replacement value without depreciation or deduction for salvageable materials. Owners are allowed to take the salvageable materials free of costs. • Cash allowance for repairs and reconnection of utilities

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
		<ul style="list-style-type: none"> Inclusion in the Livelihood Restoration and Improvement Program (LRIP), as prescribed in the LARP. 	
B.3	APs who are renting, leasing, or sharing, and caretakers of the structure, and are eligible for socialized housing as prescribed in RA 7279	<ul style="list-style-type: none"> No compensation for land or structures In cases where the structures are being used as residential dwellings: APs will be provided with relocation options suitable to their preference and eligibility. Options are (1) self-relocation, (2) on-site relocation, and (3) relocation to project-sponsored resettlement sites in cooperation with NHA. Transitional allowance equivalent to one month rent of similar structure within the same area; and Transportation assistance in the amount of PHP16,000.00 to transport the household belongings. If AP opt for socialized housing, rental subsidy will be provided if resettlement site is not ready for occupancy at the time of displacement. 	<ul style="list-style-type: none"> No compensation for land or structures In the case of residential dwellings, if the affected portion results in the displacement of renters/sharer/caretakers, resettlement assistance applies.
Impact: LOSS OF OTHER STRUCTURES¹² AND IMPROVEMENTS			

¹² Not attached to main structure like fences, wells, external bathrooms, etc.

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
C.1	APs who are owners of the other structures, with or without title, tax declaration, and other proofs of ownership of land upon which the structures are built.	<ul style="list-style-type: none"> • Cash compensation for the affected other structures or improvements at replacement cost • Cash allowance for repairs, if deemed partially affected 	
Impact: LOSS OF COMMUNITY STRUCTURES			
D.1	APs who are owners of community structures	<ul style="list-style-type: none"> • Cash compensation for the affected other structures or improvements at replacement cost¹³ • Cash allowance for repairs, if deemed partially affected 	
Impact: LOSS OF FRUIT-BEARING TREES, SHADY OR FOREST TREES, AND ORNAMENTALS			
E.1	APs with or without title, tax declaration, or other proofs of ownership.	<ul style="list-style-type: none"> • Cash compensation for trees and perennials at current market value as prescribed by the concerned DA, or DENR office.¹⁴ • Cash compensation for crops based on the cost of production per hectare pro-rata in the affected area. • APs will be given sufficient time to harvest the crops on the subject land. • APs who derive primary or secondary income from fruit-bearing trees that they own will be provided with income loss allowance commensurate with actual income loss, up to a maximum of PHP15,000.00. 	
Impact: LOSS OF INCOME/LIVELIHOOD			

¹³ The calculation of compensation at replacement cost by IPA includes costs of repairs of partially affected structures.

¹⁴ This is based on the schedule of values of crops and trees as prescribed by the DA/DENR.

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
F.1	APs with affected micro businesses/ livelihood (e.g. small shops, sari-sari store, <i>carinderia</i> , food stand, repair shop, etc.) with or without permits from the LGU concerned	<ul style="list-style-type: none"> • Cash compensation for income losses during transition period corresponding to stoppage of business activities, equivalent to three months. For micro businesses with income tax return (ITR) filed as proof of income, the amount on the declared ITR equivalent to three months will be the basis of payment. • If severely affected (10% loss and above of the total area of the commercial structure, or where less than 10% loss but the remaining portion becomes economically unviable), livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. • Transportation assistance of PHP16,000.00¹⁵ will be provided to APs who need to relocate their business. Inclusion in the Livelihood Restoration and Improvement Program (LRIP) as prescribed in the LARP. • Inclusion in the Livelihood Restoration and Improvement Program (LRIP) as prescribed in the LARP. • For APs who are leasing space: <ul style="list-style-type: none"> - For those who will continue with their micro-business activities elsewhere, rental subsidy for three (3) months based on prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased. Not applicable to lease contracts that will expire at the time of taking possession for civil works. 	
F.2	APs who own small business establishments, (commercial, industrial, agricultural, institutional)	<ul style="list-style-type: none"> • Cash compensation for income losses during transition period corresponding to stoppage of business activities, not to exceed one month. • Transportation assistance of PHP16,000.00 will be provided to APs who need to relocate their business. • For APs who are leasing affected space/property: Same as above. 	
OTHER ENTITLEMENTS			

¹⁵ See Note under Table 10.7.

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
G.1	APs who are landowners or agricultural lessees	<ul style="list-style-type: none"> Disturbance compensation equivalent to five times the average gross harvest for the past five years of the area acquired but not less than PHP15,000.00 (RA 6389) Livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. 	
G.2	APs who are agricultural tenants and settlers	<ul style="list-style-type: none"> Financial assistance equivalent to the average annual gross harvest for the last three 3 years of the area acquired but not less than PHP15,000.00 per hectare (EO 1035). Livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. 	
G.3	APs who are landless farmers who are neither tenant nor lessee	<ul style="list-style-type: none"> Allow time to harvest annual crops, otherwise compensate crops based on market value at harvest time. Cash compensation for income equivalent to two months minimum wage for severely affected landless farmers. Livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. 	
G.4	APs who were employed in a displaced commercial establishment who lose their jobs due to closure of business or laying off as a result of minimized operation	<ul style="list-style-type: none"> Livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. Additional livelihood rehabilitation assistance to establish own business, such as financial literacy and business development, can also be provided. Financial assistance will be provided based on minimum wage as subsistence allowance while on training, cost for skills training and employment assistance and transportation. Priority in employment during construction and operation stage of the project. 	
G.5	Affected households who are classified as any of the following vulnerable groups: poor (based on the poverty income threshold); households headed by a senior citizen; solo parent-headed	<p>In addition to applicable compensation:</p> <ul style="list-style-type: none"> Inconvenience allowance in the amount equivalent to PHP10,000.00 per household Livelihood rehabilitation assistance in the form of skills training equivalent to PHP15,000.00 per family, to enhance the productivity/income and restore livelihood. 	

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
	households; households with members who are PWDs; and the landless and those without legal title to the land they occupy for residential and/or livelihood purposes.	<ul style="list-style-type: none"> • For families with members who need special assistance and/or medical care, respective LGUs will provide nurses or social workers to help them before and during the resettlement activity. • Support and/or maintain access to government welfare programs • Inclusion in the LRIP as prescribed in the LARP 	
TEMPORARY IMPACTS DUE TO CONSTRUCTION			
H.1	<p>APs who have legal rights to the land</p> <p>APs without legal rights to affected land but owners of affected non-land assets</p>	<ul style="list-style-type: none"> • Restoration of land within 3 months of completion of use • Compensation for affected non-land assets at full replacement cost commensurate with rates set out in the resettlement plan • Cash payment for rent of the affected land at prevailing rental rates in the location of the property until the property is restored 	
H.2	Severance impacts and/or barrier effect during construction disrupting lateral movement (access) or access to property	<ul style="list-style-type: none"> • The project will provide for crossings and continued access. In the event that construction works completely block access (without alternative access) to business, then compensation for loss income for the period of disrupted access will be provided. • Project assistance will be computed based on the minimum wage to be given to APs with affected livelihood for a period of 12 months with 22 working days per month. A one-time release of this assistance shall be disbursed to APs at the onset of project construction. The APs will also be given priority in hiring for manpower requirements of the construction work per contract package. Referrals to Contractors and subcontractors, Public Employment Service' notice of labor requirements as per D.O. No.30, Series of 2016. • Vulnerable APs will be assisted to access existing welfare programs available to them such as cash for work program from the DSWD, Expanded Solo Parent Act (RA 11861), Magna Carta for Disabled Persons (RA 7277), among others. 	

Affected Persons		Entitlements	
		Severely or Fully Affected	Marginally or Partially Affected
UNANTICIPATED INVOLUNTARY RESETTLEMENT IMPACTS			
I.1	Eligible Affected Persons	<ul style="list-style-type: none"> Entitlements will be prepared in accordance with ADB Safeguard Policy Statement (2009) and applicable national laws and regulations (including requirements for preparation of corrective action plan and other related documents for ADB to review and approve, and the Environmental Management Plan (EMP) of the approved Environmental Impact Statement (EIS). In the event that the residual community will lose access due to the project, DPWH shall either maintain access or acquire the remaining land. 	

III. Socioeconomic Information

48. The following surveys will be conducted to generate socioeconomic information, census, inventory of losses, and assessment of land losses.

A. Parcellary Survey

49. The parcellary survey will generate details of the parcels of land and other assets to be acquired by the government. For the LARP, the parcellary survey is the basis for identifying the parcels of affected lands, total area that needs to be acquired, affected areas, and other assets that are within the ROW.

50. The conduct of parcellary survey is in accordance with the DPWH ROW Acquisition Manual (DRAM) 2017; DPWH Infrastructure Right-of-Way (ROW) Procedural Manual; DPWH Department Order (DO) No. 34, series of 2007; DPWH DO No. 147 series of 2001; and other applicable DPWH DOs.

51. On the other hand, the detailed survey works are undertaken in accordance with the common surveying and mapping requirements and specifications stipulated in the DENR Manual for Land Surveys in the Philippines (Department Memorandum Circular No.2010-13); Executive Order No. 4, adopting the Philippine Reference System of 1992 as the Standard Reference System for Surveys in the Philippines; and the DPWH Design Guidelines, Criteria and Standards, Volume 2B, Engineering Survey.

B. Census and Tagging

52. The BCIB conducts census and survey based on the detailed design to assess the impacts on people, properties, common property resources, and loss of livelihoods. A census utilizes a household questionnaire that covers all APs irrespective of entitlement or ownership. It provides a complete inventory of all APs and their assets. It can minimize fraudulent claims made by people who move into the area affected by the project in the hope of being compensated and/or resettled.

C. Detailed Measurement Survey

53. A detailed measurement survey (DMS) of all losses of each household, enterprise, or community affected by the project is undertaken on the basis of the detailed engineering design (DED) of the project. The survey should account for land acquisition and loss of physical assets as well as loss of income—either temporary or permanent—resulting from displacement of household members from employment or income-generating resources.

54. The DMS contains four major sets of information: (a) land losses, (b) structure losses, (c) crop and tree losses, and (d) economic losses. Land losses caused by the project are captured by the parcellary survey report.

55. The parcellary survey provides the dimensions of the affected lands based on the final project design. In cases where only a portion of the land is affected, the parcel is properly measured and this becomes the basis for land compensation. The rates are provided by a government financing institution (GFI), the consultant commissioned to do the replacement cost survey (RCS) to compute the compensation for land. Separate structures used for businesses and/or livelihood projects are also noted because aside from the loss of these structures, the owners are also to receive compensation for business and/or livelihood losses.

D. Socioeconomic Survey

56. The socioeconomic survey (SES) will be carried out after the conduct of the Information, Education and Communication (IEC) meetings and first stakeholder consultation meetings (SCMs) to ensure that the APs are properly informed about the BCIB.

57. The ROW will be delineated based on the detailed engineering design (DED) and the parcellary plan. Households who are living or deriving income and livelihood within the ROW will be interviewed for the SES. The number of households planned to be interviewed in the SES will represent 100% of the total number of affected households (AHs).

58. All affected primary and secondary structures will be tagged and given the corresponding tag numbers. Consequently, all the AHs included in the tagging list will be interviewed.

E. Replacement Cost Study

59. The objective of the replacement cost study (RCS) is to verify and determine the current market value for lands, structures (such as houses, fences, and posts), improvements, and other physical properties or nonland based incomes. For other crops and trees, value assessment is determined using applicable DENR guidelines. Such market values shall serve as basis for calculating compensation and entitlements of APs or families for their structures and properties.

60. The RCS is carried out by a licensed independent property appraiser (IPA) based on information collected from both desk research, interviews with realtors, developers, banks, building contractors, real estate agents, and government agencies to get a good estimate of the current market value of land properties and other improvements.

IV. Consultation, Participation, and Disclosure

61. DPWH conducted meaningful consultations with APs, affected municipalities, barangays, and other stakeholders during the feasibility study (FS) stage. Similar meetings will be held during the DED stage. Meaningful consultation is a process that (i) begins early in the project preparation stage and carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to APs; (iii) undertaken in an atmosphere free of intimidation or coercion; (iv) gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of APs and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.¹⁶

A. Consultation Mechanisms

62. The following are the planned consultation meetings in the DED stage:

- **IEC Meetings:** Representatives of the LGU in municipal and barangay levels will participate in these meetings. Materials such as project information booklet, video, and PowerPoint presentation will be utilized for the participants' reference.
- **Stakeholder Consultation Meetings:** First SCMs will be held to ensure public involvement in LARP preparation. These SCMs aim to provide clarifications and/or further information about BCIB and the activities to be done at the DED stage. Consequently, second SCMs will be conducted mainly for the purpose of presenting the compensation and entitlements of the APs and the BCIB grievance and redress mechanism.
- **Consultation Meetings with Nonresiding Landowners:** The BCIB alignment will also traverse some properties owned by nonresiding landowners who are expected to take the negotiated sale mode of land acquisition. Consultation meetings will be done for them mainly to keep them informed about the project and the process of land acquisition.
- **Focus Group Discussions:** The focus group discussions (FGDs) will be conducted as part of the consultation process with APs, especially with the vulnerable and business sectors. The FGDs aims to identify the APs' concerns regarding the project; their hopes and expectations on employment, livelihood support and resettlement assistance upon displacement; and their expectations on the role of the government during relocation.

B. Information Disclosure

63. Relevant information regarding BCIB will be transmitted and disclosed to impacted residents and communities in Mariveles, Bataan and Naic, Cavite as well as to relevant government agencies and LGUs through IEC and consultation meetings. **Table 3** summarizes the types of information to be disclosed and the timing of disclosure.

Table 3: Information Disclosure

¹⁶ Asian Development Bank. 2009. *Safeguard Policy Statement*, p. 10.

Information to Disclose	Means of Disclosure	Timing
<ul style="list-style-type: none"> Information about the project Expected impacts Resettlement planning steps Entitlements Grievance and redress mechanism 	<ul style="list-style-type: none"> Public consultations Project Information Booklet (PIB) Public notices 	<ul style="list-style-type: none"> During project preparation as well as during detailed design and LARP updating
<ul style="list-style-type: none"> Cut-off date for eligibility 	<ul style="list-style-type: none"> As above. It is important that this is publicized in project areas. 	<ul style="list-style-type: none"> As soon as cut-off date is established
<ul style="list-style-type: none"> Draft LARP 	<ul style="list-style-type: none"> Uploaded on ADB website. As a good practice: Upload on DPWH website Copy provided to relevant agencies. Summary of salient points to be included in the PIB for dissemination to APs 	<ul style="list-style-type: none"> Prior to project approval by ADB
<ul style="list-style-type: none"> Updated LARP 	<ul style="list-style-type: none"> As above 	<ul style="list-style-type: none"> Prior to commencement of civil works
<ul style="list-style-type: none"> Monitoring reports 	<ul style="list-style-type: none"> Uploaded on ADB website 	<ul style="list-style-type: none"> Following submission and acceptance by ADB

Source: Craig, Clark. "Involuntary Resettlement in ADB Safeguard Policy Statement." PowerPoint Presentation for Capacity Building Seminar for DPWH and Other Stakeholders. 23 November 2021.

V. Compensation, Income Restoration, and Relocation

A. Compensation

64. Compensation entitlements are designed to replace the lost assets and to enhance or, at least, restore the livelihoods of all displaced persons in real terms relative to pre-project level, and to improve the standards of living of the displaced poor and other vulnerable groups. DPWH will offer to the property owner concerned, as compensation price, the sum of the following: (i) replacement cost of land based on the current market value of land, free of taxes; (ii) the replacement cost of structures and improvements; and (iii) the current market value of crops and trees.

65. Compensation, transitional support, and resettlement assistance will be provided in full to affected persons prior to displacement, land clearance, and commencement of works in any affected areas. If APs are unable or unwilling to receive their entitlements due to contested ownership, APs being absent and unreachable, or APs contest the compensation offered, and following reasonable efforts to identify owners, and adjudicate resolution of disputes as required under RA10752, DPWH will deposit the full amount of compensation and allowances due into an escrow account until such time the money can be released to the affected persons.

66. Compensation and other entitlements of project-affected persons are determined according to the nature of impacts as shown in **Table 2**.

B. Income/Livelihood Restoration

1. Livelihood Restoration and Improvement Program

67. The BCIB project's LARP has a Livelihood Restoration and Improvement Program (LRIP) that aims to provide financial rehabilitation at the shortest possible period for APs whose primary sources of income are lost due to displacement. It is to this end that the LRIP strategy is divided into two priorities:

- Priority 1: Restoration of Current Livelihood
- Priority 2: Introduction of Alternative Livelihoods

Priority 1: Restoration of Current Livelihood

68. Where APs have existing livelihoods, the preferred approach is to restore them where feasible. This is a lower-risk approach considering that the APs will be able to continue doing what they know best and what is proven to work in the local situation. Strategies to implement this shall include:

- Replacement of enabling conditions and livelihood assets with new assets of at least equal quality and quantity (i.e., business structure).
- Provision of transitional assistance (i.e., an interim allowance before relocation or accessing an alternative livelihood) in order for the APs to re-establish their existing livelihoods and restore their income-generating capacity.
- Provision of additional support to enable them to re-establish their existing livelihoods in a new operating environment.

Examples:

1. Suitability of resettlement area for the restoration of livelihood, such as provision of additional space for *sari-sari* store
2. Resettlement in an area where piggery/poultry raising can be allowed

3. Consideration on the time required to re-establish current livelihood with same income level (e.g., building up clientele)

Priority 2: Introduction of Alternative Livelihoods

69. Priority 2 is about creation of opportunities for alternative livelihoods when restoration of previous ones is not feasible, or as means to improve the affected households' income-earning capacity. Strategies to implement this shall include:

- Promotion of alternative livelihoods geared toward providing APs the opportunity to diversify livelihood and improve household income (e.g., seasonal workers, minimum wage-earning households) based on APs' interests, current skills set and/or capacities, and taking account of market needs/demands. It is also an opportunity for other family members to gain or improve vocational skills, thus diversifying and improving the household's overall income.
- Livelihood activities traditionally engaged in by women will be supported; but at the same time, livelihood programs that encourage men and women's participation in nontraditional undertakings will likewise be promoted (e.g., home-based jobs, e-commerce).

2. Compensation and Special Measures for Vulnerable Households

70. Aside from the basic compensation and applicable entitlements described in **Table 2**, vulnerable households shall receive inconvenience allowance in the amount of PHP10,000.00 per household and will be assisted in accessing or maintaining support from government welfare programs. Also, those with members who need special assistance and/or medical care, nurses or social workers will be provided by concerned LGUs to help them during relocation.

71. To improve their livelihoods, these households will be included in the LRIP. It should be noted that a majority of them are relying on wage-based income and self-employment of household heads. Some of the household heads could be unemployed and relying for support from other household members.

72. When restoration of current livelihood is not feasible (Priority 1), the vulnerable households shall be assisted in restoring income levels through alternative means (Priority 2). This is an opportunity to help them diversify income sources and improve their income capacity compared to pre-project condition. Priority 2 will require creation of new livelihood opportunities and building capability through skills training. Training is necessary to equip APs with the right skills to get employed or to start a new business venture.

73. Furthermore, the types of vulnerabilities of certain households will be considered during the assignment of socialized housing units in case they are included in the list of qualified APs for resettlement. For example, households headed by a woman with school-age children, those with elderly, and with PWD members will be assigned to housing units that will ease mobility and accessibility to the main road and basic social services. Those under the poverty threshold (and if possible, all vulnerable households) will be prioritized for housing units conducive to the establishment of home-based businesses.

3. Resettlement of Landowner Households

74. It is expected that upon receipt of compensation for land and structures, permanently displaced landowner households will have the capacity to buy replacement property of

equivalent value as those acquired from them by the government. However, procurement of replacement property and construction of new residential structure may take time. To give APs sufficient time to prepare for relocation, the Notice of Taking (NoT) will be served at the earliest possible time prior to the issuance of the Letter Offer (LO). Prompt compensation of affected properties prior to displacement will be observed.

75. Landowner APs have the option to pay the new property in full or to apply for a housing loan under Home Development Mutual Fund or HDMF's Pag-IBIG Program, in case they prefer better or bigger properties. The compensation for land and structures can be used as equity for the loan, while the balance can be amortized by the APs for several years.

4. Resettlement of Nonlandowner Households

76. A Memorandum of Agreement (MOA) between DPWH and NHA will be executed for the resettlement of nonlandowner households in Mariveles, Bataan, and Naic, Cavite. The MOA will describe the responsibilities of DPWH and NHA in the resettlement of nonlandowner APs. While the former will have the responsibility to secure government appropriation for resettlement budget, the conduct of social preparation, including validation and prequalification of affected nonlandowner households, and site development are responsibilities of NHA. On the other hand, the APs will be paying amortization for the socialized housing units after one year of occupancy at an affordable amount.

5. Support to Host Population

77. The respective resettlement sites for the nonlandowner APs are within the concerned municipalities, specifically in barangays where the NHA has existing socialized housing projects. Any support to the host population will be based on consultations and recommendations of the LGUs of Mariveles, Bataan and Naic, Cavite who are partners of DPWH in the implementation of LARP. Possible support to host population is the inclusion of qualified households in the skills training under the LRIP.

VI. Grievance Redress Mechanism

78. The project will establish a project-level GRM to receive and make an effort to resolve project-related concerns, complaints, and grievances.

79. There are three levels of grievance redress open to APs and other stakeholders during the LARP implementation. Grievances from the APs related to the resettlement implementation or any related issues regarding the project will be handled, free of monetary charge, through a process of negotiations aimed at arriving at a consensus decision. The procedures are described in **Table 4**.

Table 4: Grievance Redress Mechanism Procedure

Stage	Person/Office	Actions
Start of the GRM Process	Aggrieved Party	Any aggrieved stakeholder will lodge his/her grievance in person to the MRIC Help/Grievance Desk, or in writing, verbally or electronically transmitted to the Grievance Officers under the URTF for immediate action. The Help/Grievance Desk will be put up in the Municipal or Barangay Hall to make it accessible to the APs. Contact information of the Grievance Officers and other details on the GRM process will be disseminated to the APs and other stakeholders.
Screening	MRIC Help Desk established at each LGU and DEO	<ul style="list-style-type: none"> When received in person, the grievance may be written down by the staff of the Help/Grievance Desk on behalf of the aggrieved stakeholder, who will sign the written complaint for official submission. Explain the process to the aggrieved stakeholder and give contact details of where the complaint will be forwarded and who is responsible for acting on the complaint. Review the complaint to determine whether it is project-related or not. If the concern is beyond the Grievance Desk Officers' capacity to decide, advise referral to the appropriate authority.
	Result/Option	<ul style="list-style-type: none"> If the complaint is project-related, the Help/Grievance Desk will forward the complaint to the MRIC for concerns pertaining to legal APs, and LHO/LIAC for ISFs' within 15 working days from receipt of complaint. If it is not project-related, the Help/Grievance Desk will assist the AP by referring the complaint to the appropriate agency or LGU who may be able to act on the complaint.
1 st Level Municipal Level	MRIC for legal APs and LIAC for ISFs	<ul style="list-style-type: none"> If the aggrieved stakeholder is not satisfied with the decision of the MRIC Help/Grievance Desk, the aggrieved stakeholder may elevate his/her complaint to the MRIC for legal APs and to the LIAC for ISFs. (15 calendar days)
2 nd Level	DPWH RO	<ul style="list-style-type: none"> If the aggrieved stakeholder is not satisfied with the decision of the MRIC or LIAC, the aggrieved stakeholder may elevate his/her complaint to the DPWH Regional Office (RO). (15 calendar days)
3 rd Level	DPWH UPMO	<ul style="list-style-type: none"> If the aggrieved stakeholder is not satisfied with the decision of the DPWH RO, the aggrieved stakeholder may elevate his/her complaint to the DPWH Unified Project Management Office (UPMO). (15 calendar days)
At any time	Judicial Court	<ul style="list-style-type: none"> At any stage of the grievance redress process (Levels I to III), an aggrieved person is free to take the matter to an appropriate court of the Republic of the Philippines for adjudication.

80. In addition to the project GRM which is the responsibility of the project executing agency, ADB's Accountability Mechanism (May 2012) also applies to the project, for which ADB is responsible. Details of the Accountability Mechanism can be found at

<https://www.adb.org/documents/accountability-mechanism-policy-2012>

VII. Institutional Arrangements and Implementation

81. The BCIB project is a mega project and involves coordination and implementation support from various levels and government offices.

A. National Level

82. **Department of Public Works and Highways (DPWH).** The DPWH will be the executing agency (EA) for the project. The overall direction and leadership for implementing the LARP will be exercised by the Secretary, supported by the Undersecretary of UPMO Operations and other members of the Executive Committee (EXECOM) of DPWH composed of the Undersecretaries and Assistant Secretaries of the Department.

83. As the implementing agency, DPWH through its Secretary will coordinate with other Department Secretaries for emerging needs during the implementation of the project. At the onset of the project implementation, the RMC II, UPMO will coordinate with the affected LGUs and establish Municipal-Level Resettlement Implementation Committee (MRIC) to jointly manage and ensure that the LARP is effectively initiated. Furthermore, the RMC II UPMO will ask the partner LGU to establish or activate their Local Housing Boards/Local Housing Offices and order the creation of a Local Inter-Agency Committee (LIAC) for the BCIB Project.

84. **Unified Project Management Office-ROW Task Force (URTF)** under DPWH. The UPMO-ROW Task Force (URTF) and its Technical Working Group (TWG) were established through Department Order (DO) No. 203, Series of 2016 to facilitate DPWH's decentralization efforts to streamline procedures and efficiently enforce urgent national roads, bridges, and flood control projects implemented by the Unified Project Management Offices.

86. The URTF shall be responsible for implementing and monitoring the Project, including land acquisition and other resettlement-related activities. It will ensure that funds for the timely implementation of LARP are available and that all costs are properly accounted for.

87. **UPMO Right-of-Way Legal Task Force.** Department Order (DO) No. 38, series of 2020 created the UPMO-ROW Legal Task Force (URLTF) to support DPWH's further decentralization efforts to streamline procedures and effectively implement urgent national roads, bridges and flood control projects being implemented by the Unified Project Management Offices. The UPMO-ROW Legal Task Force is composed of the Assistant Secretary for Legal Service and Special Concerns as Chairperson and representatives of Legal Service as members.

88. The UPMO-ROW Legal Task Force is supported by representatives of the Office of the Undersecretary for UPMO Operations and the entire TWG. Support from any relevant DPWH office for cooperation and assistance in the performance of its functions shall be called upon when necessary.

89. **Roads Management Cluster II, Multilateral Unified Project Management Office (RMC II, UPMO)** under DPWH as the overall project management unit, shall manage and supervise the implementation of the LARP in accordance with all GoP laws and the ADB SPS (2009), covering eligibility, compensation, entitlement and relocation, and measures that ensure proper coordination and meaningful participation with stakeholders and APs. Resettlement activities and land acquisition will be carried out in close coordination with the DPWH Planning Service through its ESSD, RO, DEO, LGUs, RIC and all other pertinent agencies and instrumentalities of the government to fully address the impacts of involuntary resettlement.

90. **Environmental and Social Services Division (ESSD),** DPWH. The responsibilities of ESSD of the Planning Service as defined in DO 327, series of 2003, complementing the provisions of DO 65, series of 2017, remains in effect for the BCIB Project. ESSD has the following tasks:

- Assist in the preparation and review of ROW/Land Acquisition and Resettlement Plan (LARP);

- Assist in facilitating consultation meetings and information dissemination for the (APs and other relevant stakeholders throughout the LARP process.
- Provide training on LARP.
- Assist the DEOs and the Municipal Resettlement Implementation Committees (MRICs) in community awareness-raising activities and the validation of APs and entitlements for the resettlement implementation.
- Track and monitor the implementation of LARP.

B. Site Level

91. **District Engineering Office (DEO)**, under DPWH. The DEO will act as Technical Coordinator and will (i) oversee the staking out and verification of affected properties; (ii) review, and if found correct, prepare and approve disbursement vouchers/payments; (iii) cause the prompt delivery of payments to the APs with the assistance of the MRIC (iv) submit reports on disbursements and payments to APs to the RO and the UPMO; and (v) submit monthly progress reports to ESSD, the ROs and the UPMO. The DEO will chair the MRIC and will actively participate in its functions.

92. **Regional Office (RO)**, under DPWH. The RO will act as the liaison between ESSD and the DEO and will ensure that the LARP is implemented as planned. Specific activities of the RO are: (i) monitor the LARP implementation and fund disbursement; (ii) submit the monthly progress reports to ESSD; (iii) monitor payments to APs; (iv) monitor assistance provided to the poor and vulnerable households, and (v) address grievances filed by the APs for speedy resolution.

C. Interagency Coordination

93. **Municipal Resettlement Implementation Committee (MRIC)**. The MRIC will be established once the DPWH DEO and LGUs of Mariveles and Naic formalize their partnership. It shall be composed of representatives from the DEO, the LGU, the affected barangays, the APs, and the municipal-wide nongovernmental organization (NGO), if there is any. The main role of the committee is to implement the LARP through collaboration among members. The MRIC shall be formed through a Memorandum of Understanding (MOU) between DPWH and the concerned local government units.

94. **Local Government Unit (LGU)**. The LGU will provide the legal instruments (Executive Orders, Municipal Resolutions, Memorandum Orders, etc.) necessary for the implementation of the LARP. In particular, it shall (i) cooperate with UPMO to form and mobilize MRIC to direct and oversee carrying out and monitoring of LARP implementation; and (iii) address issues, grievances, and complaints as indicated in Grievance Redress Mechanism of this document.

95. The roles of the LGU are the following:

- Create local programs and policies geared toward making relocation sites sustainable and livable.
- Draft the needed Executive Orders regarding the creation of LIAC for BCIB Project and allocation of budget augmentation for LARP implementation activities.
- Assign a focal person or office to be its representative to the MRIC and supervise and monitor relocation activities.

- Implement the LRIP in its locality in coordination with RMC II, DTI, DOLE, TESDA, and DSWD.
- Provide data and documents as may be needed by the External Monitoring Agent (EMA) during project monitoring and evaluation.

96. **Support Roles of National Government Agencies (NGAs).** To ensure proper implementation of LARP, support from the following NGAs is needed for the BCIB Project.

- National Housing Authority (NHA) and key shelter government agencies will be DPWH partners in resettlement of affected households.
- Department of Social Welfare and Development (DSWD) will be one of DPWH partners in implementing the Livelihood Restoration and Improvement Program (LRIP), monitoring the condition of women and vulnerable households, ensuring the delivery of social and healthcare services to the affected persons, and training needs assessment.
- Department of Trade and Industry (DTI) will be one of DPWH partners in implementing LRIP.
- Department of Labor and Employment (DOLE) will be one of DPWH partners in implementing LRIP, especially in the provision of employment opportunities to displaced workers.
- Technical Education and Skills Development Authority (TESDA) will be one of DPWH partners in implementing LRIP, especially in the delivery of skills training.

VIII. Budget and Financing

97. All costs to implement the LARP and respective corrective action plans will be covered by the borrower, and DPWH will ensure the timely allocation of budget. The estimated budget for LARP implementation will cover the (i) compensation for loss of land, structures, trees and plants, and other entitlements; (ii) provision of other forms of assistance; (iii) livelihood restoration and improvement program; (iv) relocation and resettlement; (v) administrative cost;

(vi) internal and external monitoring; and (vii) contingencies. DPWH will also shoulder other land transaction costs, including capital gains tax (6%), documentary stamp tax (DST), transfer tax, and cost of registration.

98. DPWH shall provide adequate budget for appropriation that will allow acquisition of the required right-of-way, site, or location for national government infrastructure projects in advance of the project implementation. The budget will have sufficient contingency to cover unanticipated impacts. Consequently, the concerned District Engineering Office (DEO) will have a key role in the preparation and disbursements of payments of compensation and entitlements to the APs.

IX. Monitoring and Reporting

99. There will be two types of monitoring for this project: internal and external monitoring. Internal monitoring will be conducted by DPWH RMC II UPMO, while external monitoring will be undertaken by an external monitoring agent (EMA). Participatory activities will be integrated in monitoring activities through inclusion of the affected persons and local NGO in the MRIC.

A. Internal Monitoring

100. Internal monitoring will be done semi-annually during LARP implementation (2 years). The suggested internal monitoring indicators are presented in **Table 5**. The means of verification (e.g., attendance, participation in FGDs and KIIs) will be set considering disaggregation by gender and vulnerability, as applicable.

Table 5: Internal Monitoring Indicators

Scope	Indicators
1. Budget and timeframe	<ul style="list-style-type: none"> ● Did DPWH appoint and mobilize staff for BCIB LARP field and office work on schedule? ● Have capacity building and training activities been completed on schedule? ● Are resettlement implementation activities being achieved based on the LARP? ● Are funds for resettlement being allocated to resettlement agency on time? ● Did the resettlement agency receive the scheduled funds on time? ● Have funds been disbursed according to the LARP? ● Has the social preparation phase taken place as scheduled? ● Have all lands to be acquired taken in time for project implementation?
2. Delivery of compensation and entitlements	<ul style="list-style-type: none"> ● Have all APs received entitlements according to amounts and categories of loss set out in the Compensation and Entitlement Matrix? ● Have APs received payments for affected structures on time? ● Have all APs received the agreed transport allocation and other relocation entitlements according to schedule? ● Have all replacement land plots or contracts been provided? Were the lands developed as specified? Are measures in train to provide land titles to APs? ● How many APs resorted to expropriation? ● How many APs have received land titles? ● How many APs have received housing as per relocation option in the LARP? ● Does house quality meet the standards agreed? ● Have relocation sites been selected and developed as per agreed standards? ● Are the APs occupying the new houses? ● Are assistance measures for host communities being implemented as planned? ● Is restoration proceeding for social infrastructure and services? ● Are the APs able to access schools, health services, cultural sites and activities at the level of accessibility at the resettlement site? ● Are income and livelihood restoration activities being implemented as set out in the LRIP? For example, commencement of production,

Scope	Indicators
	number of APs trained and provided with jobs, microcredit disbursed, number of income-generating activities, etc. <ul style="list-style-type: none"> ● Did the affected businesses receive entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?
3. Public participation and consultation	<ul style="list-style-type: none"> ● Have consultations taken place as scheduled including meetings, and group and community activities? Have appropriate IEC resettlement leaflets been prepared and distributed? ● How many APs know their entitlements? How many know if these have been received? ● Have any APs used the grievance redress procedures? What were the outcomes? ● Have conflicts been resolved? ● Was the social preparation phase implemented?
4. Benefit monitoring	<ul style="list-style-type: none"> ● What changes have occurred in patterns of occupation, production, and resource use compared to the pre-project situation? ● What changes have occurred in income and expenditure patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have APs' income kept pace with these changes? ● What changes have taken place in key social and cultural parameters relating Monitoring Indicators to living standards? ● What changes have occurred for vulnerable groups?

B. External Monitoring

101. DPWH will mobilize an External Monitoring Agent (EMA) to undertake independent external monitoring and evaluation to ensure that DPWH is properly implementing the LARP, and that it meets ADB policies. The EMA will design the methodology to carry out the tasks below. The EMA can either be a qualified individual or a consultancy firm.

- Verify results of internal monitoring. Specifically, undertake Tasks 2 to 8 externally to the verification of internal monitoring, using separate means of verification.
- Assess the extent to which consultation and disclosure activities are inclusive, accessible and effective in conveying key information from the LARP as well as provide conditions for APs to contribute to decision making which affects them such as resettlement and livelihood restoration;
- Verify that compensation and assistance have been provided in accordance with the requirements of the LARP, checking that their provision has been done 100% prior to loss/displacement;
- Prepare the compliance report to document that all compensations have been paid and livelihood restoration program is in place prior to start of construction.
- Assess whether resettlement objectives are likely to be achieved; specifically, whether livelihood and living standards have been restored or enhanced;
- Ascertain whether the social safeguards document/plan and entitlements were appropriate to meet the objectives, and whether the objectives were suited to AP conditions;
- Suggest modification in the implementation procedures of the social safeguards document/plan, if necessary, to achieve the principles and objectives of the Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples (LARRIPP) 3rd

Edition 2007;

- Review how compensation rates were evaluated; and
- Review the effectiveness of the grievance redress mechanism, its accessibility and responsiveness to resolving complaints.

102. The suggested external monitoring indicators, to be disaggregated by gender and vulnerability, as applicable, are presented in **Table 6**.

Table 6: External Monitoring Indicators

Scope	Indicators
1. Delivery of entitlements	<ul style="list-style-type: none"> ● Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix. ● Disbursements against timelines ● Timely disbursements of the agreed transport allocation and other relocation entitlements ● Provision of replacement land plots, if applicable ● Quality of new plots (if applicable) and issuance of land titles ● Restoration of social infrastructure and services ● Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land (if applicable), commencement of production, number of displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted. ● Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business
2. Consultation and grievances	<ul style="list-style-type: none"> ● Consultations organized as scheduled including meetings, groups, and community activities. ● Knowledge of entitlements by the displaced persons ● Use of the grievance redress mechanism by the displaced persons ● Information on the resolution of the grievances ● Information on the implementation of the social preparation phase
3. Communications and participation	<ul style="list-style-type: none"> ● Number of general meetings (for both men and women) ● Percentage of women out of total participants ● Number of meetings exclusively for women ● Number of meetings exclusively for vulnerable groups ● Number of meetings at the resettlement site ● Number of meetings between hosts and the displaced persons ● Level of participation in meetings (of women, men, and vulnerable groups) ● Level of information communicated—adequate or inadequate ● Information disclosure ● Information disclosure in the local language
4. Budget and time frame	<ul style="list-style-type: none"> ● DPWH land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work. ● Capacity building and training activities completed on schedule. ● Achieving resettlement implementation activities against the agreed implementation plan ● Fund allocation for resettlement transmitted to resettlement agency on time. ● Receipt of scheduled funds by resettlement agency ● Fund disbursement according to the LARP ● Social preparation phase as per schedule ● Land acquisition and occupation of resettlement units in time for project implementation
5. Resettlement and relocation	<ul style="list-style-type: none"> ● ISFs provided adequate information, consulted on preferences, and guided on procedures to avail of socialized housing. ● ISFs participation in selection and design of social housing locations and options ● Number and percentage of ISFs provided/availing of social housing programs. ● Timeliness of provision of social housing to relocating ISFs

Scope	Indicators
	<ul style="list-style-type: none"> ● Quality of social housing provided to ISFs (suitability of location, utilities, access to social services). ● Transitional assistance, such as transportation allowance, provided. ● Rental assistance provided until socialized housing is available for eligible ISFs (if applicable). ● Percentage of relocating ISFs able to meet financial obligations. ● Percentage of relocating ISFs satisfied with social housing and remaining in social housing. ● Adequate management on the part of LGU.
6. Livelihood and income restoration	<ul style="list-style-type: none"> ● Number of displaced persons under the rehabilitation program (women and vulnerable groups) ● Number of displaced persons who received vocational training (women, and vulnerable groups) ● Types of trainings and number of AP participants in each ● Number and percentage of displaced persons covered under livelihood programs (e.g., women and vulnerable groups) ● Number of displaced persons who have restored their income and livelihood patterns e. g., (women, men, and vulnerable groups). ● Number of new employment activities ● Extent of participation in rehabilitation programs ● Extent of participation in vocational training programs. ● Degree of satisfaction with support received for livelihood programs. ● Percentage of successful enterprises breaking even (especially those initiated or owned by women and vulnerable groups/households). ● Percentage of displaced persons who improved their income (especially women and vulnerable groups) ● Percentage of displaced persons who improved their standard of living (especially women and vulnerable groups) ● Number of displaced persons with replacement agricultural land (women and vulnerable groups), if applicable ● Quantity of land owned/contracted by displaced persons (especially women and vulnerable groups) ● Number of households with agricultural equipment ● Number of households with livestock

C. Reporting and Disclosure

103. The BCIB monitoring reports to be prepared are summarized in **Table 7**.

Table 7: BCIB Monitoring Reports

Type of Report	Internal/External Monitoring	Frequency	Who Will Prepare	Report to Be Submitted to Whom
Inception and Compliance Report	External Monitoring	1 month after mobilization	EMA	DPWH/ADB
Initial Evaluation Report	Internal Monitoring	3 months after the completion of payments of compensation to APs	UPMO	Project Manager/ADB
Periodic Monitoring Report	Internal Monitoring	Quarterly submission	UPMO	Project Manager/ADB

Semi-annual Monitoring and Evaluation Report	Internal/External Monitoring	Every 6 months until the construction works end	UPMO/EMA	Project Manager/ADB
Resettlement Audit Report	Internal/External Monitoring	Upon loan closing	UPMO/EMA	Project Manager/ADB
Post-Completion Evaluation	External Monitoring	One year after completion of LARP implementation	EMA	Project Manager/ADB

C. Post-Completion Evaluation

103. A post-completion evaluation will be carried out by the external monitoring agent one year following completion of all resettlement activities, including livelihood restoration activities.

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