



**Republic of the Philippines**  
Department of Public Works and Highways

# **CONSULTING SERVICES FOR THE ROAD NETWORK DEVELOPMENT PROJECT IN CONFLICT-AFFECTED AREAS IN MINDANAO**

- I. SP-7 MARAWI CITY RING ROAD – CONSTRUCTION SUPERVISION
- II. SP-2 PARANG-BALABAGAN ROAD, SP-8 PARANG EAST DIVERSION ROAD,  
SP-9 MANUANGAN-PARANG ROAD – DETAILED DESIGN,  
TENDER ASSISTANCE AND CONSTRUCTION SUPERVISION

JICA LOAN AGREEMENT NO.: PH-F-P1



## **DB-8: RIGHT-OF-WAY ACTION PLAN (RAP) AND SOCIAL SURVEY REPORT SP-8 PARANG EAST DIVERSION ROAD July 2024 (FINAL)**

Joint Venture of:



In Association with:





**REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**

**Consulting Services  
for the  
Road Network Development Project  
in Conflict-Affected Areas in Mindanao  
(RNDP-CAAM)**

- I. SP-7 Marawi City Ring Road – Construction Supervision  
II. SP-2 Parang-Balabagan Road, SP-8 Parang East Diversion Road,  
SP-9 Manuangan-Parang Road – Detailed Design, Tender Assistance and  
Construction Supervision  
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SOCIAL SURVEY REPORT  
SP-8 PARANG EAST DIVERSION ROAD  
JULY 2024  
(FINAL)**

*Joint Venture of*



**CTI Engineering International Co., Ltd.**



**Oriental Consultants Global Co., Ltd.**

*In Association with*



**Angel Lazaro and  
Associates International**



**DCCD Engineering  
Corporation**



**Edifice Planners  
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**KRC Environmental  
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## RIGHT-OF-WAY ACTION PLAN & SOCIAL SURVEY REPORT FOR SP-8 PARANG EAST DIVERSION ROAD (JULY 2024)

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## **LIST OF ABBREVIATIONS**

BIR	Bureau of Internal Revenue
CLOA	Certificate of Land Ownership Award
DEO	District Engineering Office
DPWH	Department of Public Works and Highways
DMS	Detailed Measurement Survey
EA	Executing Agency
EMA	External Monitoring Agents
EO	Executive Order
ESSD	Environmental and Social Safeguards Division
GOP	Government of the Philippines
GRM	Grievance Redress Mechanism
IMA	Internal Monitoring Agent
IPA	Independent Property Appraiser
IOL	Inventory of Loss
JICA	Japan International Cooperation Agency
LGU	Local Government Unit
LRP	Livelihood Restoration Program
PAP	Project Affected Person
PhP	Philippine Peso
PIB	Project Information Booklet
RA	Republic Act
RAP	Right-of-Way Action Plan
RCS	Replacement Cost Study
RIC	Resettlement Implementation Committee
ROW	Right-of-Way
SES	Socioeconomic Survey
SPS	Safeguard Policy Statement
TCT	Transfer Certificate of Title
UPMO-RMC1	Unified Project Management Office-Road Management Cluster 1 (Bilateral)



## Definition of Terms

**Appraised Value** -- means the market value of a property as estimated by an Independent Property Appraiser or Government Financial Institution.

**BIR Zonal Valuation** -- is an approved zonal schedule of fair market values on the real property set by the Bureau of Internal Revenue (BIR) as a basis for the computation of internal revenue taxes.

**Capital Gains Tax (CGT)** -- is a tax imposed on the gains presumed to have been realized by the seller from the sale, exchange, or other disposition of capital assets located in the Philippines, including pacto de retro sales and other forms of conditional sale.

**Certificate of Land Ownership Award (CLOA)** -- It refers to a certificate issued to grantees of the comprehensive agrarian reform program. The provisions of CA 141 shall govern the CLOAs awarded under the Public Land Act.

**Department of Environment and Natural Resources (DENR)** -- is responsible for the conservation, management, and development of the country's environment and natural resources.

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

**Cut-off Date** -- Determination of informal PAPs and affected improvements shall be based on the cut-off date, which is the start of the census of PAPs and tagging for improvements. For formal PAPs, the cut-off date is reckoned upon receipt of the Notice of Taking.

**Disturbance Compensation** -- It is the compensation amount for lessees of agricultural land severely affected (i.e., >20% of the land or when the land is no longer economically viable) by the project, equivalent to five times the average gross harvest during the last five years (RA 6389 and EO 1035, series of 1985).

**External Monitoring Agent (EMA)** -- It is an independent entity or individual designated by the Department to monitor the implementation of the RAP.

**Financial Assistance** -- It is the cash amount paid to agricultural tenants/settlers/ occupants severely affected by the project, equivalent to the average gross harvest for the last three years and not less than PhP15,000 per ha (EO 1035), in addition to the cash payment/compensation for their crops damaged by the project.

**Government Financial Institution or GFI** -- refers to a national government-owned or controlled corporation that the Implementing Office may engage to provide property appraisal services, including estimates of the market values of the property affected by the ROW for a project.

**Implementing Agency or IA** -- refers to any department, bureau, office, commission, authority, or agency of the national government, including any government-owned or -controlled corporation or state college or university, authorized by law or its respective charter to undertake national government projects. The DPWH is an IA.

**Inconvenience Allowance** -- It is the compensation amount given to each PAP who holds full title to or a legalizable tax declaration over the land and structures severely affected by the project and who consequently must move elsewhere.

**Independent Property Appraiser or IPA** -- refers to an individual or firm that the Implementing Office may engage to provide property appraisal services, including estimates of the market values of the property affected by the ROW for a project.

**Informal Settler** -- refers to households living in a lot, whether private or public, without the consent of the property owner; or those without legal claim over the property they are occupying; or those living in danger

areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, and waterways.

**Land Acquisition** -- is the process of acquiring land from the current owners pursuant to the provisions of RA 10752 modes of acquisition. The modes of land acquisition are Donation, Barter or Exchange, Purchase, Quit Claim or Expropriation.

**Market Value** -- means the price of what a willing buyer would pay a willing seller for a given property or asset if both have a reasonable knowledge of the worth of the property.

**Older People/ Elderly/ Senior Citizens** -- Individuals belonging to the age group 60 years and over.

**Parcellary Survey** -- refers to the activities undertaken as part of the Detailed Engineering Design of a project to define the proposed ROW alignment and limits, the affected lots showing the name of the owners/claimants, lot numbers, and areas, and technical descriptions, and all improvements within the ROW limits.

**Poor** -- Shall refer to individuals or families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or who cannot afford in a sustained manner to provide them with minimum basic needs of food, health, education, housing, or other essential amenities of life, as defined under Republic Act No. 8425, otherwise known as the "Social Reform and Poverty Alleviation Act

**Poverty Threshold** -- also known as the poverty line is the minimum income required for a family or individual to meet the basic food and non-foods. This means a poverty threshold of about PhP 11, 957 on average per month whose income is enough to meet their basic needs.

**Prescription Period** -- As stipulated in Article 1141 of the Civil Code, real actions over immovables prescribe after thirty (30) years. This provision is without prejudice to what is established for the acquisition of ownership and other real rights by prescription (1963).

**Production Cost (palay, vegetable and corn)** -- This refers to the production of agricultural commodities and it includes among others, land preparation, transportation, seedling, and fertilizer. The amount may vary depending on the location, type of seedling, etc.

**Project Affected Households (PAH)** -- It consists of all members of a household residing under one roof and operating as a single economic unit, who will be adversely affected by the project. For resettlement purposes, the affected "Persons" will be dealt with as members of Project Affected households (PAHs).

**Project Affected Person (PAP)** -- It includes any person or persons, household, a firm, or a private or public institution who, on account of the execution of the project, would have their right, title or interest in all or any part of a house, land (e.g., residential, agricultural or pasture), annual or perennial crops and trees, or any other fixed or moveable asset acquired or possessed, in full or in part, permanently or temporarily.

**Project Boundaries** -- These may be defined as the project construction limits, or they may refer to the Right-of-Way limits, whose width varies from 20 to 60 meters as prescribed in the special laws such as Commonwealth Act 141 (Public Land Act), PD 635, EO 113 (1955), EO 621 (1980), etc.

**Project Implementing Office** -- It refers to the duly designated Unified Project Management Office Cluster (for foreign-funded projects) within the DPWH Central Office and Regional and District Offices (for locally funded projects)

**Rehabilitation Assistance** -- It refers to assistance provided to PAPs seriously affected due to the loss of productive assets, incomes, employment, or living sources, as supplement compensation for acquired assets to achieve complete restoration of living standards and quality of life.

**Relocation** -- This refers to the physical displacement of a PAP from his/her pre- project place of residence and his/her transfer to another place.

**Replacement Cost** -- This is the amount necessary to replace the structure or improvements based on the current market prices for materials, equipment, labor, contractor's profit and overhead and all other costs associated with the acquisition and installation in place of the affected improvements/installation.

**Resettlement areas** -- refer to areas identified by the appropriate national agency or by the local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens.

**Right-of-Way (ROW)** -- means a part or the entirety of a property, site, or location, with defined physical boundaries, used or required by a government infrastructure project.

**Right-of Way Action Plan (RAP)** -- refers to the document that defines the extent of the ROW to be acquired for a project, including, among other things, cost estimates for acquiring land, structures/improvements, crops/trees, relocation of informal settlers, and recommended compensation and entitlement package for owners and project-affected persons (PAPs), implementation schedule, and impact and mitigating measures for the ROW acquisition.

**Time of Taking** -- This refers to the time when both parties, the landowner and the proponent, agreed on the value of the land being purchased.

**Underprivileged and homeless** -- Refers to the beneficiaries of RA 7279 and individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold.

## EXECUTIVE SUMMARY

1. **Project Description** – The project aims to address the longstanding economic disparities in Mindanao, a region rich in natural resources but historically lagging in economic development. Despite experiencing some economic growth in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the pace has been slower than desired. Key growth sectors include public administration, manufacturing, and services. Additionally, the region's road infrastructure is underdeveloped, hindering economic progress. In response, the Government of the Philippines has sought assistance from Japan to implement priority road projects, including the "Road Network Development Project in Conflict-affected Areas in Mindanao (RNDP-CAAM)." Sub-Project 8 (SP-8), known as Parang East Diversion Road, is part of this initiative, aiming to improve transportation capacity and efficiency by enhancing access to arterial roads and connecting main cities in Mindanao, contributing to peace-building and economic development in the region.
2. **Legal Framework** – The policy framework within which this Preliminary Right-of-Way Action Plan for land, structures, other improvements, and crops and trees will operate was derived from the Philippine Constitution, Republic Act 10752, DPWH LARRIP Policy, and other social safeguards issuances, and JICA Environmental and Social Safeguard Guidelines, relative to the ROW acquisition.
3. **Summary of Project Impacts** – The project will involve road construction and improvements to include widening, slope protection and drainage that will require the road right-of-way acquisition of public land and private land. Land acquisition will cause physical and economic displacement such as (i) permanent loss of land along the required minimum ROW, (ii) loss/damage to structures and improvement, (iii) loss of crops and trees, and (iv) loss of income/business.

A total of **84 PAPs** with affected assets and properties within the road right-of-way consists of a total area of **182,720 m<sup>2</sup>** of land, traversing four (4) barangays in Parang, Maguindanao del Norte: Making, Gumagadong Calawag, Manion, and Nituan.

4. **Socioeconomic Profile of Project Affected Persons** – Data gathered from this survey were used to determine eligibility for compensation, other forms of assistance, and the corresponding budget. Moreover, this profile served as baseline data to gauge and monitor changes to affected PAPs' living standards after physical/economic displacement of the affected **17** project-affected households.
5. **Compensation and Entitlements** – Compensation and entitlements are designed to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the living standards of the displaced poor and other vulnerable groups. DPWH will offer to the property owner concerned, as compensation price, the sum of 1) the replacement cost of land based on the current market value of land, free of taxes, 2) the replacement cost of structures and improvements, and 3) the current market value of crops and trees.
6. **Budgetary Requirement** – The total budget for RAP Implementation is **Php 47,754,683 (USD 841,033)**. The budget items cover (i) compensation for loss of land, structures, trees, crops and other entitlements (ii) livelihood restoration program (iii) transitional allowance; (iv) administrative cost; (v) external monitoring; and (vi) contingencies. The table below shows the details of the budget to implement this RAP.

### Summary of Budgetary Requirement

No.	Kind of Affected Assets	(PhP)	Amount (USD)
1	Land	8,635,670	152,087
2	Structures	10,279,769	181,042
3	Crops	12,532,725	220,720
4	Trees	7,505,093	132,176
5	Relocation and Resettlement	The determination shall be made by the affected LGU and covered under their regular budgets.	
6	Other Entitlements	310,000	5,460
	<i>Transitional Allowance</i>	<i>85,000</i>	<i>1,497</i>
7	Other Assistance	2,262,554	39,847
8	Administrative Costs (5% of Direct Costs: 1-7)	2,076,291	36,567
9	Cost Contingencies (10% of Direct Costs: 1-7)	4,152,581	73,133
	Total	47,754,683	841,033

7. **Grievance Redress Mechanism** – For Sub-Project 8, a Municipal RAP Implementation Committee is being developed to receive and resolve project related concerns, complaints, and grievances. Conflicts within affected communities will be addressed within the community itself through dispute resolution processes and mechanisms.
8. **Implementation Schedule** – DPWH is expected to initiate the process of land acquisition and compensation for structures, crops and trees starting 4<sup>th</sup> Quarter of 2023 to secure the project's ROW prior to construction. The DPWH shall ensure that ROW acquisition proceeds closely with the construction schedule, ensuring that land and structure owners are adequately compensated and re-established away from the construction site months before the implementation of the civil works. The implementation of the RAP is expected to be completed by 2029.
9. **Monitoring and Evaluation** – There will be two types of monitoring/evaluation, internal and external monitoring/evaluation. The UPMO in coordination with the ESSD shall conduct the supervision and in-house monitoring of RAP implementation. An External Monitoring Agent (EMA) shall do the external monitoring and evaluation. The EMA for this Project is a consultancy firm with qualified and experienced staff with Terms of Reference acceptable to the Bank.
10. **Public Consultation** – The Coordination and Public Consultations Meetings were undertaken to inform the primary and secondary stakeholders about the project information such as background, scope, objectives, benefits, updates, basic resettlement policies (GOP and JICA), cut-off-date and conduct of the socioeconomic survey and detailed measurement and inventory of affected assets and properties. The Coordination and Public Consultations were conducted on May 10, 2023, and May 22-23, 2023. The highlights of the meetings are presented in Chapter 10.





LOCATION MAP



## 1 INTRODUCTION

### 1.1 Background of the Project

The Municipality of Parang is situated in the province of Maguindanao del Norte, which is part of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). It is in the southern part of the Philippines on the island of Mindanao. Based on the 2020 census, it has a population of 102,914 people.

By virtue of Bangsamoro Transition Authority Bill No. 43, also known as the “Seat of Government Act of 2023”, the Municipality of Parang was designated as the new Administrative Capital of the Bangsamoro Government. A new government center will be built in the municipality to house the offices of the Wali, the Chief Minister, the Bangsamoro Parliament, and the BARMM ministries, offices, and agencies. The administrative map of Parang is shown in Figure 1-1.



Figure 1-1: Political Map of Parang, Maguindanao del Norte

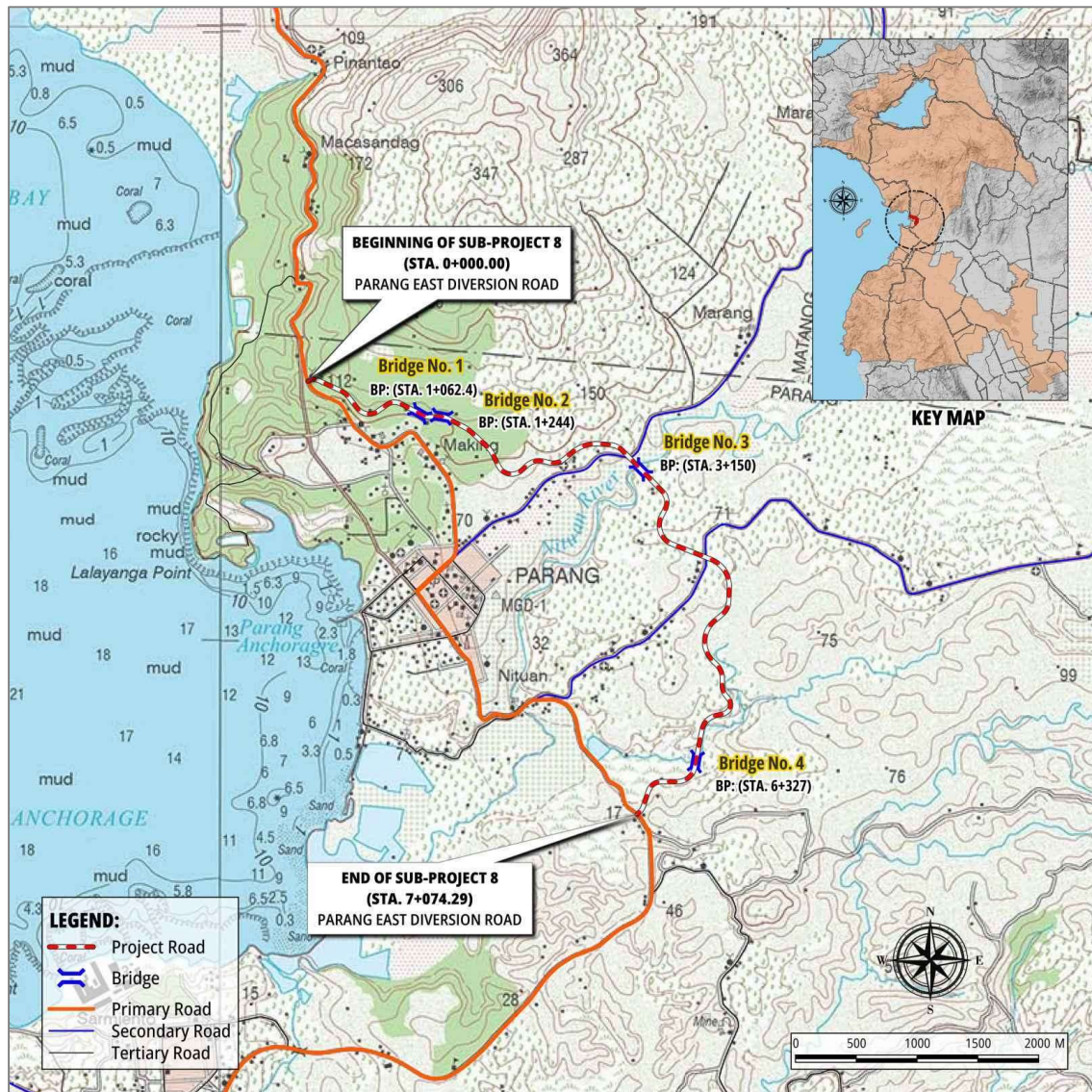
The Government of the Republic of the Philippines (GOP) has secured a loan from the Japan International Cooperation Agency (JICA) to fund the "Road Network Development Project in Conflict-Affected Areas in Mindanao (RNDP-CAAM)." The aim is to promote economic growth, poverty reduction, and peace in these conflict-affected areas by enhancing and constructing roads and bridges.

A portion of the loan proceeds will be allocated by the GOP for consulting services related to the construction supervision of SP-8 or the Parang East Diversion Road.

The Department of Public Works and Highways (DPWH) serves as the executing agency, while the Unified Project Management Office-Roads Management Cluster 1 (UPMO-RMC1) acts as the implementing agency.



The **Figure 1-2** shows the alignment of SP 8 with an estimated length of 7.074 kilometers.



**Figure 1-2: SP-8 Parang East Diversion Road Alignment Layout Plan**

## 1.2 Rationale

Mindanao for decades has lagged from the rest of the country in terms of economic development. This is despite its natural advantages such as fertile land, natural resources, outside typhoon belt, and human resource potentials.

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in 2021 exhibited robust growth, recording an impressive increase of 7.5 percent. This exceptional growth rate positioned BARMM as the second-fastest-growing region among all regions in the Philippines for that year. Notable industries that spearheaded this growth included Human health and social work activities (22.2 percent), Mining and quarrying (20.2 percent), Accommodation and food service activities (17.9 percent), Construction (12.2 percent), and Financial and insurance activities (10.6 percent), among others. BARMM's economic expansion significantly contributed to the country's GDP growth of 5.7 percent in 2021, contributing 0.1 percentage point to the nation's economic progress.

Moreover, the per capita Household final consumption expenditure in BARMM witnessed a positive trajectory, with an estimated value of PhP 60,587 in 2021, surpassing the previous year's estimate of PhP 59,773. This increase in per capita expenditure signifies improved living standards within the region, reflecting the positive impact of BARMM's economic growth on the well-being of its residents. These economic advancements

highlight BARMM's commitment to fostering development, creating job opportunities, and enhancing its people's overall quality of life.<sup>1</sup>

In terms of road infrastructure, BARMM is also less developed compared to other regions. While the country and Mindanao have an average road density of 0.25 and 0.17, respectively, BARMM has only 0.10. This means that for BARMM to close the gap and reach the Mindanao average, at least 800 km of new roads should be constructed.

Recognizing the above, the Government of the Philippines (GOP), through the DPWH, has requested the Government of Japan (GOJ) to implement nine (9) priority roads and two (2) bridges identified in the 2016 JICA-assisted Bangsamoro Development Plan-II.

The “Road Network Development Project in Conflict-affected Areas in Mindanao (RNDP-CAAM) is among the urgent priority projects of the Japan International Cooperation Agency (JICA) and DPWH. The JICA-DPWH road project is part of JICA’s support for peace-building through Mindanao infrastructure development.

Sub-Project 8 (SP-8), or the Parang East Diversion, is one of the priority sub-projects under RNDP-CAAM. It aims to enhance transportation capacity and efficiency in conflict-affected areas in Mindanao through the construction and improvement of access roads to arterial roads, which improves accessibilities and linkages to the main cities in Mindanao.

### 1.3 Objectives

The objectives of the Right-of-Way Action Plan are as follows:

1. To determine the number of Project Affected Persons (PAPs) and properties/assets affected by the project based on the road alignment in the feasibility study;
2. To identify the extent of impacts of the project on their properties/assets and the measures to mitigate these impacts;
3. To determine the compensation and entitlements to the PAPs for their affected properties/assets for inclusion in the Medium-Term Infrastructure Program (MTIP) and
4. To ensure public participation in implementing and monitoring the RAP.

### 1.4 Methodology

This section outlines the activities, tasks, and processes undertaken to formulate the RAP while observing the governing laws, policies, standards, and international best practices. These were done to ensure that environmental and social safeguards were considered in the process.

1. Preliminary Site Investigation – before the public consultation, the Study Team conducted a preliminary site investigation. The Consultant organized and managed the site visits and engineering surveys under close communication and coordination with the DPWH UPMO-RMC1 and MPWH. The Study Team took note of the following:
  - a. Control points (graveyards, cultural heritage, sacred places, etc.)
  - b. Width of existing roadway, compared to ROW limits
  - c. Presence/absence of shoulders and side ditches
  - d. Name of each barangay traversed by the roadway
  - e. Type and number of encroachments
2. Public Consultation Meetings - consistent coordination, information dissemination, and consultation with the project stakeholders were carried out at appropriate times throughout the planning process. The public consultations were conducted with the LGU, PAPs, and Non-Government Organizations (NGOs) as participants. The meeting was designed to present and inform the stakeholders on the Land Acquisition Resettlement Rehabilitation and Indigenous Peoples Policy (LARRIPP) of the DPWH as per RA 10752, Legal Framework for Infrastructure Right-of-Way (ROW) Acquisition and

<sup>1</sup> Philippine Statistics Authority, Ref No.: PR-BARMM-22-005

Management and other Provisions of the Road Right of Way Act (RA 10752). Highlighted during the public consultation and discussed are the modes and process of acquisition for affected properties. During the meeting, the team informed the stakeholders that the RAP team would be conducting a socioeconomic survey and inventory of affected assets after the consultations in all municipalities traversed by the project.

The PCM discussed, among others, the following:

- a. Project background and rationale;
- b. Project components and activities included;
- c. Policies and processes in acquiring lands and structures within the ROW;
- d. Timeline of activities and the ground surveys to be conducted (including the C/T, SES, asset inventory and valuation);
- e. Parcellary survey;
- f. Setting of cut-off date;
- g. Answering queries, questions, concerns, opinions, and suggestions through an open forum.

Further, the team requested permission to enter their premises to conduct the survey/ assessment and informed the affected households of the cut-off dates.

3. Census of Households and House Tagging (C/T) to establish the eligibility of Project-Affected Persons (PAPs) and enumerate the affected lands and structures - The census aims to verify the eligibility of the PAPs in the Project area. Additionally, the census date is considered the 'cut-off date' for the eligibility of PAPs for compensation and entitlement to resettlement benefits. House dwellings/ structures and other improvements that are found to be within the project alignment or construction limits, on the other hand, were tagged. A census master list was developed as a result of the C/T. It was then submitted to the Municipality of Parang. The LGU and national government agencies further prequalified the Masterlist of PAPs.
4. Socioeconomic Survey (SES) is to obtain the baseline demographic and socioeconomic profile of PAPs. Following the conclusion of the C/T activity, a set of enumerators conducted a socioeconomic survey to establish the baseline demographic and socioeconomic profile of the PAPs along with their resettlement preferences and perceptions about the project. A survey instrument was prepared incorporating the following basic information:
  - a. Name, age, sex, and educational attainment of household (HH) head, spouse, and HH members;
  - b. Tenure status (including proof thereof, if any), ethnicity, and length of residence;
  - c. HH member's occupation and primary and secondary sources of income;
  - d. Grade level of school-going member;
  - e. Family income and expenditure level;
  - f. Transportation cost to and from school/work;
  - g. Employment, business, skills (current and preferred);
  - h. Living conditions regarding the access and/or presence of power supply, water supply, fuel, and sanitation facilities. Garbage disposal, appliances, and valuable items owned, among others;
  - i. Housing conditions including the type of structures, housing materials (of wall, roof, flooring), age of structure, number of rooms;
  - j. Family health conditions such as common illnesses and access to health services;
  - k. Gender concerns to family roles, ownership, and rights;
  - l. Community conditions such as community problems and issues, access to health facilities, educational facilities, recreational facilities, solid waste disposal, religious centers, and credit facilities;
  - m. Social organizations and community networks;
  - n. Resettlement preference; and
  - o. Project awareness and perception.

Information gathered from the SES was supplemented with secondary data from various sources (e.g., government and private offices). To gather additional information, validate concerns, and solicit perceptions, key informant interviews (KIIs) and focus group discussions (FGDs) were conducted with the officials and representatives of the Municipality of Parang, provincial, regional, and national government offices.

5. Valuation of Assets, including lands, houses, and other structures/ improvements on land - All assets within the project alignment corridor were inventoried in close coordination with the Parcellary Survey Team. This is to ensure the location of the project alignment on the ground. Regardless of the tenure or ownership status, the inventory of the assets included the following:
  - a. Lands;
  - b. Houses or residential structures;
  - c. Other structures of economic value;
  - d. Commercial/industrial buildings;
  - e. Social/institutional structures;
  - f. Public facilities; and
  - g. Crops, trees, and other improvements.

The questionnaire for SES is in Appendix A.

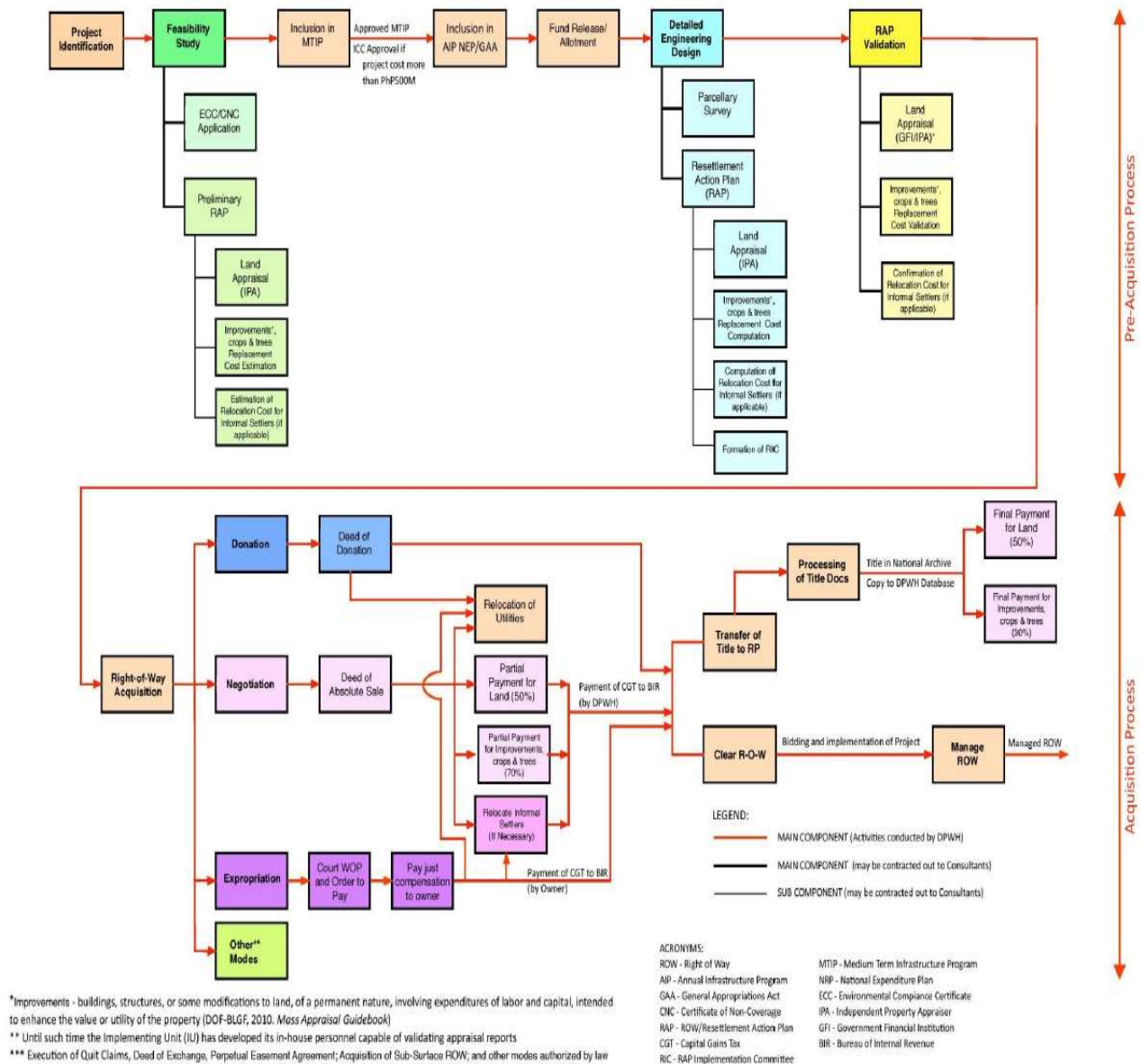
A structure map was also prepared to indicate the extent of the project's impacts on these assets while categorizing the impacts as either severely or marginally affected. Furthermore, inventoried assets were valued by a duly accredited independent property appraiser (IPA). These valuation methods include ocular surveys, secondary data gathering (from similar appraisal studies), market research (including documentary evidence from recent sales of similar properties), and KII, among others.

The appraiser is guided by the standard procedures provided in RA 10752 and LARRIPP, as well as by the generally accepted guidelines and criteria, in appraising the current market value of affected land and non-land assets.

The preparation of this RAP was guided first by the DPWH Land Acquisition, Resettlement, Rehabilitation and Indigenous People's Policy (LARRIPP) (3rd edition, March 2007), DPWH Department Order 152, series of 2017 (DPWH Right-Of-Way Acquisition Manual), and the policies of international funding institutions such as the World Bank, ADB, and JICA.

The Figure 1-3 shows the overall process of ROW acquisition during the detailed engineering design (DED) phase. The process applies to both foreign-assisted and locally funded infra projects and applies to all scopes of work of the project – whether new construction or expansion/improvement of existing infrastructure.





**Figure 1-3: ROW Acquisition Process during DED Preparation**

## 1.5 Project Definition

SP-8 is situated within the Municipality of Parang, a sizeable municipality in terms of land area and population. Parang is home to Polloc Port, the sole international port in mainland BARMM. As a diversion road, SP-8 branches off from the Cotabato-Parang section on AH-26, extending towards the east and reconnecting with AH-26 along the Parang-Pagadian section.

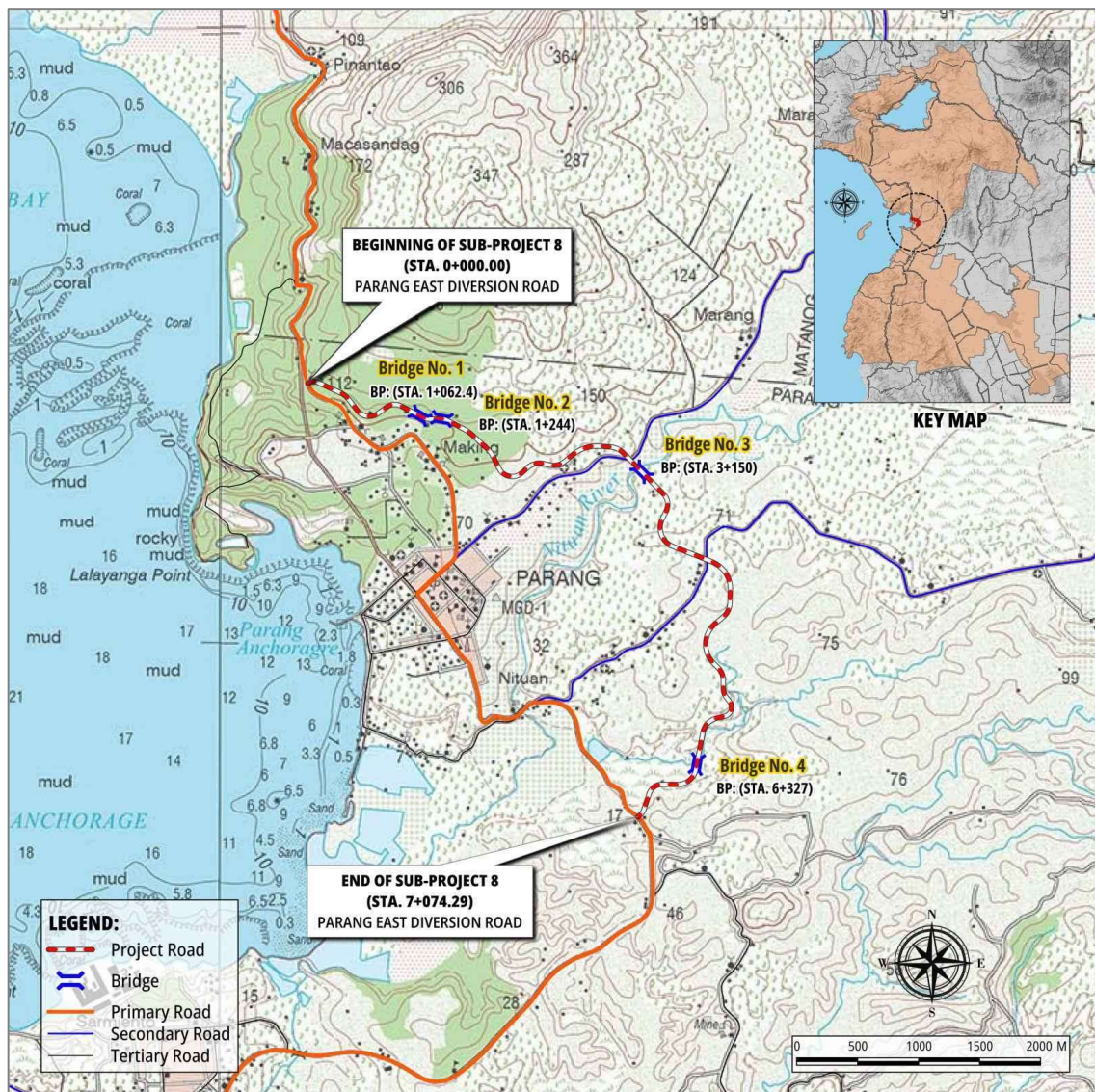
This diversion road is designed to alleviate traffic congestion within the town center since this will be the new seat of the BARMM government where the Office of the Chief Minister, the Bangsamoro Parliament, the Office of the Wali, BARMM ministries, offices, agencies, and other facilities will be relocated. Once completed, the project will enhance accessibility, stimulate regional development, and strengthen the BARMM's capacity to serve its constituents efficiently.

The topography depicted in Figure 1-4 comprises hilly to mountainous terrain characterized by steep slopes, forests, cultivated lands, and plantations. Agricultural products from this area are sold within the Municipality of Parang. The landscape expands alongside several rivers to the east of Parang, while the northern and southern regions of Parang are characterized by steep terrain.

The table below shows the salient features of SP-8.

**Table 1-1: Features of SP-8**

Features	Values
Length	7.074 kilometers
Lane and lane width	2-lane (total) with 3.35 meters per lane
Shoulder width	2.5m
Road Classification	National Secondary Road
Number of Barangays	Four barangays along the alignment (Making, Gumagadong Calawag, Manion, and Nituan)



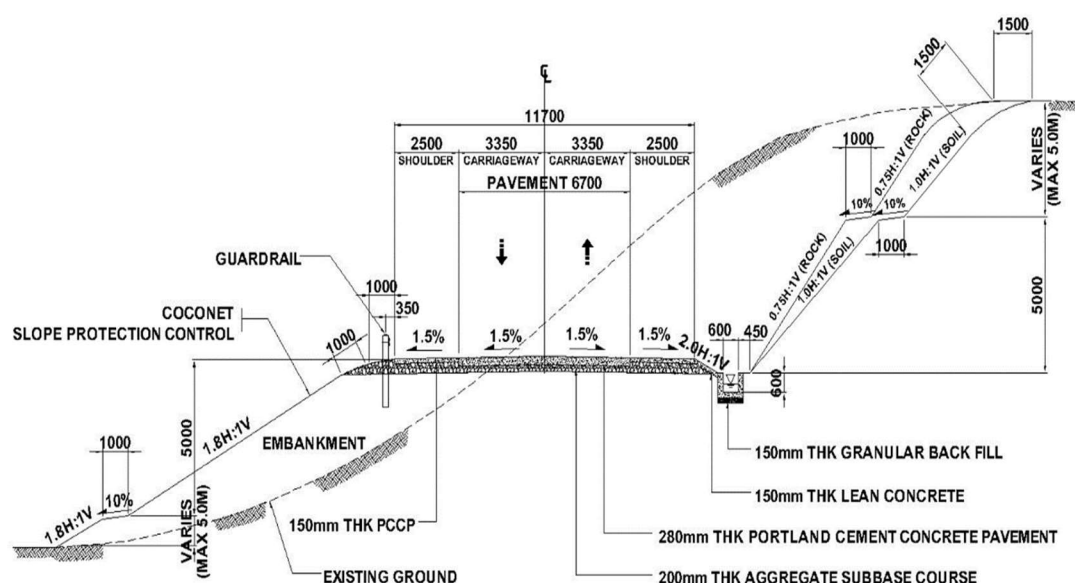
**Figure 1-4: Topographic Feature of SP-8**

## 1.6 Civil Works to be Conducted

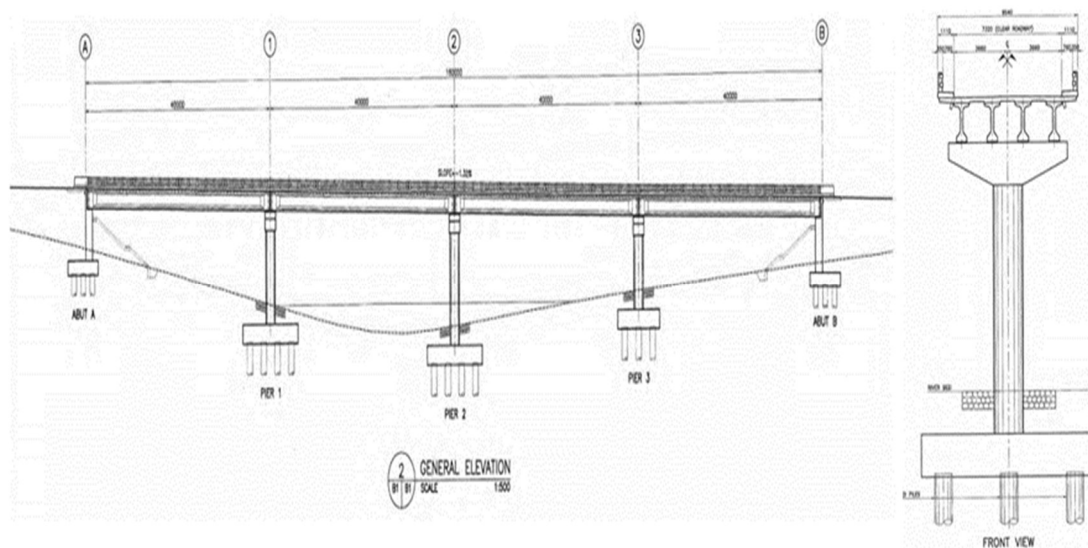
The civil works of SP-8 are a single contract package due to the project's scale and size. The construction period for the project is estimated to be 5.5 years (2024 to 2029).

**Table 1-2: Civil Works to be conducted in SP-8**

Road Length (km)	Number of Bridges and Length	Station	Barangay
7.074 km	Bridge 1: 28.4 meters	STA. 1+062.40 to STA. 1+087.20	Making
	Bridge 2: 28.4 meters	STA. 1+244.00 to STA. 1+268.800	
	Bridge 3: 188.8 meters	STA. 3+155.60 to STA. 3+344.40	Gumagadong Calawag (Nituan River)
	Bridge 4: 49.4 meters	STA. 6+305.97 to STA. 6+355.37	Nituan (Tubaran River)



**Figure 1-5: Typical Cross Section (road) of SP-8**



**Figure 1-6: Typical Cross Section (bridge) of SP-8**

The major construction equipment required during the construction of SP-8 is summarized below. Five (5) categories will be followed: common work, earthwork, pavement, bridge, and others.

**Table 1-3: Construction Equipment of SP-8**

Category	Equipment
Common work	Backhoe (0.8 m3), pay loader (1.5 m3), vibratory roller (10t), water truck (16 m3)
Earthwork	Backhoe (0.8 m3) with breaker, bulldozer (20t), dump truck (12 yd3), vibratory roller (10t)
Pavement	Road grader (140hp), concrete screed (5.5hp), transit mixer (5m3), one bagger mixer (4-6 ft3/min), concrete vibrator (5.5hp), plate compactor (5hp), bar cutter, concrete saw (7.5hp)
Bridge	Drilling dig (300hp), batching plant (30m3), crawler crane (71-80mt, 51-60mt, 41-45mt, 21-25mt), generator (300kW), bentonite mixer, air compressor (126-160cfm)
Other	Truck mounted crane (41-45mt), vibro hammer (45000kg-m), generator (700kW), welding machine (500A), pile integrity testing machine, dynamic pile testing, drop hammer (20mt)



## 2 LEGAL AND POLICY FRAMEWORKS

### 2.1 Legal Framework Policy on Eligibility for Compensation and Entitlement

The policy framework within which this Right-of-Way Action Plan for land, structures, other improvements, crops, and trees will operate was derived from the Philippine Constitution, Republic Act 10752, DPWH ROW Acquisition Manual (DRAM) and other social safeguards issuances, and JICA Environmental and Social Safeguard Guidelines relative to the ROW acquisition.

#### 2.1.1 Basic National Policy

The overall objective of this RAP Policy is anchored on the Bill of Rights of the Constitution of the Republic of the Philippines.

1. 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.”
2. Article III, Bill of Rights, Section 9: Private property shall not be taken for public use without “just compensation”.
3. Article XII, Section 5: “The State...shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. “By the act of Congress, customary laws governing property rights or relations can be applied in determining the ownership and extent of ancestral domains.
4. Article XIII, Urban Land Reform and Housing, Section 10: “Urban or rural poor dwellers shall not be evicted, nor their dwelling demolished, except by 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 will be relocated.”

#### 2.1.2 RA 10752 “The Right-of-Way Act”

RA 10752- An Act Facilitating the Acquisition of Right-of-Way (ROW), Site or Location for National Government Infrastructure Projects, a law that was signed and took effect in March 2016 and its IRR. The RA 10752 provides the different bases for land valuation for the following acquisition modes: negotiated sale and expropriation.

The law states that the Implementing Agency (IA) shall negotiate with the owner for the purchase of the property by offering the current market value issued by the Government Financing Institution (GFI) for the area where the affected property is located, or appraised market value identified by the private independent property appraiser (IPA) accredited by the Central Bank of the Philippines.

The law also states that the valuation of the improvements and/or structures on the land to be acquired shall be based on the replacement cost, which is defined as the amount necessary to replace the structure or improvement based on the current market prices for materials, equipment, labor, contractor’s profit and overhead, and all other attendant costs associated with the acquisition and installation in place of the affected improvements/installation.

Modes of Acquisition—Under the law, RA 10752 specifies the following methods of acquisition: Donation, Quit Claim, Exchange or Barter, negotiation of Sale or Purchase, Expropriation, and any other modes authorized by law.

Market Value - Standards to determine market value. Negotiated sale between DPWH and the property owner based on the following standards to determine the market value:

1. The classification and use for which the property is suited;
2. The development costs for improving the land;
3. The value declared by the owners;
4. The current selling price of similar lands in the vicinity;
5. The reasonable disturbance compensation for the removal and/or demolition of specific improvements on the land and the value for improvements thereon;
6. The size, shape, and location, tax declaration, and zonal valuation of the land;

7. The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented, and
8. Such facts and events enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government and thereby rehabilitate themselves as early as possible.

Mode of Payment for Negotiated Sale - DPWH shall pay the property owner (i) fifty percent (50%) of the negotiated price of the affected land, exclusive of the payment of unpaid taxes remitted to the LGU concerned, and (ii) seventy percent (70%) of the negotiated price of the affected structures, improvements, crops, and trees, exclusive of unpaid taxes remitted to the LGU concerned. DPWH shall pay the property owner the remaining fifty percent (50%) of the negotiated price of the affected land after the transfer of title in the name of the Republic of the Philippines in cases where the land is wholly affected and at the time of the annotation of a deed of in cases where the land is partially affected. DPWH shall pay the remaining thirty percent (30%) of the affected structures, improvements, crops, and trees, exclusive of unpaid taxes remitted to the LGU concerned after the land is completely cleared of structures, improvements, crops, and trees.

Quit Claim - A quit claim instrument must be executed by owners of lands acquired under the Public Land Act (Commonwealth Act 141) because of the reservation made in issuing patents or titles to it. Even if the title or free patent describes the whole area as owned by the patentee or title holders, by operation of the law, a strip of 20 or 60 meters, as the case may be, of that area described is not owned by him/her, because the government reserves it for public use. Hence, if the government should exercise its right to use the area reserved by it for public use, the owner shall be required to execute a Quit Claim over such area reserved and taken by the government for public use. This mode can be availed if the landowner is the original patent holder or the acquisition of the land from the original patent holder is through a gratuitous title, subject to the provision of CA 141 "Public Land Act" or PD 635. No payment shall be made for land acquired under the quit claim mode except for damages to improvements. However, suppose the landowner is not the original patent holder, and any previous land acquisition is not through a gratuitous title. In that case, this land is subject to other acquisition modes, as enumerated in RA 10752.

In case PAPs are qualified for compensation but with arrears on land tax. To facilitate the processing of payment on land acquired from the PAPs with tax arrears, the DPWH, upon request by the property owner, will pay the arrears and deduct the amount from the total compensation cost provided that the amount is not more than the negotiated price.

In case the PAPs are qualified but already dead and the heirs have not undergone extra-judicial partition, they will be given a grace period of two (2) years to meet the requirement within the validity period of allotment. Beyond two years, if they cannot comply with the requirement, they have to settle the case in court.

In case of expropriation, the following will be followed:

1. For Structures: If the PAP rejects the compensation for structures at the replacement cost offered by DPWH, the Department or the PAP may take the matter to court. When court cases are resorted to either by DPWH through expropriation or by the PAPs through legal complaints, the DPWH will deposit the replacement cost at the current market value of structures and improvements.
2. For Land: If the owner contests the Department's offered value for compensation for land, the PAP or the DPWH may take the matter to court. DPWH shall immediately deposit in favor of the owner the amount equivalent to 100% of the value of the property based on the BIR zonal valuation. The court shall determine the just compensation, considering the standards for assessing the value of the land (Sec.7, RA 10752).

### 2.1.3 DO 152 "DPWH ROW Acquisition Manual"

DPWH Department Order No. 152 Series of 2017 Directs the Use of the DPWH Right-of-Way Acquisition Manual (DRAM) by All Concerned DPWH offices. The Manual provides a clear, uniform, and user-friendly guide on the rules and procedures for acquiring DPWH ROW for its infrastructure projects.

#### 2.1.4 Other Applicable Laws and Policies

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

To ensure uniformity of standards in Resettlement Planning, a revised LARR Policy, 3rd edition, was formulated and now contains the Department Indigenous People's policy by the Indigenous People Right Acts (IPRA) law, called the LARRIPP.

This policy includes the principles and objectives of the involuntary resettlement policy; the legal framework, eligibility, compensation, and entitlements; the indigenous peoples' policy framework, implementation procedures that ensure complaints are processed, public support and participation, and the provision of internal and external monitoring of the implementation of the RAP and safeguard instrument for IPs.

Commonwealth Act 141 Section 112, or 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 635 amended Section 112 of CA 141, increasing the width of the reserved strip from 20 meters to 60 meters.

EO 113 (1955) and EO 621 (1980)

1. National Roads shall have a ROW width of at least 20 meters in rural areas, which may be reduced to 15 meters in highly urbanized areas.
2. ROW shall be at least 60 meters in unpatented public land.
3. ROW shall be at least 120 meters through natural forested areas of aesthetic or scientific value.

EO 1035

1. Financial assistance to displaced tenants, cultural minorities, and settlers equivalent to the annual gross harvest for the last three years and not less than PhP15,000 per ha.
2. Compensation for improvements on land acquired under Commonwealth Act 141.
3. The government has the power to expropriate in case an agreement is not reached.

MO 65, Series of 1983

1. Easement of ROW: In this arrangement, the owner is paid the land value for the Government to use the land, but the owner still retains ownership over the land.
2. Quit claim where the Government has the right to acquire a 20 to 60 m width of the land acquired through CA 141. Only improvements will be compensated.

Republic Act 6389. Provides disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest in the last five years.

Article 141, Civil Code. Actual actions over immovable prescribe after thirty (30) years. This provision is without prejudice to what is established for acquiring ownership and other fundamental rights by prescription (1963).

The Comprehensive Agrarian Reform Law Republic Act 6657 (1988), Section 28 provides that the landowner shall retain his share of any standing crop unharvested when the DAR takes possession of the land under Section 16 of this Act and shall be given a reasonable time to harvest.

DPWH Department Order No. 34 s. In 2007, to streamline and standardize its operating procedures, DPWH issued a department order to simplify the guidelines for the validation and evaluation of Infrastructure right-of-way claims. The Guidelines are in line with the provisions of the DPWH ROW Procedural Manual adopted under Department Order No.5, s. 2003, as amended, particularly in validating and evaluating claims for ROW acquisitions.

DPWH Department Order No.5 s. 2003, this order was issued to identify, acquire, and manage right-of-way (ROW) efficiently and promptly for the implementation of infrastructure projects; an improved ROW process was adopted, among others: (i) it shall apply to all foreign-assisted and locally funded projects. (ii) The Implementing Office (IO) shall ensure that ROW costs are always included in project budgets. (iii) All ROW must be fully acquired and cleared before the issuance of the Notice of Award for the project.

DPWH Department Order No. 130 Series of 2016 provides the guidelines for implementing the Provisions of Republic Act No. 6685 and Republic Act 9710, or the Magna Carta of Women. The Implementing Rules and Regulations mandate that contractors hire a minimum of 50% of unskilled and 30% of skilled manpower from the unemployed bona fide residents of the locality, and the manpower requirement shall be equally accessible to both women and men.

Republic Act 7279 is an act to provide for a comprehensive and continuing urban development and housing program, establish the mechanism for its implementation, and for other purposes. The law also provides that local government units, in coordination with the National Housing Authority (NHA), shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places as sidewalks, roads, parks, and playgrounds. In coordination with the National Housing Authority, the local government unit shall provide relocation or resettlement sites with essential services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected households and estate management.

## **2.2 Objectives and Principles of the Involuntary Resettlement Policy**

1. Involuntary resettlement should be avoided where feasible.
2. Where population displacement is unavoidable, it should be minimized by exploring all viable project options.
3. People unavoidably displaced should be compensated and assisted so that their economic and social future would be generally as favorable as it would have been in the absence of the project.
4. People affected should be informed and consulted on resettlement and compensation options.
5. As far as possible, involuntary resettlement should be conceived and executed as part of the project.

## **2.3 JICA Policies**

The key policies and principles governing involuntary resettlement prescribed in the Japan International Cooperation Agency (JICA) Guidelines on Social and Environmental Considerations (2010) are as follows:

1. Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.
2. When, after such an examination, avoidance is proved unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected.
3. Project proponents must sufficiently compensate and support people who must be resettled involuntarily and people whose means of livelihood will be hindered or lost in a timely manner.
4. at full replacement cost, prior compensation must be provided as much as possible.
5. Host countries must make efforts to enable people affected by projects and improve their living standards, income opportunities, and production levels, or at least to restore these to pre-project levels. Measures to achieve this may include providing land and monetary compensation for losses (to cover land and property losses), supporting means for an alternative sustainable livelihood, and providing the expenses necessary for the relocation and re-establishment of communities at resettlement sites.
6. To prevent the loss of their means of livelihood, the planning, implementation, and monitoring of resettlement action plans and measures must promote the meaningful participation of affected people and their communities.
7. appropriate and accessible grievance mechanisms must be established for the affected people and their communities.
8. Resettlement action plans must be prepared and made available to the public for projects that will result in large-scale involuntary resettlement.
9. In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information available to them.

10. When consultations are held, explanations must be given in a form, manner, and language understandable to the affected people.

## 2.4 GAP Analysis and Project Principles

To ensure compliance and consistency with JICA Guidelines on Social and Environmental Considerations (2010), the review of JICA guidelines to compare to existing laws and policies on road right-of-way acquisition has been conducted.

Table 2-1 presents the results of the Gap Analysis.

**Table 2-1: GAP Analysis and GAP Filling Measures**

No	JICA Guidelines and World Bank OP 4.12	Legislation of Philippines	Major Gaps	Proposed Gap Filling Measures
1	Involuntary resettlement and loss of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	<p>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 1)</p> <p>Private property shall not be taken for public use without “just compensation (Article III, Bill of Rights, Section 9).</p>	There is no notable gap.	The project will compare and analyze different project alternatives, considering the economic, environmental, and social impacts. Priority will be given to the option that minimizes the scale of involuntary resettlement.
2	When population displacement is unavoidable, effective measures to minimize impact and compensate for losses should be taken. (JICA GL)	RA 10752 – provide just compensation for affected assets and properties within the road right-of-way	There is no notable gap.	The impact on the PAPs will be analyzed in view of the land, structure, crops, and trees. Once the impacts have been identified, efforts to minimize such impacts will be undertaken, and an appropriate level of compensation will be considered and described in the RAP for implementation.
3	People who must be resettled involuntarily and whose means of livelihood will be hindered or lost must be sufficiently compensated and supported to improve or at least restore their standard of living, income opportunities and production levels to	<p>Monetary compensation will be paid to people who legally own the land and structures affected by the project (RA10752, Article 5).</p> <p>The government, in coordination with DHSUD and NHA, will discuss with LGUs about identifying the resettlement sites and developing them (RA10752 No.9)</p> <p>The government shall provide adequate appropriations that will allow Implementing Agencies to acquire ROW for national government projects. These appropriations include the cost of development and implementation of</p>	LARRIPP covers compensation against lost livelihood, including loss attributed to impact on business activities. Therefore, there is no notable gap, but the compensation amount is limited.	Compensation policy and package will be formulated based on the census, lost-asset inventory, and socioeconomic surveys. They will consider the project impact on livelihood including that caused by project impact on business activities based on their socioeconomic status, the laws, and regulations in the

No	JICA Guidelines and World Bank OP 4.12	Legislation of Philippines	Major Gaps	Proposed Gap Filling Measures
	pre-project levels. (JICA GL)	<p>resettlement projects, including planning and social preparation. Where necessary, this may consist of land development and housing construction, provision of basic services and community facilities, livelihood restoration and improvement (RA10752 Section 15).</p> <p>For illegal residents, LGUs and NHA will collaborate to provide low-cost housing or a resettlement site to the PAPs (RA7279).</p>		Philippines and JICA Guidelines. Implications for business activities will be avoided as much as possible.
4	Compensation must be based on the total replacement cost as much as possible. (JICA GL)	<p>In negotiating the level of compensation, project proponents must pay to the owner:</p> <ol style="list-style-type: none"> <li>1) Current market price of land;</li> <li>2) For negotiated sales, payment of capital gains tax (CGT), the documentary stamp tax, transfer tax, and registration fees are shouldered by the Implementing Agency (IA).</li> <li>3) Replacement cost for structure and other assets; and</li> <li>4) Current market value of the crops and trees (RA 10752 No.5, No.6).</li> </ol>	There is no notable gap in the negotiated sale.	Compensation will be provided to the PAPs based on the total replacement cost measured based on the current market value.
5	Compensation and other kinds of assistance must be provided before displacement. (JICA GL)	<p>Under R.A. 10752, PAPs will be paid only 50% of the negotiated price of the affected land and 70% of the negotiated price of the affected structures, improvements, crops, and trees upon executing a deed of sale. The balance of payment is paid as stated below, provided that the land is already completely cleared of structures, improvements, crops, and trees.</p> <ol style="list-style-type: none"> <li>1. At the time of the transfer of title in the name of the Republic of the Philippines, in cases where the land is wholly affected or</li> <li>2. At the time of the annotation of a deed of sale on the title, in cases where the land is partially affected.</li> </ol>	Compensation and other support to the PAPs are not provided thoroughly prior to displacement	All compensation and support will be provided to the PAPs before displacement.
6	For large-scale involuntary resettlement projects, resettlement action plans must be prepared and made available to the public. (JICA GL)	<p>The National Economic and Development Authority (NEDA) ICC Policy requires the project proponent to acquire the ROW and prepare and submit a resettlement action plan.</p> <p>DPWH ROW Manual states that the RAP will be disclosed at the validation stage during the DED stage.</p>	There is no notable gap.	RAP will be prepared and made available on DPWH's webpage under this project.
7	In preparing a resettlement action	No resettlement of urban or rural dwellers shall be undertaken without	There is no notable gap.	PAPs will be invited to attend stakeholder

No	JICA Guidelines and World Bank OP 4.12	Legislation of Philippines	Major Gaps	Proposed Gap Filling Measures
	plan, consultations must be held with the affected people and their communities based on sufficient information available to them. (JICA GL)	adequate consultation with them and the communities where they will be relocated. (Philippine Constitution: Section 10).  Adequate consultations on resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated shall be mandatory (RA 7279 Section 28).  Conduct barangay Public Consultation Meetings (PCMs). PCMs must be held in each barangay that the project will traverse. (DPWH DO 152 2017)		meetings from the project's early stage to its implementation stage.
8	When consultations are held, explanations must be given in a form, manner, and language understandable to the affected people. (JICA GL)	All information on the project must be made public in a language and form that is easily understandable to the people (DENR Administrative Order No. 96-37 Article 2).	While the laws in the Philippines do not mention affected people (*Instead, they use the word Beneficiaries), there appears to be no notable gap in essence.	Stakeholder meetings and public consultations will be held in a language widely used in the local area with visual aids.
9	Appropriate participation of affected people must be promoted in the planning, implementation, and monitoring of resettlement action plans. (JICA GL)	No. 23 of RA 7279 states that the project beneficiaries must, in coordination with the Presidential Commission for the Urban Poor (PCUP) and relevant government bodies, participate in the decision-making process concerned with protecting and promoting legal collective interest.  Public Consultation Meetings (PCMs) must be held in each barangay that the project will traverse. Venues for PCMs must be neutral grounds such as barangay halls, daycare centers, public schools, and the like (DPWH ROW Acquisition Manual Sections 2.4 and 2.5).  About monitoring, Chapter VIII of LARRIPP 2007 stipulates the objective, scope, monitoring mechanism, stages, and frequency of monitoring, schedule of implementation, reporting, and monitoring indicators.	There is no notable gap.	Participation of the PAPs will be promoted by having discussions with the PAPs from an early stage of RAP preparation at the scoping stage throughout the survey. Their livelihood will be monitored continuously into the implementation stage of the project.
10	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	RA9285 (Alternative Dispute Resolution (ADR) Act of 2004) recommends that disputes be resolved through an alternative dispute resolution (ADR).  A grievance redress procedure is described in Chapter VI of the LARRIPP that if the complaint is not	There is no notable gap.	A grievance redress mechanism (e.g., municipal and city RAP implementation committee/ M/CRIC) will be formed based on LARRIPP prior to the implementation

No	JICA Guidelines and World Bank OP 4.12	Legislation of Philippines	Major Gaps	Proposed Gap Filling Measures
		satisfactorily resolved in 15 days or the PAP does not receive any response from the RIC, the PAP can forward the complaint to or file an appeal at the DPWH Regional Office (RO). If the complaint is not satisfactorily resolved in 15 days or the PAP does not receive any response from the DPWH RO, the PAP can file a legal complaint in any appropriate Court of Law.		of the RAP and finalized in consultation with DPWH and other relevant government bodies.
11	Affected people are to be identified and recorded as early as possible to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits. (WB OP4.12 Para.6)	<p>LGUs must prepare an inventory of informal settler families (ISFs) (RA7279).</p> <p>According to Article 4 of the rules for registers of welfare housing:</p> <ul style="list-style-type: none"> <li>Under each LGU, the city/town will be responsible for registering socially vulnerable and homeless people and</li> <li>Registration will take place at the barangay level in the barangay registration committee with the barangay captain taking responsibility</li> </ul> <p>DRAM stipulates the procedures for preparing an RAP, which mentions carrying out census and socioeconomic surveys and tagging affected structures.</p> <p>DRAM stipulates that PAPs shall be determined based on the cut-off date.</p>	There is no notable gap.	Affected people will be identified at an early stage of the study as part of the RAP survey, which consists of a census, lost-asset inventory, and socioeconomic survey. A cut-off date will be set at the commencement day of the census survey and announced at the first stakeholder meeting and/or through other appropriate means.
12	Eligibility of benefits includes the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para.15)	<p>Compensation of structures and improvements - among the non-regular residents of the public land, those eligible for relocation based on RA 10752 Section 5 (b) are those:</p> <ul style="list-style-type: none"> <li>having Filipino nationality;</li> <li>be a homeless citizen below the poverty level;</li> <li>do not own real estate in urban and rural areas; and</li> <li>not a member of a professional squatter or squatter syndicate.</li> </ul> <p>According to RA Implementation Rule 10 of 10752, informal settlers of private land are: those that do not meet the above Four requirements but have proof of ownership of the structure (such as a disclaimer certificate issued by the owner or a local government) and have the right to compensation.</p>	Many informal settlers who do not meet the requirements may occupy the government site, but they cannot receive compensation for their structure unless they: (a) meet the requirements set forth in RA10752 and RA7279; or (b) have a certificate showing the owner's consent.	Based on the findings of the socioeconomic survey, an entitlement matrix will be prepared for both formal and informal settlers.



No	JICA Guidelines and World Bank OP 4.12	Legislation of Philippines	Major Gaps	Proposed Gap Filling Measures
		Through the Housing and Urban Development Coordinating Council (HUDCC) and the National Housing Authority (NHA), in coordination with the LGUs and implementing agencies concerned, shall establish and develop resettlement sites for informal settlers. Eligible Residents (RA 7279) who are informal settlers are: <ul style="list-style-type: none"> <li>• having Filipino nationality;</li> <li>• be a homeless citizen below the poverty level;</li> <li>• do not own real estate in urban and rural areas; and</li> <li>• not a member of a professional squatter or squatter syndicate.</li> </ul>		
13	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11)	According to Chapter III A-4-d of LARRIPP 2007, Land swapping, if feasible, ‘land for land’, will be provided in terms of a new parcel of land of equivalent market value at a location acceptable under zoning laws or a plot of equivalent value, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure.	There is no legal rule that prioritizes land-based resettlement strategies.	Preference would be given to the extent possible, subject to the availability of land and other circumstances, to land-based resettlement strategies for displaced persons whose livelihoods are land-based. FGDs will be held based on the socioeconomic survey to ensure no negative change compared with the affected people's income before relocation (land-based livelihoods, etc.).
14	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	DO 327 ANNEX B Guideline for the Infra project stipulates the “Transitional allowance” for house tenants, equivalent to one month's rent, and shop owners: income loss during demolition and reconstruction of their shop maximum of one month.	There is no notable gap.	Support for the transition period will be offered to the dislocated PAPs under this project.
15	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless,	RA 8381 section II declares that the states shall recognize and promote all the rights of Indigenous Cultural Communities /Indigenous Peoples.  DO 327 ANNEX B Guideline for Infra project stipulates the “Rehabilitation Assistance” in the form of special skill	There is no notable gap.	During the public consultation, the socially vulnerable groups will be invited to discuss their needs and solicit comments and suggestions on what assistance they need.

No	JICA Guidelines and World Bank OP 4.12	Legislation of Philippines	Major Gaps	Proposed Gap Filling Measures
	elderly, women and children, ethnic minorities, etc. (WB OP4.12 Para.8)	training for severely affected PAPs. LARRIPP 2007 Chapter II stipulated appropriate assistance to the vulnerable group.		In addition, they will be identified during the RAP survey, and necessary support will be provided.
16	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, an abbreviated resettlement plan is to be prepared. (WB OP4.12 Para.25)	The Resettlement Action Plan (RAP) is a planning document that describes what will be done to address the direct social and economic impacts associated with involuntary land taking or land acquisition.	There is no notable gap.	

### 3 IMPACTS AND MITIGATION MEASURES

The detailed engineering design study aimed to identify the optimum road design alignment that would result in minimal disturbance in Parang, Maguindanao del Norte, especially in terms of involuntary displacement. Nevertheless, the study showed that complete avoidance of existing properties was impossible, and displacement would still occur.

Project impacts are classified into four (4) main types: impacts on land, structure & improvement, crops and trees.

#### 3.1 Summary of Project Impacts

The project will affect **84 PAPs**, of which **37** are landowner/claimant and **47** non-land owner/claimant but structure owner and rent-free occupant households.

The complete list of project-affected persons and the impacts on their assets are in Appendix B.

Based on Table 3-1, a total of **80** structures will be affected by the project; these structures are distributed as residential structures (**15** units), commercial structures (**5** units), and other structures such as improvements (**36** units), abandoned structures (**5** units) and under construction structures (**1** unit). In addition, the project will also affect community structures (**18** units).

In terms of land acquisition, a total of **182,720 m<sup>2</sup>** will be acquired, traversing the Barangays of Making, Gumagadong Calawag, Manion, and Nituan in Parang, Maguindanao del Norte. The project-affected area has a total of **39** parcels of land.

In terms of loss of crops and trees, crops covering an area of **181,989 m<sup>2</sup>** and **3,110** productive trees will lose, respectively.

A summary of the project impacts is shown in Table 3-1.

**Table 3-1: Summary of Project Impacts**

Summary of Project Impacts		Total
No. of Project Affected Households		17
No. of Project-Affected Persons		84
Loss of Structures and Improvements	No. of Project-Affected Persons	45
	No. of Affected Residential Structures	15
	No. of Affected Commercial Structures	5
	No. of Other Improvements	36
	No. of Abandoned Structures	5
	No. of Under-construction structure	1
	No. of Affected Community Structures	18
Loss of Land	No. of Project-Affected Persons	37
	No. of Affected Parcel of Land	39
Loss of Crops and Trees	No. of Project-Affected Persons	36
	Land Area of Affected Agricultural Crops (m2)	181,989
	No. of Affected Forest / Fruit Trees / Other Forest Products	3,110

## 3.2 Impacts

The project will involve road construction and improvements that require road right-of-way acquisition of public/government and private land. Land acquisition will cause physical and economic displacement such as (i) permanent loss of land along the required ROW, (ii) loss/damage to structures and improvement, (iii) loss of crops and trees, (iv) loss of income/business, (v) increase vulnerability, and (vi) temporary loss or disruption of land use or other assets during construction works; specifically, the nature of the movement of construction materials to and from work sites is also anticipated.

### 3.2.1 Impact on Land

The project measures **7.074** kilometers long and will require a total land area of **208,573 m<sup>2</sup>** affecting **43** parcels of land (Appendix C). The project traverses four (4) barangays in Parang, Maguindanao del Norte. Based on the data gathered from the LGU, the land use classifications of the project area are agricultural and residential. Table 3-2 provides details of the project components requiring land acquisition.

**Table 3-2: Land Acquisition and Areas to be Affected**

DD Cut-off Station	Length (km)	Total area to be acquired (m <sup>2</sup> )*	Land Use
00+000 to 07+074	7.074 kilometers	208,573	Majority are for agricultural use

\*Excluding river (1,302 sq.m.) and road (19,148 sq.m.)

Based on the parcellary survey, about 5.9% of the total land area has been affected. Table 3-3 shows the total land area as well as the affected and remaining land.

**Table 3-3: Loss of Land**

Land Area (m <sup>2</sup> )			Severity (parcels)		No. of PAPs
Total	Affected	Remaining	Marginally Affected	Severely Affected	
3,518,463	208,573	3,309,890	43	0	40

\*Excluding river (1,302 sq.m.) and road (19,148 sq.m.)

The project alignment, spanning across the barangays of Making, Gumagadong Calawag, Manion, and Nituan in Parang, Maguindanao del Norte, falls within the geographic boundaries defined by the following cadastral maps: TS-215, TS-102, GSS-263, and GSS-262 (as shown Figure 3-1). These meticulously crafted cadastral maps serve as essential reference points, delineating property boundaries, land parcels, and geographical features within the specified region.

Their precise representation ensures the project's alignment adheres to the established land divisions and geographical constraints, thereby facilitating efficient planning and execution of the proposed SP-8 Parang East Diversion Road.

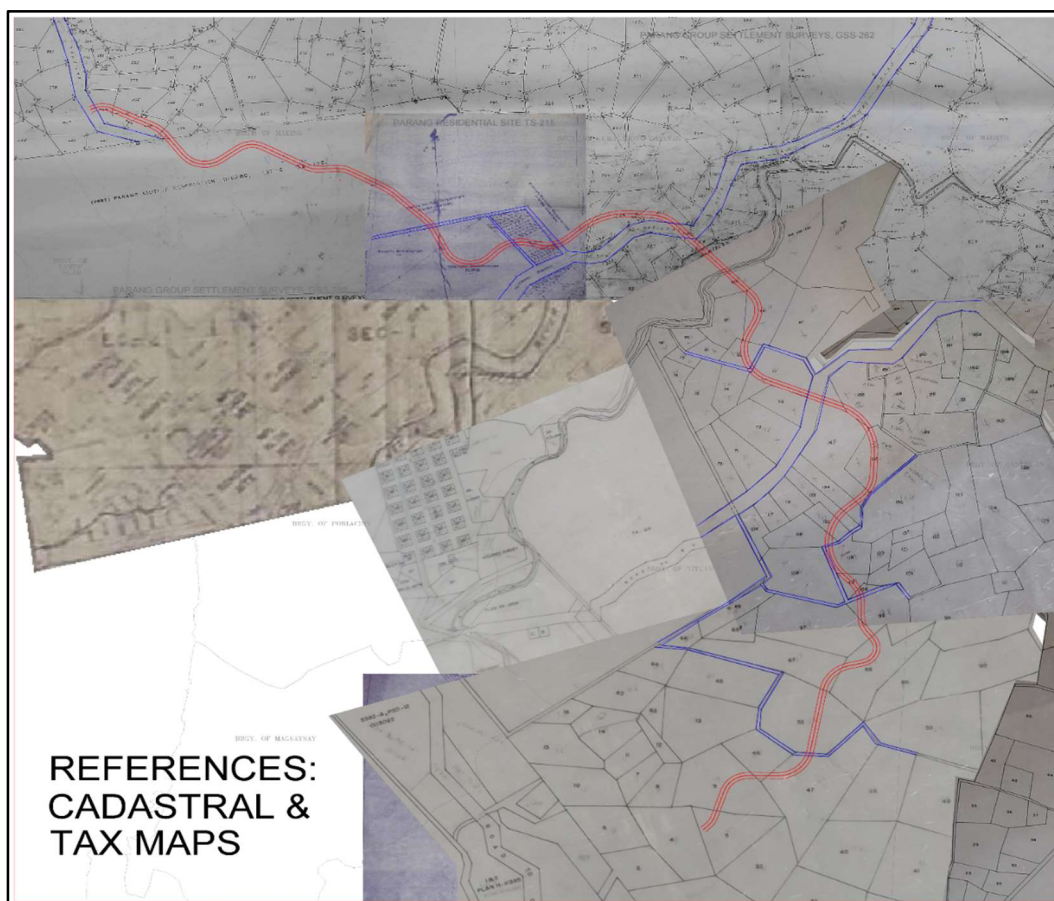


Figure 3-1. Cadastral Map

Since the LGU of Parang, Maguindanao del Norte lacks an available land valuation map, the consultant has engaged the services of the IPA to prepare one, as shown below:

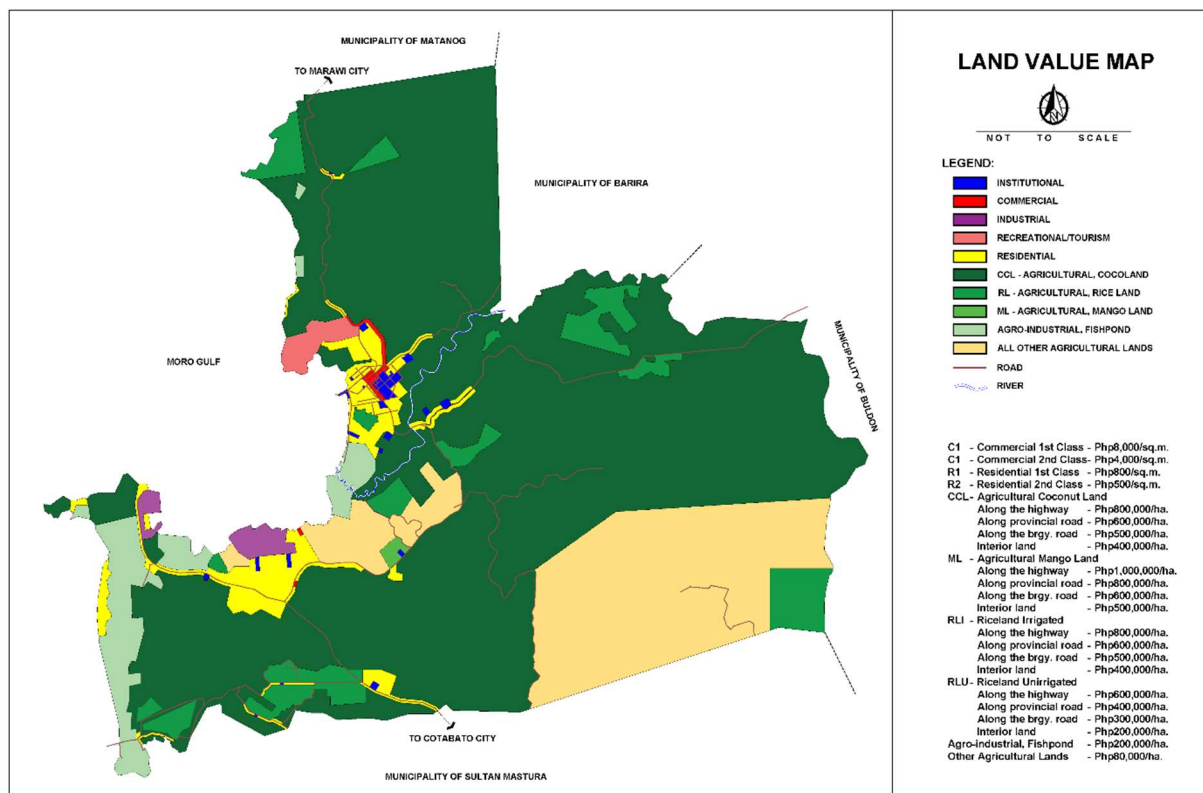


Figure 3-2. Land Value Map

### 3.2.2 Impacts on Structures and Improvements

Interviews with structure owners show that out of the **80** structures, **20** are main structures, **18** are community structures (posts, pathways, canals, roads, and water tanks), and **42** are other structures (improvements, abandoned, and under construction). Details such as the valuation of each structure based on replacement cost, as defined in Section 10 of the IRR of R.A. 8974, are in Appendix D, including photographs and sketch maps of tagged structures.

**Table 3-4: Loss of Structures and Improvements**

Main Structures		Other Structures			Community Structures	Total Structures
Residential	Commercial	Improvements	Abandoned	Under construction		
15	5	36	5	1	18	80

It shows that all structures (**80**) are severely affected, including **18** community structures owned by the LGU/BLGU.

**Table 3-5: Severity of Affected Structures**

No.	Type of Structures	Total Area	Affected Area	Severity		
				% Severity	Marginally-Affected <sup>2</sup>	Severely-Affected <sup>3</sup>
1	Residential	594.45	339.00	57%	-	15
2	Commercial	41.02	41.02	100%	-	5
3	Improvements	622.90	610.00	98%	-	36
4	Abandoned	101.50	101.00	100%	-	5
5	Under construction	54.00	4.00	7%	-	1
6	Community	282.95	279.00	99%	-	18
Total		1,696.82	1,375.00	81%	0	80

### 3.2.3 Impacts on Crops

The project also impacts livelihood as trees and crops that provide income to affected persons will be displaced. As discussed during the public consultation meetings, agricultural products such as fruits and industrial crops play a vital role as a source of income for the residents and farm workers in the locality.

The estimated land area of affected crops (banana, coconut, corn, and rice) is shown in Table 3-6 and Appendix E.

**Table 3-6: Loss of Crops**

Agricultural Crops (m <sup>2</sup> )					Total
Banana	Coconut	Corn	Rice	Others*	
1,464	162,268	13,200	1,200	3,857	181,989

\*calamansi, pineapple, papaya, etc.

<sup>2</sup> Marginally Affected - PAPs who stand to lose less than 20% of their assets and the remaining land/structure is still viable for continued use as intended.

<sup>3</sup> Severely Affected - PAPs who stand to lose 20% or more of their assets, or less than 20% of their assets are lost and the remaining land/structure is no longer viable for continued use as intended.

### 3.2.4 Impacts on Trees

The affected number of trees is **3,110**. Data on the number, type and valuation of trees are provided in Appendix F.

**Table 3-7: Loss of Trees**

Forest / Fruit Trees / Other Forest Products (n)						Total
Antipolo	Lansones	Mahogany	Marang	Yemane	Others*	
452	740	345	479	212	882	3,110

\*Alim, kakawate, mango, nangka, rambutan, etc.

### 3.3 Avoidance/Preventive Measures

As much as possible, the number of structures during the detailed engineering design study for the selection alignment of the Parang East Diversion Road has been minimized and mitigated.

### 3.4 Mitigation Measures

#### 3.4.1 Mitigating Measures on Land

Affected landowners will be compensated fairly. Landowners with lots that will be severely affected will be compensated at fair market values of the land and replacement cost of the structures (if any). Landowners that will be left with economically viable portions of land shall be mitigated through careful design of bridge alignment.

#### 3.4.2 Mitigating Measures on Structures and Improvements

To assuage the impacts on affected structures and improvement, the DPWH will provide payment promptly to facilitate immediate resettlement. Families whose average annual income is below the poverty threshold set by the National Statistical Coordination Board (NSCB) should be assisted to have access to a Community Mortgage Program (CMP) by the government to acquire their land at affordable monthly amortizations.

The said program is a mortgage financing program of the Social Housing Finance Corporation (SHFC), which assists legally organized associations of underprivileged and homeless citizens in purchasing and developing a tract of land under the concept of community ownership. The program's primary objective is to assist residents of blighted areas in owning the lots they occupy or where they choose to relocate to and eventually improve their neighborhoods and homes to the extent of their affordability.

Under Republic Act (RA) No. 7279, known as the Urban Development and Housing Act of 1992, the sale of real property which shall be utilized for a socialized housing project under the CMP is exempt from the Capital Gains Tax or ordinary Income Tax and its corresponding creditable withholding tax. The said sale, however, is subject to the Documentary Stamp Tax (DST) payment.

Additional disturbance compensation and transportation assistance<sup>1</sup> must be provided to the affected households, as stipulated in the DRAM of 2017.

## 4 SOCIOECONOMIC INFORMATION AND PROFILE

This section presents the Socioeconomic Profile of the project-affected areas and persons in the municipality of Parang, Maguindanao, Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

Only Project-Affected Persons (PAPs) residing in, conducting business, cultivating land, or holding rights over resources within the Right of Way (ROW) were considered during the survey to assess the extent of the project's impact on them.

The survey includes information about respondents, household demographics, household members, business activities, income, expenditures, savings, skills, training needs, business interests, utilities, facilities, equipment, and the project awareness of the affected persons. Furthermore, the results offer socioeconomic profiles of these individuals.

### 4.1 Affected Municipality

Parang is a coastal municipality located in the northern part of the BARMM. The municipality covers an area of approximately 850.78 square kilometers, constituting 8.53% of the total land area of Maguindanao.

The municipality of Parang is divided into 25 barangays, four of which are affected by the proposed SP8-Parang East Diversion Road.

Parang had an estimated population of 102,914 people with a density of 121 inhabitants per square kilometer.

Based on the PSA Population and Housing data released in May 2020, Parang's population distribution is significantly concentrated in a few barangays, while the rest have a smaller, more uniform distribution. Landasan (Sarmiento) has the largest population, accounting for 17% of the total, which is a considerable outlier. This is followed by Poblacion and Poblacion II, with 12% and 10% of the population, respectively. These three barangays alone comprise nearly 40% of the total population, indicating key residential and commercial concentration areas.

Magsaysay and Making are the next most populated areas, with 6% and 8% of the population, followed by a cluster of barangays (Bongo Island (Litayen), Nituan, and Polloc), each with around 4%. The remaining barangays each hold 1-2% of the population, suggesting a much less dense settlement pattern. This distribution might be influenced by factors such as economic opportunities, infrastructure, geographic accessibility, and available services, which typically draw people to more populous areas.

The smaller percentages in most of the barangays suggest a more rural setting or a spread of small communities across the region. The significant differences in population sizes may also reflect varying stages of development or the presence of natural or economic resources in those areas.

The native dialects spoken in Parang are Iranun, Maguindanaon, and Bisaya, but the predominant language spoken in Parang is Maguindanaon. Filipino and English are also used for formal communication and education.

Agriculture serves as the backbone of the local economy, with rice, corn, coconut, and fruit farming as the primary activities. Livestock farming and fishing also contribute to the local economy. Cottage industries related to traditional textiles like inaul and other handicrafts are also present.

In Parang, Maguindanao, there has been a focus on the development of the seaweed industry as a key product for both local consumption and export. The construction of a PHP 4.7-million seaweed support facility in Barangay Sarmiento is aimed at boosting the production of seaweed amid increasing demand in both domestic and international markets. This facility is expected to enhance post-harvest processing and provide training to improve handling and increase the income of farmers and fisherfolk involved in seaweed production.



Additionally, Parang has been declared a halal hub, with the Polloc Freeport and Ecozone being the first truly halal ecozone in the country. This declaration is intended to attract local and foreign investors and tap into the multi-trillion-dollar halal industry. This initiative by the Bangsamoro government is aimed at differentiating the market from other economic zones in the Philippines and seizing the opportunities in the continuously growing global halal market.

These developments point towards a diversification of Parang's economic activities with an emphasis on sustainable and culturally aligned industries that have the potential to open up new markets and enhance the local economy.

Like other areas in Maguindanao, Parang has a rich cultural heritage rooted in Islamic traditions. Traditional music and dance are integral to the culture and are often showcased during festivals and celebrations. Traditional clothing, including colorful and intricately designed malongs, is an important aspect of Maguindanaoan culture.

Parang may not be a major tourist destination, but it has its own charm with natural beauty and cultural attractions. Visitors interested in learning about the culture and traditions of the Maguindanao people can explore the local communities and interact with residents. The municipality's natural landscapes, such as rivers, lakes, and hills, offer opportunities for outdoor activities.

Road networks connect Parang to other municipalities and cities in Maguindanao. Public transportation, including buses, jeepneys, and tricycles, is the primary mode of travel within the municipality and neighboring areas.

As with many areas in Maguindanao, security concerns have been present in the past due to conflicts and insurgent activities. However, efforts have been made to improve stability and security in the region.

## 4.2 Affected Households

The table below shows that most households were interviewed, primarily owners (58.8%) and rent-free occupants (11.8%). On the other hand, 29.4% of the households were not interviewed, including absentee house owners, those out during the survey, and PAPs with realignment requests.

**Table 4-1: Interviewed vs. Not Interviewed**

No.	Interviewed vs. Not Interviewed	Parang East Diversion Road (SP8)				Total	
		Making	Gumagadong Calawag	Manion	Nituan	No	%
1	Interviewed	4	4	1	3	12	70.6%
	<i>Owner</i>	4	3		3	10	58.8%
	<i>Rent-Free-Occupant</i>		1	1		2	11.8%
2	Not Interviewed	3	1	1	0	5	29.4%
	<i>Absentee House Owner</i>		1	1		2	11.8%
	<i>Out During Survey</i>	1				1	5.9%
	<i>PAPs with realignment requests</i>	2				2	11.8%
Total		7	5	2	3	17	100.0%
%		41%	29%	12%	18%		

### 4.2.1 Information of the Respondent

A significant portion (67%) of the respondents are household heads, while others include spouses (17%), parents (8%), and other relatives (8%). In terms of age, the respondents are distributed across various age

groups, with no single age group dominating the other. Lastly, there is a notable gender disparity, with a higher percentage of male respondents (75%) compared to female respondents (25%).

#### 4.2.2 General Information of the Affected Households

The majority of households are owners (75%), and household sizes vary, with four-member households being the most common (33%). Most respondents have two children (67%), and half have lived in their current residence for over 20 years. The majority come from within the same Local Government Unit (LGU) (75%), primarily motivated by family ties (58%) rather than proximity to livelihood (42%). In addition, all respondents do not own any other real property. In terms of ethnic groups, Ilonggo is the most predominant (67%), followed by Maguindanao (25%) and Iranun (8%).

#### 4.2.3 Information on Household Member/s

Regarding their relationship with the household head, it's diverse, with daughters (25%) and spouses (24%) being the most common, followed by sons (24%) and household heads themselves (24%). Gender distribution is fairly even, with a slight majority of females (53%). Age spans across various generations, with a significant portion falling within the 15-39 age range, indicating a mix of young adults and parents. Civil status suggests a balance between single (49%) and married (43%) individuals. Bisaya is the dominant dialect spoken at home (65%), and Roman Catholicism is the most prevalent religion (57%). Most individuals report normal physical health (98%), with only one mentioning a health issue (cancer).

The survey shows a diverse range of educational attainment among project-affected individuals in the area. Among those of schooling ages (5-22 years old), the majority are currently enrolled in school (89%). Educational levels span from pre-school (4%) to college graduates (8%). Notably, a portion (16%) falls below the schooling age range, typically 5-22 years old.

Among those employed, the most common occupation is laborer/helper (36%), and the majority of employed individuals have a monthly income in the range of PhP 6000-7999 (50%). Employment status varies, with a significant portion having seasonal employment (57%), and the majority work within the Local Government Unit (LGU) where the project is located (100%).

#### 4.2.4 Information on Household Income, Expenditure and Savings

The majority of households have a monthly household income in the range of PhP 6000-7999 (50%), with some earning higher incomes as well. Monthly expenditures align closely with income levels, with a significant portion of spending in the same PhP 6000-7999 range (50%). However, when it comes to savings, the majority (83%) report having none. This suggests that income and expenditure levels are closely balanced for a significant portion of the affected households, leaving little room for savings, emphasizing the importance of financial planning and support in project assistance programs.

#### 4.2.5 Information on Household Skills, Training Needs, and Business Interests

The survey shows a variety of existing skills among project-affected individuals, with cooking being the most prevalent (47%), followed by farming (14%), and basketball playing (11%). In terms of skills/training preferences, culinary arts courses are highly favored (49%), along with agriculture courses (14%) and driving (11%). As for business interests/preferences, automotive shops and sari-sari/grocery stores are equally popular (33%), indicating a potential interest in entrepreneurship and vocational training that aligns with these interests.

#### 4.2.6 Information on Household Utilities, Facilities and Equipment

The living conditions of the majority of the households have roofs made of G.I. sheets (100%), while outer walls are constructed using a mix of bamboo (17%), concrete (42%), and wood (42%). Most rely on electric power/lighting (75%), with a minority using kerosene (25%). Drinking water sources vary; pump wells (50%) are the most common, followed by spring/river water (25%). Toilet facilities primarily consist of semi-flush systems (92%). For cooking, the majority use wood (75%), with some using LPG (17%) or charcoal (8%).

The survey also reveals household ownership/possession of appliances/equipment, communication tools/gadgets, and transport. Electric fans are the most commonly owned appliances (36%), followed by televisions (24%). Mobile phones are widespread communication tools (92%), while motorcycles (67%) are the most common mode of transport. These possessions reflect the affected population's connectivity and access to modern conveniences.

#### 4.2.7 Information on Household Project Awareness

The survey suggests a high level of awareness about the proposed project, with 83% of respondents becoming informed through barangay meetings/consultations, while 17% learned about it from survey/research teams. Interestingly, despite being aware, all respondents expressed support for the project. The perceived benefits of the project include improved access to facilities and services (67%), followed by employment and income opportunities (25%). Concerns primarily revolve around environmental damage (25%), damage to houses (17%), and population displacement (25%). To address these concerns, respondents recommend compensating affected structures & trees/crops, conducting tree planting, providing livelihood assistance, and offering a resettlement site.

## 5 COMPENSATION AND ENTITLEMENTS

Compensation and entitlements are designed to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the living standards of the displaced poor and other vulnerable groups.

DPWH will offer to the property owner concerned, as compensation price, the sum of:

1. replacement cost of land based on the current market value of land, free of taxes;
2. the replacement cost of structures and improvements also in the current market value of the materials used; and
3. the current market value of crops and trees.

Replacement cost is necessary to replace the affected structure or improvements with a similar asset based on current market prices. The replacement structure must perform the same functions and meet the performance of specifications as the original structure.

To determine the appropriate price offer for the acquisition of ROW through negotiated sale, DPWH will engage the services of a government financial institution (GFI) with adequate experience in property appraisal or an independent property appraiser (IPA) accredited by: (1) the Bangko Sentral ng Pilipinas (BSP) or (2) a professional association of appraisers recognized by BSP.

In terms of entitlements and compensation, these are determined according to the nature of the impacts. Compensation, transitional allowances, and resettlement assistance will be provided in full to PAPs prior to displacement, land clearance, and commencement of works in any affected areas.

If PAPs are unable or unwilling to receive their entitlements due to contested ownership, PAPs being absent and unreachable, or PAPs 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 in an escrow account until such time as the money can be released to the PAPs.

Project Affected Persons (PAPs) are those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, and resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, social and cultural networks and activities. Such impacts may be permanent or temporary. To sum up, PAPs are:

1. Persons with formal legal rights to land and structures lost in its entirety or in part;
2. 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
3. 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.

Specific to the project, the following types of PAPs are qualified:

1. 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.
2. PAPs 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

3. PAPs with Crops, Fruit Trees, and other Perennials
  - a. Owners of affected crops, fruit trees and perennials who have full title, tax declaration, or other acceptable proof of ownership (e.g., possessory rights, usufruct, etc.)
  - b. Owners of affected crops, fruit trees and perennials who have no land title or tax declaration or other acceptable proof of ownership.
4. PAPs Affected by the Loss of 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.

Cut-off date is the date of commencement of the census of PAPs within the project boundaries. Persons not covered at the time of census-taking will not be eligible for claims of compensation entitlements. For formal PAPs, cut-off date is reckoned upon receipt of Notice of Taking but the value of the land will be based on the agreed values of the land at the time of taking.

In this Project, the cut-off date of eligibility for structures and entitlements is provisionally set on **June 9, 2023**, though the official cut-off date shall be set in accordance with the parcellary survey.

Determination of informal PAPs and affected improvements shall be based on cut-off date, which is the start of the census of PAPs and tagging for improvements.

## 5.1 Compensation and Entitlement Matrix

A range of entitlements is provided in Table 5-1.

**Table 5-1: Compensation and Entitlement Matrix<sup>4</sup>**

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
<b>1</b>	<b>Loss of Land (37 PAPs or 39 Parcels of land)</b>				
1a	Land (Classified as Agricultural, Residential, Commercial, or Institutional)	<p>PAPs with Original Certificate of Title (OCT), Transfer Certificate of Title (TCT), emancipation patents (EP), or Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act.</p> <p>PAPs who are not original patent holders of lands granted through Commonwealth Act (CA) 141 (i.e., those who have bought the patent for land previously granted through</p>	<p>Cash compensation for land at replacement cost<sup>5</sup>.</p> <p>OR</p> <p>Where the livelihood is land based, land for land of equivalent productivity, if land is available.</p>	<p>Replacement Cost will be computed based on the current market value of the land determined by Government Financial Institutions (GFI) with adequate experience in property appraisal or an accredited Independent Property Appraiser (IPA).</p> <p>The compensation will include Capital Gains Tax (CGT), Documentary Stamp Tax (DST), Transfer Tax, and Registration Fees. The unpaid Real Property Tax shall be paid by the landowner.</p> <p>As provided by RA 10752, payment for compensation of</p>	DPWH-UPMO (RMC I)

<sup>4</sup> All claims and documents will be subject to validation.

<sup>5</sup> This provision would apply when land is acquired through negotiation. If land is acquired through expropriation, the provisions of Section 7 of RA 10752 would apply.

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
		<p>CA 141) and where any previous acquisition is not through gratuitous title (e.g., donation or succession)</p> <p>For untitled land, PAPs with (a) Tax Declaration showing 30 or more years of continuous possession; (b) Department of Environment and Natural Resources (DENR) certification showing that land is alienable and disposable, or (c) other documents that show proof of ownership PAPs who were formerly ISF but now hold the title of land because of social government housing program.</p>		<p>affected land– upon the execution of a deed of sale, the implementing agency shall pay the property owner:</p> <ul style="list-style-type: none"> <li>• Fifty percent (50%) of the negotiated price of the affected land, exclusive of taxes.</li> </ul> <p>The remaining fifty percent (50%) will be provided upon Land Title transfer to the Philippine Government.</p> <p>Easement Agreement Included.</p>	
1b		<p>PAPs who are original patent holders of lands granted through CA 141 which have not been subject to previous government exercise of its lien</p>	<p>There is no compensation for land up to 20 m wide if the patent was granted prior to 1975 and up to 60 m in width for patents granted thereafter. For areas more than government lien, it is the same as PAPs with OCT.</p>	<p>Presidential Decree (PD) No. 635, dated 07 January 1975, increased the ROW strip reserved for public use from 20 meters in width to a width not exceeding 60 meters. If the government decides to exercise its right to use the ROW strip reserved for public use within the land acquired under CA No. 141, the owner is required to execute a quit claim. The Implementing Agency (IA) shall then take possession of the property affected by the ROW without any compensation to the owner for the land but shall pay the owner the cost of the damages for the improvements within that land</p>	

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
				equivalent to their replacement cost as determined by the Government Financial Institution (GFI) or accredited Independent Property Appraiser (IPA) by the Bangko Central of the Philippines.  Easement Agreement Included.	
1c		PAPs whose properties are mortgaged	Cash compensation for land at replacement cost.	<p>Replacement cost will be computed based on the current market value of the land determined by Government Financial Institutions (GFI) with adequate experience in property appraisal or an accredited Independent Property Appraiser (IPA).</p> <p>The compensation will include Capital Gains Tax (CGT), Documentary Stamp Tax (DST), Transfer Tax, and Registration Fees. The landowner will pay the unpaid Real Property tax.</p> <p>The PAP will have the option of relinquishing the severed portion of the remaining unviable land for acquisition.</p> <p>Compensation will be paid after deducting the remaining amortization payable to the mortgagee.</p> <p>The remaining amortization amount deducted, computed based on the original amount of principal, less interest for the remaining amortization period, will be paid to the mortgagee.</p>	DPWH-UPMO RMC1

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
				Easement Agreement Included.	
<b>2</b>	<b>Loss of Structures and Improvements (38 PAPs or 61 structures)</b>				
2a	Structures (Residential, Commercial, Industrial/ Institutional)	PAPs who own affected structures, including absentee owners and owners of structures who do not own the land	Cash compensation for the structure at replacement cost, including transaction costs without deduction for depreciation or salvaged materials <sup>6</sup>	<p>For partly affected structures, if the unaffected portion is safe and viable for the intended use, in addition to compensation for the affected portion of the structure, additional cash assistance for the restoration and/or repairs of the affected portion of the structure shall be provided. The cost of cash assistance shall be commensurate with the actual costs of repairs, including reconnection fees for utilities.</p> <p>If the unaffected portion is unsafe and/or unviable for the intended use, compensation for the entire structure shall be paid.</p> <p>Affected Structures and Improvements, Crops and Trees</p> <ul style="list-style-type: none"> <li>Seventy percent (70%) of the market value upon the Agreement to Demolish/ Removal of the affected structures, improvements, and crops and trees.</li> </ul> <p>The remaining thirty percent (30%) shall be paid upon completion of Demolition /Removal of the affected structures, improvements, and crops and trees.</p>	DPWH-UPMO (RMC I)

<sup>6</sup> The replacement cost shall be composed of the Estimated Direct Cost (EDC) and the Estimated Indirect Cost (EIC). EDC includes the cost for permits and clearances such as building permit as indicated in Section 6.6 of RA 10752.



S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
<b>3</b>	<b>Physical Displacement (15 PAPs)</b>				
3a	Loss of Residential Structure	PAPs who own structures and also own the land where the structure is located.	In addition to the compensation provided under S.No.2	For partly affected structures, if the unaffected portion is unsafe and/or not livable, in addition to the compensation provided under S.No.2, will be entitled to assistance provided under S.No.3a.	Housing and Urban Development Coordinating Council (HUDCC) and the National Housing Authority (NHA), in coordination with the LGUs and IAs concerned
3b		PAPs who own structures but do not own the land where the structure is located are eligible for socialized housing as prescribed in R.A. 7279.	(i) Resettlement assistance through Pag-IBIG low-cost and medium-cost housing loans. (ii) Right to salvage materials. (iii) Inconvenience allowance amounting to PHP 10,000 per household. (iv) Transportation assistance of PHP 15,000 per household.		
3c		PAPs who own structures but do not own the land and ARE ELIGIBLE <sup>7</sup> for socialized housing as prescribed in R.A. 7279	In addition to the compensation provided under S.No.2 (i) Provision of socialized housing unit. (ii) Right to salvage material. (iii) Transitional Allowance equivalent to three-month rent (one-month rental and two months advance) of a similar structure within the same area. (iv) Transportation assistance of PHP15,000 per household.		
3d		PAPs who are renting, leasing, or sharing the structure are NOT	No compensation for land and structures. (i) Provision of	APs who are renting, leasing, or sharing the structure and are <b>NOT</b> eligible for socialized	

<sup>7</sup>(a) Must be a Filipino citizen; (b) Must be an underprivileged and homeless citizen, as defined in Section 3 of RA 7279; (c) Must not own any real property whether in the urban or rural areas; and (d) Must not be a professional squatter or a member of squatting syndicates.

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
		eligible for socialized housing as prescribed in R.A. 7279.	(ii) Transitional Allowance is equivalent to three months of rent (one-month deposit and two months advance rental) for a similar structure within the same area. (iii) Transportation assistance of PHP 15,000 per household.	housing as prescribed in R.A. 7279 are given ample time to find a new place to rent	
3e		PAPs who are renting, leasing, or sharing the structure are eligible for socialized housing as prescribed in R.A. 7279.	Ditto	Ditto	
3f	Loss of other immovable machineries, equipment, and assets.	Owners of other immovable machineries, equipment, and assets.	Compensation at replacement cost for affected immovable machinery, equipment, and other assets, including associated transportation and installation costs from the supplier to a new location.	Based on the appraised value of the immovable equipment	
<b>4</b>	<b>Loss of Livelihood / Income (5 PAPs)</b>				
4a	Loss of Business	Affected persons who own fixed micro businesses <sup>8</sup> [e.g., small shops, sari-sari stores, carinderias (eateries), food stands, repair shops, etc.] with or without permits from the LGU concerned.	(i) Cash assistance for six months for income loss. (ii) Assistance in securing soft loans through existing government agencies' programs to enable self-rehabilitation for those restarting businesses elsewhere. (iii) Training for skills	For microbusiness with income filed income tax return (ITR) as proof of income, the amount on the declared ITR equivalent to six months income will be provided, computed based on past six-month average income reported in the ITR.  For micro business with no proof of income (ITR), the six-month assistance will be computed based on the latest applicable	DPWH-UPMO (RMC I), LGU, TESDA, DSWD, and other relevant national government agencies.

<sup>8</sup> Businesses with up to PHP 3,000,000 capitalization and 1-9 employees as defined under Small and Medium Enterprise Development Council Resolution No. 01 Series of 2003 dated 16 January 2003

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
			<p>development for any one member of the affected household.</p> <p>(iv) Transportation assistance of PHP15,000 per household.</p> <p><b>For affected persons who are leasing space:</b> For those who will continue with their micro-small business activities elsewhere, a rental subsidy for three (3) months is based on the prevailing average monthly rental for a similar structure of equal type and dimension to the property being leased. This is not applicable to lease contracts that will expire at the time of taking possession of civil works.</p>	<p>minimum wage rate at 30 days per month.</p> <p>The training for skills development will be developed during implementation based on need assessment with provision to cover the cost of suitable training through Government / Government accredited agencies at PHP15,000 per affected person.</p>	
4b		Affected persons who own small, medium, or large business <sup>9</sup> establishments (commercial, industrial, and institutional).	<p>(i) Cash assistance for six months for income loss.</p> <p>(ii) Transportation assistance of PHP15,000 per household.</p> <p><b>For affected persons who are leasing space:</b> For those who will continue with their micro-small business activities elsewhere, a rental subsidy for three (3) months is based on the prevailing average monthly rental for a similar structure of</p>	<p>For business establishments with income-filed income tax returns (ITR) as proof of income, the amount on the declared ITR equivalent to six months' income will be provided and computed based on the past six-month average income reported in the ITR.</p> <p>For business establishments with no proof of income (ITR), the six-month assistance will be computed based on the latest applicable minimum wage rate of 30 days per month.</p>	

<sup>9</sup> The Philippines employs two criteria in operationally defining MSMEs, namely employment and asset size. The PSA classifies an enterprise as a micro if it has less than 10 employees, small if it has 10-99 employees, medium with 100-199 employees, and large if it has 200 or more employees.

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
			equal type and dimension to the property being leased. This is not applicable to lease contracts that will expire at the time of taking possession of civil works.		
4c	Loss of Income / Wages	Affected persons who are employed in a displaced commercial, agricultural, aquaculture, industrial, or institutional establishment and lose their job due to closure of business or laying off because of minimized operation.	<p>(i) Cash assistance will be provided for three months based on wages/salary earned; if there is no record of wages/salary, assistance will be computed at minimum wages.</p> <p>(ii) Training for skills development for any one member of the affected household.</p> <p>(iii) Priority in employment during the construction and operation stage of the project. Per RA No. 6685, an act requiring private contractors to whom national, provincial, city and municipal public works projects have been awarded under contract to hire at least fifty percent of the unskilled and at least thirty percent of the skilled labor requirements to be taken from the available <i>bona</i></p>	<p>Provision of training for skills development, based on affected persons preference, in collaboration with agencies such as TESDA, DA, LGU PESO, DTI and other agencies mandated to provide training and livelihood program.</p> <p>The DPWH -LLRN Project PMO will establish a Resettlement Implementation Committee and sign a MOA with agencies mandated to provide assistance to the APs of the project with funds downloaded to these agencies to ensure that employment and livelihood restoration plan is carried out in accordance with the RF.</p> <p>For wages/salary income tax return (ITR) will be the basis to determine wage/salary earned.</p> <p>If no proof of wage/salary, the assistance will be computed based on the latest applicable minimum wage rate at 30 days per month.</p> <p>The training for skills development will be developed during implementation based on need assessment with provision to cover the cost of suitable training</p>	

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
			<i>fide</i> residents in the province, city or municipality in which the projects are to be undertaken, and penalized those who fail to do so.	through Government / Government accredited agencies at PHP15,000 per affected person.	
4d		Affected persons who permanently relocate to a place that makes former wage-based livelihood opportunities inaccessible and, as a result, need to find new employment or source of livelihood.	(i) Cash assistance will be provided for three months based on wages/salary earned, or if there is no record of wages/salary, assistance will be computed at minimum wages.  (ii) Training for skills development for any one member of the affected household.		
4e	Rental income	Owners of structures deriving rental income (owners of residential structures and/or commercial structures who have rented/leased out their structure)	Cash assistance is equivalent to three months' rental derived from the affected structure, or if there is no proof of rental receipt, rental paid for a similar structure within the same area will be paid.		
<b>5</b>	<b>Loss of Crops, Trees, and Livestock (36 PAPs or 181,989sq.m. of agricultural crops and 3,110 trees)</b>				
5a	Loss of Crop	Affected persons who own land or lessees, who are directly involved in farming	Disturbance compensation is equivalent to five times the average gross harvest over the last five years on the principal and secondary crops of the area acquired (as adopted from RA 6389).		DPWH-UPMO (RMC I) with support from DA, MAO, DENR and MENRO
5b		Agricultural tenants and sharecroppers	Financial assistance is equivalent to the average gross harvest over the last	In the case of privately-owned land/publicly owned land, crop compensation will be	

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
			three years, not less than PhP15,000/ha (EA 1035).	disbursed between the owner and sharecropper, as per terms of the sharecropping arrangement,  In case of dispute over verbal agreement with sharecropper, certification from elected representatives will be considered a legal document.	
5c		Landless farmers who are neither tenants, lessees, nor sharecroppers.	(i) Time to harvest annual crops; otherwise, compensation for crops is based on market value at harvest time.  (ii) Cash compensation for income loss equivalent to two months minimum wage for affected landless farmers.  (iii) Provision of training for skills development in collaboration with agencies such as TESDA, DA, LGU PESO, DTI and agencies mandated to provide training and livelihood programs.		
5d	Loss of trees and perennial crop	Owners of timber, non-timber and fruit-bearing trees, and other perennial crops (regardless of ownership status of the affected land).	(i) Compensation for timber and non-timber trees at current market values as prescribed by the Department of Environment and Natural Resources (DENR).		

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
			<p>(ii) Compensation for fruit-bearing trees is calculated at the annual net product market value multiplied by the number of productive years remaining by the Department of Agriculture (DA).</p> <p>(iii) Cash compensation for perennial crops calculated at current market value as prescribed by the concerned LGUs, DA, and DENR.</p>		
5e	Livestock	Owners of Livestock	<p>(i) Compensation of income loss equivalent to one year of income.</p> <p>(ii) Transportation assistance of a maximum of Php.15,000 for transporting livestock.</p>	Annual income will be computed based on the guidelines of the Department of Agriculture.	DPWH-UPMO, RMC1 with the support of the DA
<b>6</b>	<b>Additional Assistance to Vulnerable</b>				
6a	Physical and/or economic displacement.	Households belonging to the poverty threshold, households headed by the elderly, households headed by women, women and children, indigenous peoples, landless, those without legal title to land, solo parents with dependents, and households with members who are PWD.	<p>In addition to applicable compensation and assistance, Vulnerable shall be provided with additional assistance:</p> <p>(i) Inconvenience allowance of PHP.10,000 per household.</p> <p>(ii) Rehabilitation assistance in the form of skills training and other development activities with a</p>		DPWH-UPMO (RMC I), LGU, TESDA, DSWD, and other relevant national government agencies.

S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
			value of up to PHP.15,000. (iii) Support and/or maintain access to government welfare programs. In collaboration with agencies mandated to provide such services.		
<b>7</b>	<b>Loss of Public Land and Structure (33,340 sq.m. / 18 community structures)</b>				
7a	Land and Structure	Government agencies that own affected land and/or structures.	(i) Government-to-government arrangement for loss of land. (ii) Replacement cost for structure without deduction for depreciation.		DPWH-UPMO (RMC I) and concerned NGA/LGU
7b	Utility	Utility Service Providers/ Concessionaires (power, water, telecommunication )	DPWH, through agreements with utility service providers and/or concessionaires, will directly engage with such entities regarding compensation and the relocation of their facilities.	The impacts of involuntary resettlement arising from utility relocation will be addressed in accordance with the principles of this policy framework.	DPWH-UPMO (RMC I) and concerned NGA/LGU
<b>8</b>	<b>Temporary use of Land by Civil works Contractor</b>				
8a		APs who have legal rights to the land.	(i) Cash payment for the rent of the affected land at prevailing rental rates in the property's location until the property is restored.	These provisions are covered in the contract/agreements of the civil works contractors.  Payable by the civil works contractor and ensured by DPWH.	DPWH-UPMO (RMC I)
8b		APs do not have legal rights to affected land but are owners of affected non-land assets.	(ii) Restoration of land within 3 months of completion of use. (iii) Compensation for damaged/affected non-land assets at full replacement cost.		



S.No.	Type of Loss	Entitled Person	Compensation/ Entitlements	Implementation Guidelines	Responsible Organization
<b>9</b>	<b>Unanticipated Involuntary Resettlement Impacts</b>				
9a	Unanticipated impacts will be addressed in accordance with the provisions of the resettlement framework, JICA Guidelines for Environmental and Social Considerations (2022), and applicable national laws and regulations.				DPWH-UPMO (RMC I) with support from NHA and LGUs

For PAPs that are willing to donate their properties, including structures, the donation is the appropriate mode of acquisition. The Donation, as defined under Art. 2725 of the Civil Code “is an act of liberality whereby a person disposes gratuitously of a thing or right in favor of another who accepts it.” Moreover, the Involuntary Resettlement Sourcebook of the World Bank will be observed. The deed of donation should be simple and unconditional and contain clauses to the effect that:

- Donation is made by the donor not to defraud his creditors.
- Donor reserved for himself enough property for his and his family’s subsistence, sustenance, and support.
- Deed of donation should be registered with the Registry of Deeds.
- The implementing agency may utilize donation or a similar mode of acquisition if the landowner is a government-owned or government-controlled corporation.

Expropriation should be the last resort in acquiring infrastructure ROW. In accordance with RA 10752-IRR Section 7, the IO may resort to the mode of expropriation to acquire real property for the ROW for a national government infrastructure in any of the following cases: a. If the negotiated sale fails, i.e., if, within thirty (30) days after receiving the price offer from the IO, the property Owner: (1) refuses or fails to accept the price offer for negotiated sale; or, (2) fails and/or refuses to submit the documents necessary for payment under the negotiated sale; or, b. When negotiation is not feasible, including cases where, after due diligence: (1) the Owner of the property cannot be found or (2) the Owner is unknown or (3) the Owner is deceased and the estate has not been settled or (4) there are conflicting claims over the Ownership of the property and improvements and/or structures thereon.

DPWH will initiate expropriation proceedings. The IO shall immediately deposit to the Court in favor of the Owner, the sum of: the value of the land based on the current relevant BIR zonal valuation, the replacement cost at current market value of the structures and improvements, and the current market value of crops and trees.

Gender key considerations. Regardless as to whether the designated household head is a man or a woman, both spouses heading PAPs will be invited when the compensation is disbursed. New titles at resettlement sites will be issued in the names of both spouses heading household recipients of resettlement site plots. In the long term, the road project is expected to improve women’s access to social services, economic or financial resources or opportunities, and other basic infrastructure.

## **5.2 Livelihood Restoration Program**

The Livelihood Restoration Program (LRP) is an essential component of a RAP. It provides the PAPs assistance whose livelihoods are directly adversely affected by the Project by restoring their income generating capacity to at least pre-project levels. For vulnerable PAPs, the LRP is also aimed at improving their living standards. The livelihood restoration measures are to be planned to take account of each individual situation. Sufficient time for planning and substantial interaction with the PAPs is deemed essential requisites to developing a more robust plan that will promote both immediate and long-term self-sufficiency. As such, while this plan outlines the necessary livelihood restoration measures, further consultations with the PAPs are needed to plan specific livelihood restoration and improvement measures.

As explained above, the following groups of people are considered to have their livelihood hindered because of the project and hence be eligible to participate in the program.

- 1) Business entities and employees;

- 2) Displaced persons; and
- 3) Vulnerable groups

### 5.2.1 Livelihood Restoration of Business Entities and Employees

In terms of business entities, the assistance and entitlements that can be provided by DPWH, with support from concerned government agencies are summarized in **Table 5-1**. under the “Other Entitlements.” They are grouped based on the following:

- 1) PAPs who own affected fixed micro businesses (e.g., small shops)
- 2) PAPs who own affected small, medium or large businesses

PAPs who are employed in affected business entities who lose their job due to the project implementation will be given priority in employment during the construction and operation stage of the project and or rehabilitation assistance in the form of skills training and other development activities.

### 5.2.2 Livelihood Restoration of Displaced Persons and Vulnerable Groups

The LRP for individuals including displaced employees is designed based on the existing relevant programs at the national, regional, provincial and LGU levels. While DPWH carries the ultimate responsibility for the entitlement program, LGUs are expected to play an equally, if not more, important role in ensuring that the PAPs’ livelihood is restored and/or improved in a long run and that the LRP is in line with the existing programs and institutions.

The program should start prior to implementation stage of the project and may extend as far as the end of its completion yet not less than one year after commencement of construction. In order to ensure social inclusion, development outcomes should pay a special attention to integrating the different needs and concerns of women and men, people with disability, and the elderly as agents and beneficiaries of the programs and services.

As part of its function in providing livelihood restoration program to its constituents, the Municipality of Parang will assist the PAPs in availing the following livelihood programs from MBHTE and MSWD.

#### 5.2.2.1 Vocational Training offered by MBHTE

Vocational training will be provided to the PAPs by the Ministry of Basic, Higher and Technical Education (MBHTE). MBHTE is the government agency tasked to manage and supervise technical education and skills development in the region. Training activities will be delivered through the following three modes.

- a. **Training Centers operated by MBHTE** - MBHTE provides certificates of completion after each training course. The certificates of the completion are presented to would-be employers who will provide permanent employment and a regular stream of income. Trainings cost an average of Php 10,000/course but may be as high as Php 15,000. MBHTE, in collaboration with the LGUs, industries that provide funds, implement the Training for Work Scholarship Program (TWSP) where successful scholars are chosen to undergo trainings based on industry requirements. The scholars, before being chosen, undergo a rigid selection process. PAFs and/or vulnerable groups may avail of this program after they pass the tests or assessments.
- b. **Private Institutions** - Vouchers are allocated by MBHTE at least three to four times a year to accredited training centers. The number of vouchers is based on demand and is usually determined through surveys on the training courses needed in each barangay.
- c. **Community-based Programs** - Community-based Training for Enterprise Development Program is primarily addressed to the poor and marginal groups who cannot access formal training provisions. They may have low skills, limited management abilities, and have few economic options. They may have no access to capital and hence unqualified for formal credit programs. The program goes further than just skills trainings. It is purposefully designed to help form livelihood enterprises that will be implemented by the trainees immediately after the training. Likewise, it is designed to assist partner

agencies such as LGUs, NGOs, people organizations and other agencies and organizations tasked to help the poor people engage in productive activities to help themselves and their communities.

- d. **Vocational Trainings** - those provided by MBHTE in particular, should ensure women's enrollment in non-traditional skills training (e.g., welding, carpentry and plumbing) as it offers higher income compared to being engaged in traditional livelihood activities (Sec. 13, RA 9710). MBHTE should ensure the full implementation of the gender sensitive TVET curriculum in all training courses regardless of the mode of delivery of these trainings.

#### 5.2.2.2 Sustainable Livelihood Program offered by the Ministry of Social Services and Development (MSWD)

The Sustainable Livelihood Program (SLP) is a community-based capacity building program that seeks to improve the program participants' socioeconomic status.

The program design has two tracks: the Microenterprise Development Track and the Employment Facilitation Track.

- a. **Track 1: Microenterprise Development** - The Microenterprise Development Track is a capacity building program that focuses on micro-enterprise development, skills enhancement, networking and partnership building, and provision of capital assistance to poor families. The participants shall be organized by their economic or livelihood activity, depending on the local field implementer's assessment of the most appropriate form.
- b. **Track 2: Employment Facilitation** - The Employment Facilitation Track provides assistance to unemployed members of poor families preferring a job rather than start an enterprise for income generation. They shall be provided with technical skills training, occupational guidance and counselling, and job referrals or placement.

Given the necessary interventions identified for both tracks, the field implementers are expected to serve as process facilitators and partnership builders to generate and bridge opportunities for the program participants.

Both tracks are executed based on the Community-Driven Enterprise Development (CDED) approach, which equips program participants to actively contribute to production and, labor markets by looking at available resources and accessible markets. The CDED approach promotes the Local Economic Development (LED) strategy and Value Chain Production of each community.

The Community-Driven Enterprise Development (CDED) is an important instrument for the realization of potential among marginal and deprived communities and is important in bringing social upliftment. It is a low cost, easy to implement training approach for helping entrepreneurs and development partners. It is one of the strategies being implemented by the national and local governments in addressing the issue of poverty.

### 5.3 Relocation and Resettlement Plan

#### 5.3.1 Qualified PAPs

Pursuant to the RA 7279 (Urban Development and Housing Act of 1992), the LGUs in coordination with NHA, are tasked with the resettlement of persons living in danger areas (esteros, railroad tracks, garbage dump, riverbanks shorelines and waterways). They are to provide relocation or resettlement sites with basic services and facilities and access to employment opportunities sufficient to meet the basic needs of the affected households.

All qualified informal settlers that are affected by the project are eligible to be relocated into relocation sites. Those project-affected ISFs that do not meet the following criteria will be compensated in cash for their affected assets such as structures at replacement cost. Relocation of PAPs will ensure their security of tenure that they will not be evicted nor their dwellings be demolished without just or acceptable reason and ample consultation with the affected people in accordance with the compensation policy adopted in the project.

The qualifications for the PAPs to avail of the Socialized Housing Program under the provisions of RA 7279 are as follows:

- Must be a Filipino citizen;
- Must be an underprivileged and homeless citizen, as defined in Section 3 of RA 72799;
- Must not own any real property whether in the urban or rural areas; and
- Must not be a professional squatter or a member of squatting syndicates

### 5.3.2 Resettlement Options Available to PAPs

**Self-Relocation:** In this approach, displaced individuals choose to move to a location they prefer rather than settling in relocation sites endorsed by the project. This often works in their favor since they maintain control over significant decisions related to social ties, material concerns, and economic stability. Even though they move with all their entitlements, they may still need support in terms of social integration or job assistance to achieve their previous living standards. The support extended to these individuals depends on their household category, but it's primarily aimed at facilitating a burden-free self-relocation.

**Supported Resettlement:** Under this arrangement, the project-affected persons are relocated to the committed one (1) hectare land dedicated by the Municipality of Parang or to housing projects offered by Key Shelter Agencies, tailored to the qualifications of the affected persons, which are determined collaboratively by the LGU and the respective government shelter entities.

The **relocation site sponsored by the project** is the ideal choice for those who are potential candidates for socialized housing. However, the modest count of 15 potential beneficiaries doesn't warrant the establishment of a full-blown resettlement site for the project-affected persons. Instead, the DPWH will assist these project-affected households with the existing or upcoming housing ventures of the LGU or agencies like NHA, SHFC, and MHSD.

Following discussions with the LGU of Parang, it was emphasized that relocating PAPs falls under the responsibility of the LGU and the Ministry of Human Settlements and Development. While a specific relocation site for PAPs affected by the SP8 Parang East Diversion Road project has not yet been designated, they have committed to providing relocation assistance. This assistance will involve integrating PAPs into existing relocation sites within the Municipality of Parang, as shown below:

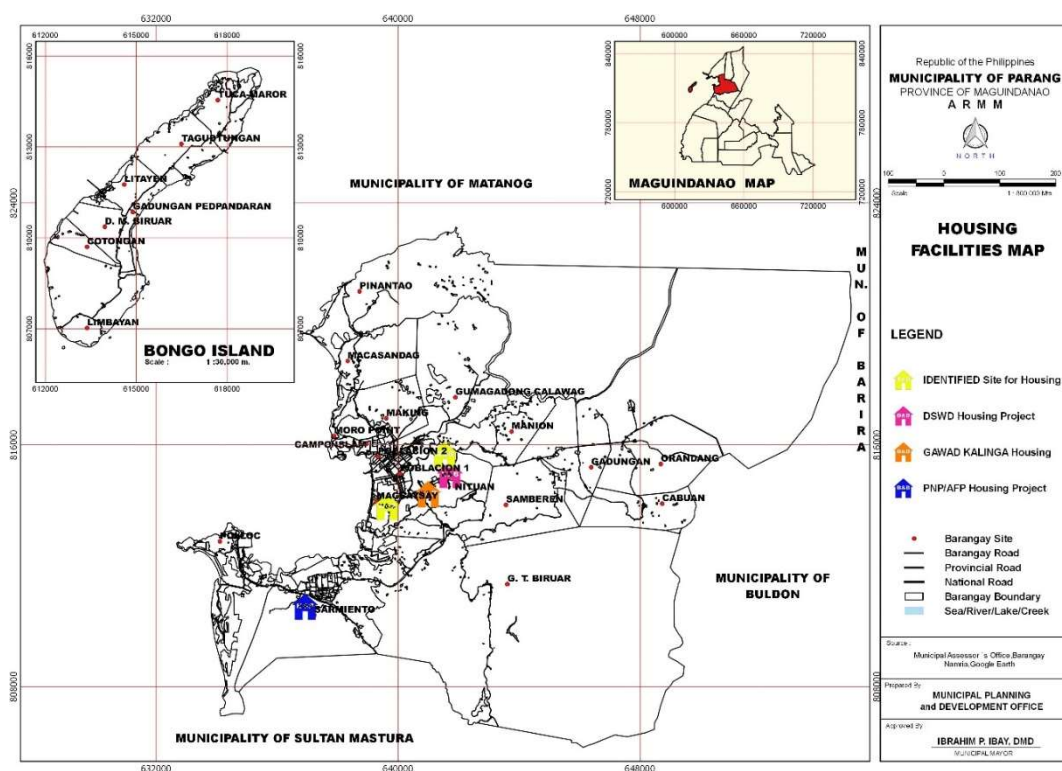


Figure 5-1: Housing Facilities Map

## 6 RAP BUDGET

The cost of implementing the RAP for the Parang East Diversion Road Project is estimated at **PhP 47,754,683 (USD 841,033)**. In addition, the budget includes costs for acquiring land and non-land assets, relocation and resettlement assistance, livelihood programs to PAPs, and utility relocation, among others.

The estimated RAP Implementation Cost is provided in Table 6-1. In addition, the summary of the cost budget estimate for affected lands, structures, crops, and trees is presented in Appendices B.4, C.3, D.1, and E.1.

**Table 6-1: RAP Implementation Cost**

No.	Kind of Affected Assets	Unit	(PhP)	Amount (USD)
1	Land	m <sup>2</sup>	8,635,670	152,087
2	Structures	no.	10,279,769	181,042
3	Crops	m <sup>2</sup>	12,532,725	220,720
4	Trees	no.	7,505,093	132,176
5	Relocation and Resettlement	PAPs	The determination shall be made by the affected LGU and covered under their regular budgets.	
6	Other Entitlements	PAPs	310,000	5,460
	<i>Livelihood Restoration Program (Rehabilitation Assistance)</i>	<i>PAPs</i>	<i>225,000</i>	<i>3,963</i>
	<i>Transitional Allowance</i>	<i>PAPs</i>	<i>85,000</i>	<i>1,497</i>
7	Other Assistance		2,262,554	39,847
	<i>Capital Gains Tax (6%)</i>		<i>518,140</i>	<i>9,125</i>
	<i>Documentary Stamp Tax (1.5%)</i>		<i>129,535</i>	<i>2,281</i>
	<i>Transfer Tax (50% of 1% of the Selling Price)</i>		<i>43,178</i>	<i>760</i>
	<i>Cost of Registration (PhP40,000/transaction)</i>		<i>1,560,000</i>	<i>27,474</i>
	<i>Notarial Fee (PhP300/transaction)</i>		<i>11,700</i>	<i>206</i>
8	Administrative Costs (5% of Direct Costs: 1-7)		2,076,291	36,567
9	Cost Contingencies (10% of Direct Costs: 1-7)		4,152,581	73,133
	Total		47,754,683	841,033

### 6.1 The Current Market Value of the Land

The compensation offer will be at the current market value at the time of taking. DPWH will pay, for the account of the PAP, the capital gains tax, documentary stamp tax, transfer tax, and registration fee. The property owner will pay any unpaid real property tax.

Other modes of compensation will be explored when feasible, such as land swap (exchange or barter) for a new parcel of land on a value-for-value basis. The owner of the property needed for ROW of a national government project may request the DPWH to exchange or barter an old, abandoned road or other government property near the project with his property.

Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act will be compensated at the current market value at the time of land acquisition. In case of lands granted through Commonwealth Act No 141, otherwise known as "The Public Land Act", the Project will:

- 1) Follow modes of acquisition enumerated in RA 10752 if the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title; or
- 2) Follow the provisions under CA No. 141, as amended, regarding the acquisition of ROW on patent lands is the original patent holder or the acquisition of the land from the original patent holder is through a gratuitous title

The cost for land compensation is computed at:

### Current Market Value of Land<sup>10</sup>

Based on the inventory, **182,720 m<sup>2</sup>** of land belonging to **37 PAPs** will be subject to valuation and eventual compensation. Therefore, the total value is **PhP 8,635,670** for the **39** parcels as presented in Appendix B.

Transaction costs for land acquisition, based on the Bureau of Internal Revenue (BIR) and Land Registration Authority (LRA) schedule of fees, shall be shouldered by DPWH as follow:

1. Capital Gains Tax<sup>11</sup> (6%)
2. Documentary Stamp Tax<sup>12</sup> (1.5%)
3. Transfer Tax<sup>13</sup> (50% of 1%)
4. Registration Fee<sup>14</sup>

The final cost for land, therefore, is **PhP 10,898,224**. The owner, however, will pay any unpaid real property tax.

## 6.2 Replacement Cost of Structures and Improvements

The replacement cost of a structure or improvement affected by the project per IRR of RA 10752 is based on the current market prices of materials, equipment, labor, contractor's profit and overhead, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset. If the affected structure has been damaged, then the Replacement Cost shall be based on the pre-damaged condition of that structure. The Replacement Cost of the structure may vary from the market value of the existing structure since the structure that would replace it may have a different cost at the current market price. The replacement structure must perform the same functions and meet the performance specifications as the original structure. The following thus applies:

- 1) Cash compensation at replacement cost for the affected structures belonging to the government or non-government agencies or the community.
- 2) Cash compensation to cover the cost of reconnecting damaged facilities, such as water, power, and telephone lines.

The replacement cost shall be composed of the Estimated Direct Cost (EDC) and the Estimated Indirect Cost (EIC) of the replacement structure to be finalized by the IPA and validated by DPWH.

The EDC<sup>15</sup> consists of the following:

1. Current market cost of materials to be used in doing the work item called for, which shall include the following:
  - a. Cost at source including processing, crushing, stockpiling, loading, royalties, local taxes, construction and/or maintenance of haul roads, etc.;
  - b. Expenses for hauling to project site;
  - c. Handling expenses;
  - d. Storage expenses; and
  - e. Allowance for waste and/or losses, at five percent (5%) of materials requirement.
2. Current market cost of labor to be used for:

<sup>10</sup> To be prepared by an independent property appraiser (IPA) accredited by either (1) the Bangko Sentral ng Pilipinas (BSP) or (2) a professional association of appraisers recognized by BSP.

<sup>11</sup> Capital Gains Tax: equivalent to 6 percent of the selling price on the Deed of Sale or the zonal value, whichever is higher

<sup>12</sup> Commonly set at 1.5 percent of the selling price, or its zonal value or fair market value, depending on which is higher

<sup>13</sup> Transfer Tax (Local Treasurer's Office): this tax is imposed on the sale, barter, or any other mode of transferring of ownership or title of real property, at the maximum rate of 50 percent of 1 percent of a property's worth.

<sup>14</sup> LRA Circular No. 11-2020, Schedule of Fees.

<sup>15</sup> DPWH ROW Acquisition Manual

- a. Salaries and wages, within the limits authorized by the Department of Labor and Employment; and
  - b. Fringe benefits, such as vacation and sick leaves, benefits under the Workmen's Compensation Act, Social Security System (SSS) contributions, allowances, 13th month pay, bonuses, etc.
3. Equipment Expenses:
- a. Rental of equipment – usually based on the current Associated Construction Equipment Lessors, Inc. (ACEL) rental rates. For simple computation, the operated rental rates are preferred to the bare rental rates as the former includes operator's wages, fringe benefits, fuel, oil, lubricants and equipment maintenance.
  - b. Mobilization and demobilization – at one percent (1%) of the EDC of the civil works items.

The EIC<sup>16</sup> comprised of the following based on accepted construction industry practices:

1. Overhead Expenses not exceeding eight percent (8%) of the EDC, which include the following, as applicable:
  - a. Engineering and Administrative Supervision, including expenses for office equipment and supplies, power and water consumption, communication and maintenance;
  - b. Transportation allowances;
  - c. Premium on Contractor's All Risk Insurance, where necessary; and
  - d. Financing Cost, e.g., premium on bonds.
2. Contingencies and Miscellaneous not exceeding four percent (4.0%) of the EDC. These include expenses for unforeseen events and other activities.
3. Contractor's Profit Margin not exceeding eight percent (8%) of the EDC for projects with an EDC of more than PhP 5 million and ten percent (10%) for projects with an EDC of PhP 5 million and below.
4. Value Added Tax (VAT) Component in accordance with the law, five percent (5%) in the case of a property owned by a government agency, or twelve percent (12%) in the case of a property owned by a private party, of the sum of the EDC, Overhead, Contingencies, Miscellaneous, and Profit.

#### Estimated Direct Cost + Estimated Indirect Cost = Total Replacement Cost<sup>17</sup>

A total of **80** structures owned by **45** PAPs will be affected, of which **15** are residential structures, **five (5)** commercial, **18** community structures and **42** other improvements. The total replacement cost of **PhP 10,279,769**.

### 6.3 Current Market Value of Crops and Trees

The total value of compensable crops and trees (excluding seedling replacement, charges and fees) is estimated at **PhP 20,037,818** (see **Appendices D & E**).

### 6.4 Livelihood Restoration Program Cost

All listed households were included in the LRP; DPWH will coordinate with the concerned government agencies and provide PAP with a **PhP 15,000** budget for skills training and other development activities. The total cost of LRP is **PhP 225,000**.

### 6.5 Resettlement Site Development Cost

As a national policy, involuntary resettlement should be avoided where feasible by the government. Where population displacement is unavoidable, it should be minimized by exploring all viable project options.

<sup>16</sup> DPWH ROW Acquisition Manual

<sup>17</sup> For houses, buildings, and other structures, estimates must be based on Section 6.6 of the IRR for RA10752 (DPWH DO No. 197, series of 2016)



Furthermore, people who are unavoidably displaced should be compensated and assisted so that their economic and social future would generally be as favourable as it would have been in the absence of the project. Lastly, the PAPs should be informed and consulted on resettlement and compensation options.

Based on the surveyed PAPs, the project will affect a total of 17 project-affected households, of which 15 are eligible for the resettlement site option.

Below are the prevailing price ceilings for socialized housing issued by the Department of Human Settlements and Urban Development:

For horizontal subdivision projects:

- i. ₱ 480,000.00 – 22 sqm. with a loft of 50% of the base structure; or 24 sqm.
- ii. ₱ 530,000.00 – 24 sqm. with a loft of 50% of the base structure; or 28 sqm.
- iii. ₱ 580,000.00 – 28 sqm. with a loft of 50% of the base structure; or 32 sqm.; or 2-storey structure (16sqm. per floor with 4×4 meter dimension)<sup>18</sup>

For condominium projects located in the National Capital Region, Cainta and Antipolo City in Rizal Province, San Pedro City in Laguna, Carmona, and the Cities of Imus and Bacoor in Cavite Province:

- i. ₱ 700,000.00 – 22 sqm;
- ii. ₱ 750,000.00 – 24 sqm

For condominium projects in all other areas:

- i. ₱ 600,000.00 – 22 sqm;
- ii. ₱ 650,000.00 – 24 sqm.

<sup>18</sup> The selected option for the Relocation and Resettlement budget computation was due to the size of its land area, which ensures decent housing accommodations for the Project-Affected Households.

## 7 GRIEVANCE PROCESS

### 7.1 Objectives and Advantages of Developing a Grievance Redress Mechanism

A well-designed grievance redress mechanism can help ensure the sound implementation of the project. The mechanism shall provide PAPs a platform to lodge their complaints, if any, towards the project especially on matters relating to land acquisition and resettlement. It shall facilitate accessible and efficient delivery of concerns directly to the decisionmakers as compared to the formal judicial process. This mechanism shall also allow the DPWH to get hold of the concerns immediately so that corresponding response measures can be formed and implemented in a timely manner. Recognizing and addressing grievances early on makes them more manageable and resolvable and will therefore benefit both parties. A good grievance redress mechanism also helps build trust between the parties.

A grievance is examined in RAP Implementation Committee (RIC) which is composed of wide ranges of people including representatives of PAPs from each affected barangay and Peoples Organization (POs) as necessary. Thus, reliability can be secured in addition to transparency and easy access.

Thus, a proper grievance redress mechanism shall be established for this project. A person within the DPWH and/or the RIC shall be assigned to receive and process the grievances. His/her name and contact information shall be shared with all PAPs. The DPWH shall also ensure that the PAPs know and understand the mechanism including the people involved, the procedure, and the time and costs needed to be functional and effective. Special consideration shall be given to vulnerable people such as the illiterate, for which the DPWH may wish to explain the mechanism in a different manner (e.g., verbally instead of by paper). Grievances received must then be properly treated and discussed, and the resolution or conclusion delivered to the complainants within a reasonable time.

### 7.2 Composition of the RAP Implementation Committee

The RIC will be established where the road project will traverse. The RIC is an inter-agency committee composed of the following:

- |  |                 |
|--|-----------------|
| 1) DPWH-UPMO-RMC1 Project Director or his/her duly Authorized Project Manager  | -Co-Chairperson |
| 2) MPWH - BARMM or his/her representative  | -Member         |
| 3) Ministry of Environmental, Natural Resources And Energy (MENRE)   | -Member         |
| 4) Ministry of Agriculture Fisheries and Agrarian Reform (MAFAR)   | -Member         |
| 5) Chairperson of the Barangay or his/her representative   | -Member         |
| 6) Municipal Division Chiefs or his/her representative   | -Members        |
| 7) A duly authorized representative of the PAPs in each affected barangay  | -Member         |
| 8) A duly authorized representative from the Ministry of Human Settlements and Development, BARMM  | -Member         |
| 9) A duly authorized representative of a municipal wide Non-government Organization (NGO, if there is any, endorsed by other members of the MRIC | -Member         |

The Barangay Chairperson or his/her representative and the representative of the PAP will take active part in the activities of the RIC on matters concerning their respective communities. The RIC will have the following functions:

1. Assist in the validation of the list of PAPs.
2. Assist in the validation of assets that will be affected by the project and compute the compensation and other entitlements due to the PAPs as per RA 10752, DPWH Resettlement Policy and pertinent Department Guidelines and submit the same to the DPWH for appropriate action.
3. Assist the Implementing Office in the conduct of public information campaign, public participation and consultation.
4. Assist the DPWH in the payment of compensation to PAPs

5. Receive complaints/grievance from PAPs and other stakeholders and act on the same within 15 days upon receipt thereof, except for complaints and grievances that specifically pertain to the valuation of affected assets, since such will be decided upon by the proper courts. (The PAP may refer his/her grievance to the DPWH UPMO, RMC 1 Director, or even to a court of law, if he/she is not satisfied with the action of the RIC or the DPWH.
6. Maintain a record of all public meetings, complaints, and actions taken to address complaints and grievances
7. Assists the DPWH and NCIP staff in identifying who among the PAP's are Ips or belong to ICCs
8. In coordination with the concerned government authorities, assist in the enforcement of laws/ordinances regarding encroachment in the project site or ROW

### 7.3 Composition of DPWH-UPMO ROW Task Force

The DPWH Secretary issued Department Order (DO) No. 203, series of 2016 which created the UPMO-ROW Task Force (URTF) and its Technical Working Group (TWG). This Order is in line with the Department's decentralization efforts to streamline procedures for a more effective and expeditious implementation of urgent national roads, bridges and various flood control projects being implemented by the Unified Project Management Offices which are hampered by the delay in the ROW acquisition.

The URTF is composed of the Undersecretary for UPMO Operations as Chairman, the Director of the LA as Vice-Chairman, and the UPMO Cluster Directors as Members. The URTF shall be supported by a TWG composed of representatives of the URTF members.

The URTF shall perform the following functions:

1. Organize a ROW Team for each UPMO Cluster that will handle the ROW acquisition of its projects, to be headed by the Project Managers assigned to the project.
2. Monitor the ROW acquisition status and recommend appropriate actions on projects with problematic ROW.
3. Execute and recommend appropriate resolutions pertaining to payment of ROW affected by various UPMO projects which are beyond the authority of the Project Directors.
4. Review the validation of supporting documents undertaken by its TWG and recommend payments after evaluation as to propriety of the claims.

The TWG shall exercise the following functions:

1. Ensure that all relevant papers and documents in support of the ROW claim are carefully screened and verified as to their authenticity and genuineness in order to forestall fraud, pursuant to the provisions of the Simplified Guidelines for Validation and Evaluation of ROW Claims.
2. Ensure that the computation of land valuations and disturbance compensation (structures and other improvements) are based on the RA 10752 and its IRR and other applicable laws, policies and department orders.

### 7.4 Procedures of Grievance Redress

A framework for the grievance redress mechanism for land acquisition, compensation and other concerns on the project is provided in the LARRIPP (2007) mentioned above. Grievances related to any aspect of the project will be dealt with through dialogue and negotiations with the aim of rapidly and amicably addressing the concerns in a less costly manner compared to those dealt with as legal cases.

Under this framework, a Municipal RAP Implementation Committee (MRIC), a local coordinating and consultative body organized for the implementation of RAP and established by UPMO through a Memorandum of Understanding (MOU) with concerned parties prior to commencement of the project, will play a key role. Among their responsibilities is to receive and record the voices, complaints, opinions, and suggestions provided by the PAPs, and address them as the first level of decisionmakers. If the response to the complaint is deemed inadequate in the view of the PAPs, the PAPs may elevate their grievance to the ROW Task Force that consists of higher-level officials of the DPWH CO. Should the grievance still not be settled,

the PAPs may finally resort to filing a case with the court. Under this project, grievances from the PAPs shall be handled in the following manner:

1. Grievance shall be filed by the PAP with the MRIC. The MRIC shall act on the grievance within 15 days upon receipt, with the exception of complaints and grievances that specifically pertain to the valuation of affected assets, since such will be decided upon by the proper courts;
2. If no understanding or amicable solution can be reached, or if the PAP does not receive a response from the MRIC within 15 days of the filing of the complaint, he or she can appeal to the ROW Task Force which should then act on the complaint or grievance within 15 days from the day of its filing;
3. If the PAP is still not satisfied with the decision of ROW Task Force, he/she, as a last resort, can submit the complaint to any court of law.

PAPs shall be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures as guaranteed by the LARRIP (2007). All complaints received in writing (or written when received verbally) from PAPs will be documented and shall be acted upon immediately according to the procedures detailed above.

In the event that the PAP/F rejects the compensation offered by the DPWH, the DPWH or the PAP/F may take the matter to court. When court cases are resorted to by either the DPWH through expropriation or by the PAP/Fs through legal complaints, the DPWH will deposit to the court the (100%) value of the land based on the current relevant BIR Zonal Value.

## **7.5 Formation of Municipal RAP Implementation Committee**

The MRIC is the responsible body organized for the smooth implementation Right-of-Way Action Plan. In the formation of the MRIC, the following activities were undertaken jointly by DPWH and the Municipality of Parang:

1. Consultation on who will be the members of the committee and their roles and responsibilities.
2. Drafting of Memorandum of Understanding (MOU) for the Creation of the MRIC for the Parang East Diversion Road Project
3. Review of the draft MOU by the Municipality of Parang.

The Memorandum of Understanding is in Appendix G.

## 8 IMPLEMENTATION SCHEDULE OF THE RAP

As shown in Figure 8-1, the DPWH is expected to initiate the process of land acquisition and compensation for structures, crops, and trees before the construction phase to secure the project's right-of-way. The DPWH shall ensure that ROW acquisition proceeds closely with the construction schedule, ensuring that land and structure owners are adequately compensated and re-established away from the construction site months before the implementation of civil works.

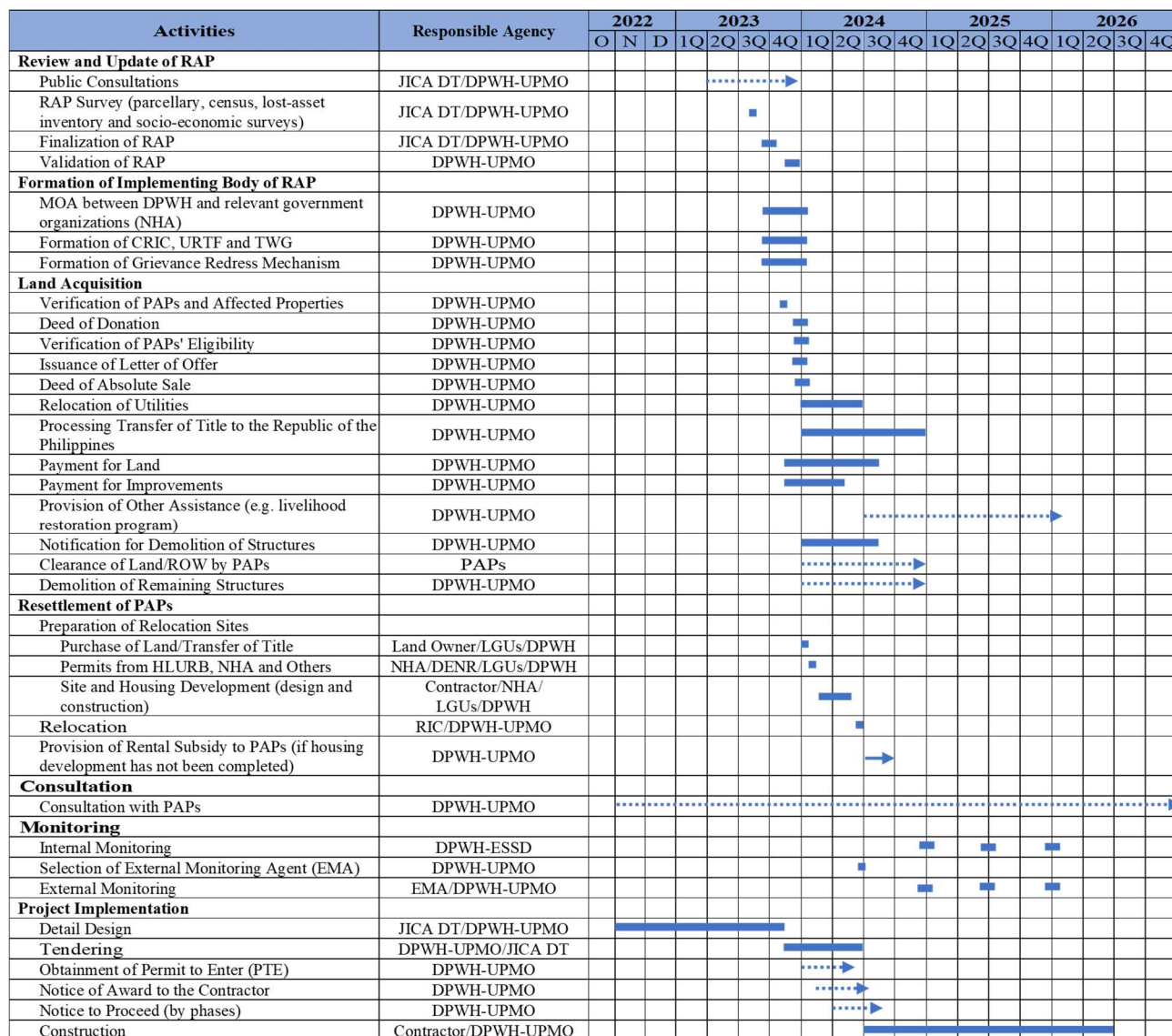


Figure 8-1: Implementation Schedule

## 9 MONITORING AND EVALUATION

The main objective of monitoring the implementation of the RAP is to determine whether these RAP is carried out in accordance with the Resettlement Policy. It involves the monitoring of land acquisition, payment of compensation for lost assets and resettlement of severely PAPs. The key points for monitoring are but not limited to the following:

1. Payment of compensation to all PAPs in various categories, according to the compensation policy described in the RAP;
2. Delivery of livelihood restoration and social support entitlements;
3. Public information dissemination and consultation procedures;
4. Adherence to grievance procedures and outstanding issues requiring management's attention;
5. Priority of PAPs regarding the options offered; and
6. The benefits provided from the project.

### **Supervision and Internal Monitoring**

The DPWH Environmental and Social Safeguards Division (ESSD) shall conduct the supervision and in-house monitoring of RAP implementation.

The tasks of the Internal Monitoring Agency (IMA) are to:

1. Regularly supervise and monitor the implementation of the RAPs in coordination with the concerned DPWH RMC1-UPMO and the Resettlement Implementation Committee. The findings will be documented in the quarterly report to be submitted to the to the JICA.
2. Verify that the re-inventory baseline information of all PAPs has been carried out and that the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation if there is any has been carried out in accordance with the RAP Policy and the RAP Report.
3. Supervise that the RAP is implemented as designed and approved.
4. Verify that funds for implementing the RAP is provided by the RMC1-UPMO in timely manner and in amounts sufficient for the purpose.
5. Record all grievances and their resolution and ensure that complaints are dealt with, in timely manner.

### **External Monitoring and Evaluation**

An External Monitoring Agent (EMA) shall do the external monitoring and evaluation. The EMA for this Project is a consultancy firm with qualified and experienced staff with Terms of Reference acceptable to the DPWH and JICA.

The external monitoring is to provide an independent periodic review and assessment of (i) achievement of resettlement objectives; (ii) changes in income, living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures.

The tasks of the EMA are the following:

1. Verify results of internal monitoring;
2. Verify and assess the results of the information campaign for PAPs rights and entitlements,
3. Verify that the compensation process has been carried out with the procedures communicated with the PAPs during the consultations;

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The tasks of the EMA are the following:

1. Verify results of internal monitoring;
2. Verify and assess the results of the information campaign for PAPs rights and entitlements,
3. Verify that the compensation process has been carried out with the procedures communicated with the PAPs during the consultations;
4. Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
5. Assess efficiency, effectiveness, impact and sustainability of RP implementation drawing lessons as a guide to future resettlement and indigenous people's policy making and planning;
6. Ascertain whether the RAP entitlements were appropriate to meet the objectives, and whether the objectives were suited to PAPs conditions;
7. Suggest modification in the implementation procedures of the RP, if necessary, to achieve the principles and objectives of the RAP Policy;
8. Review on how compensation rates were evaluated; and
9. Review of the handling of compliance and grievance cases.

The services of the EMA will be procured through the selection process of DPWH. Relative to compliance monitoring during resettlement implementation, the main activities of external monitoring will revolve around the following:

1. Verify whether the overall project and resettlement objectives are being met in accordance with the RP, and if not, suggest corrective measures;
2. Assess the extent to which implementation of the social safeguards document/plan complies with JICA's Policies;
3. Identify problems or potential problems;



4. Identify methods of responding immediately to mitigate problems and advise the DPWH accordingly; and;
5. Verify if the livelihoods and the standard of living of PAPs, including those displaced persons with no legal titles, are restored or improved.

### 9.3 Stages and Frequency of Monitoring

The stages and monitoring frequency of the contract packages by the IMA and EMA as follows:

#### 9.3.1 Internal Monitoring

This is the first activity that shall be undertaken to determine whether the RAP was carried out as planned and according to Right of Way Acquisition Policy.

#### 9.3.2 External Monitoring

The EMA will be required to conduct a year-end monitoring of RAP implementation activities. The EMA will prepare and submit an annual report, 15 days after the reporting period.

#### 9.3.3 Final Evaluation

Final evaluation of the implementation of RAP will be conducted three months after the completion of payments of compensation to PAPs and three months after completion of RAP.

#### 9.3.4 Post-Evaluation

This activity will be undertaken a year after the completion of the project, to determine whether the social and economic conditions of the PAPs after the implementation of the project have improved. This will be led by a third-party evaluator.

### 9.4 Schedule of Implementation of RAP and Monitoring

The RMC1-UPMO in coordination with the ESSD shall establish a schedule for the implementation of RAPs and the required monitoring considering the project's implementing schedule. It is expected that one month prior to the start of the RAP implementation, all RAP-related activities have been determined by the IMA and EMA.

The internal and external monitoring will be conducted every month and end of the year, respectively.

### 9.5 Reporting

The EMA is accountable to the RMC1 UPMO and reports to the ESSD. The UPMO RMC1 submits copy of EMA's and IMA's Reports to JICA.

### 9.6 Monitoring Indicators

**Table 9-1: Monitoring Indicators**

Monitoring Indicators	Basis for Indicators
For the Internal Monitoring (IMA)	
1. Budget and timeframe	<input type="checkbox"/> Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on schedule? <input type="checkbox"/> Have capacity building and training activities been completed on schedule? <input type="checkbox"/> Are resettlement implementation activities being achieved against the agreed implementation plan? <input type="checkbox"/> Are funds for resettlement being allocated to resettlement agencies on time? <input type="checkbox"/> Have resettlement offices received the scheduled funds? <input type="checkbox"/> Have funds been disbursed according to the RAP?

Monitoring Indicators	Basis for Indicators
	<input type="checkbox"/> Has the social preparation phase taken place as scheduled? <input type="checkbox"/> Has all land been acquired and occupied in time for project implementation?
2. Delivery of Compensation and Entitlements	<input type="checkbox"/> Have all AFs received entitlements according to numbers and categories of loss set out in the entitlement matrix? <input type="checkbox"/> Have AFs received payments for <u>affected structures and lands</u> on time? <input type="checkbox"/> Have AFs losing from temporary land ROW been compensated? <input type="checkbox"/> Have all received the agreed transport costs, relocation costs, income substitution support and any resettlement allowances, according to schedule? <input type="checkbox"/> Have all replacement land plots, or contracts been provided? Was the land developed as specified? Are measures in train to provide land titles to PAPs? <input type="checkbox"/> <u>How many PAPs opted to donate their land to the government?</u> <input type="checkbox"/> <u>How many PAPs did not receive payment because their title is covered by the provisions of Sec. 112 of CA 141?</u> <input type="checkbox"/> <u>How many landholdings were subjected to quit claim? Easement?</u> <input type="checkbox"/> <u>How many PAPs resorted to expropriation?</u> <input type="checkbox"/> How many PAPs have received land titles? <input type="checkbox"/> How many PAPs have received housing as per relocation options in the RAP? <input type="checkbox"/> Does house quality meet the standards agreed? <input type="checkbox"/> Have relocation sites been selected and developed as per agreed standards? <input type="checkbox"/> Are the PAPs occupying the new houses? <input type="checkbox"/> Are assistance measures being implemented as planned for host communities? <input type="checkbox"/> Is restoration proceeding for social infrastructure and services? <input type="checkbox"/> Are the PAPs able to access schools, health services, cultural sites, and activities at the level of accessibility prior to resettlement? <input type="checkbox"/> Are income and livelihood restoration activities being implemented as set out in income restoration Plan? For example, utilizing replacement land, commencement of production, numbers of PAPs trained and provided with jobs, micro-credit disbursed, number of incomes generating activities assisted? <input type="checkbox"/> Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?
3. Public Participation and Consultation	<input type="checkbox"/> Have consultations taken place as scheduled including meetings, groups, and community activities? Have appropriate resettlement leaflets been prepared and distributed? <input type="checkbox"/> How many PAPs know their entitlements? How many know if they have been received? <input type="checkbox"/> Have any PAPs used the grievance redress procedures? What were the outcomes? <input type="checkbox"/> Have conflicts been resolved? <input type="checkbox"/> Was the social preparation phase implemented? <input type="checkbox"/> Was separate consultation done for indigenous peoples? <input type="checkbox"/> How was the participation of IP women and children? <input type="checkbox"/> Were they adequately represented? <input type="checkbox"/> <u>Were special measures for indigenous peoples implemented?</u>
4. Benefit Monitoring	<input type="checkbox"/> What changes have occurred in patterns of occupation, production and resources use compared to the pre-project situation? <input type="checkbox"/> 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 PAPs' incomes kept pace with these changes? <input type="checkbox"/> What changes have taken place in key social and cultural parameters relating to living standards? <input type="checkbox"/> What changes have occurred for vulnerable groups? <input type="checkbox"/> Has the situation of ICCs/IPs improved, or at least maintained, because of the project? <input type="checkbox"/> Are IP women reaping the same benefits as IP men? <input type="checkbox"/> Are negative impacts proportionally by IP men and women?
Monitoring Indicators	Basis for Indicators
For the External Monitoring (EMA)	
1. Basic information on PAP households	<input type="checkbox"/> Location <input type="checkbox"/> Composition and structures, ages, education, and skill levels

Monitoring Indicators	Basis for Indicators
	<input type="checkbox"/> Gender of household head <input type="checkbox"/> Ethnic group <input type="checkbox"/> Access to health, education, utilities, and other social services <input type="checkbox"/> Housing type <input type="checkbox"/> Land use and other resource ownership patterns <input type="checkbox"/> Occupation and employment patterns <input type="checkbox"/> Income sources and levels <input type="checkbox"/> Agricultural production data (for rural households) <input type="checkbox"/> Participation in neighbourhood or community groups <input type="checkbox"/> Access to cultural sites and events <input type="checkbox"/> Value of all assets forming entitlements and resettlement entitlements
2. Restoration of living standards	<input type="checkbox"/> Were house compensation payments made free of depreciation, fees, or transfer costs to the PAP? <input type="checkbox"/> Have PAPs adopted the housing options developed? <input type="checkbox"/> Have perceptions of “community” been restored <input type="checkbox"/> Have PAPs achieved replacement of key social cultural elements?
3. Restoration of Livelihoods	<input type="checkbox"/> Were compensation payments free of deduction for depreciation, fees, or transfer costs to the RAP? <input type="checkbox"/> Were compensation payments sufficient to replace lost assets? <input type="checkbox"/> Was sufficient replacement land available of suitable standard? <input type="checkbox"/> Did transfer and relocation payments cover these costs? <input type="checkbox"/> Did income substitution allow for the re-establishment of enterprises and production? <input type="checkbox"/> Have enterprises affected received sufficient assistance to re-establish themselves? <input type="checkbox"/> Have vulnerable groups been provided income-earning opportunities? Are these effective and sustainable? <input type="checkbox"/> Do jobs provided restore pre-project income levels and living standards?
4. Levels of PAP Satisfaction	<input type="checkbox"/> How much do AFs know about resettlement procedures and entitlements? Do PAPs know their entitlements? <input type="checkbox"/> Do they know if these have been met? <input type="checkbox"/> How do PAPs assess the extent to which their living standards and livelihood have been restored? <input type="checkbox"/> How much do PAPs know about grievance procedures and conflict resolution procedures? How satisfied are those who have used said mechanisms?
5. Effectiveness of Resettlement Planning	<input type="checkbox"/> Were the PAPs and their assets correctly enumerated? <input type="checkbox"/> Were any land speculators assisted? <input type="checkbox"/> Was the time frame and budget sufficient to meet objectives? <input type="checkbox"/> Were entitlements too generous? <input type="checkbox"/> Were vulnerable groups identified and assisted? <input type="checkbox"/> How did resettlement implementers deal with unforeseen problems?
6. Other Impacts	<input type="checkbox"/> Were there unintended environmental impacts? <input type="checkbox"/> Were there unintended impacts on employment or incomes?
7. IP Indicators	<input type="checkbox"/> Are special measures to protect IP culture, tradition resources rights, and resources in place? <input type="checkbox"/> How are these being implemented? <input type="checkbox"/> Are complaints and grievances of affected IPs/ICCs being documented? <input type="checkbox"/> Are these being addressed? <input type="checkbox"/> Did the project proponent respect customary law in dispute resolution process, in the conduct of public consultation, in IPAP and MOA implementation?

## 10 INFORMATION DISCLOSURE AND PUBLIC CONSULTATION

### 10.1 Principles

Pursuant to the operational framework for Public Participation and Consultation, all LGUs and PAPs traversed by the road project, other stakeholders and Non-Government Organization NGOs should be fully informed and consulted on resettlement and compensation options. This is to ensure that the implementation of the RAP will be done systematically in accordance with the resettlement policy of the Department.

Using the definition of DPWH of meaningful participation, it is a process that (i) begins early in the project preparation stage and is 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 affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

In the conduct of public consultation, the following step-by-step progression of activities were undertaken:

- 1) When and where participation is required;
- 2) Who should be participating;
- 3) How they should participate; and
- 4) What results are expected of their participation.

In line with its continuing efforts to upgrade its operations and services. DPWH has recently formulated a new policy framework on land acquisition, compensation, and resettlement, herein after called "Resettlement Policy". Said framework aims to provide clear guidance and direction to the personnel of the Department in planning, design and implementation of the projects DPWH undertakes. Specifically, the resettlement policy underscores the importance of getting PAPs informed about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

### 10.2 Stakeholders

The formulation of the RAP has been achieved through close collaboration and consultation with the Municipality of Parang.

The consultation meeting aimed to:

- a) Provide background on the project titled "Road Network Development Project in Conflict Affected Areas in Mindanao - Parang East Diversion Road"
- b) Provide background on the Road Right of Way Act (RA 10752), and the DPWH Policies and Process on Road Right of Way Acquisition.
- c) Provide an avenue to solicit inputs, comments, suggestions, and recommendations from the local stakeholders.
- d) Provide project updates to the stakeholders including the formation of the RAP Implementation Committee (RIC).

There were a series of consultation meeting conducted by the study team in May and June 2023. The first meeting was a Stakeholders' Meeting held last May 4, 2023. It was attended by representatives of DPWH and concerned National Government Agencies and LGU. The next public consultation meetings were conducted at the Municipal and PAP levels.

### 10.3 Methods for Consultation and Participation

The public consultations were conducted with the LGU, PAPs and Non-Government Organization (NGOs) as participants. The meeting was designed to present and inform the stakeholders on the Land Acquisition Resettlement Rehabilitation and Indigenous Peoples Policy (LARRIPP) of the DPWH as per RA 10752, Legal Framework for Infrastructure Right-of-Way (ROW) Acquisition and Management and other Provisions of the Road Right of Way Act (RA 10752). Highlighted, during the public consultation and discussed clearly are the modes and process of acquisition for affected properties. During the meeting, the team informed the

stakeholders that the RAP team will be conducting socioeconomic survey and inventory of affected assets after the consultations in all municipalities traverse by the project.

Further, the team requested permission to enter their premises to conduct the survey/ assessment and informed the affected households on the cut off dates.

#### 10.4 Activities Undertaken

Initial data gathering and review of the scope of services, previous studies, plans, and design standards were undertaken by the Study Team. Among the initial data gathered and reviewed by the Study Team were the socioeconomic profiles of the affected cities and municipalities, Google maps of the road alignment, construction materials price data, materials source, and topographic maps.

Information regarding the existing condition of the project road was gathered through an initial ocular inspection. Video footage and photographs were taken in areas, particularly with concerns. Coordination with the Municipality of Parang was done to access the barangay-level officials for the survey activities.

Table 10-1 summarizes the meetings undertaken by the RNDP-CAAM Consultant Team and the DPWH-RMC1 staff. Appendix H shows the highlights of the series of public consultation meetings.

**Table 10-1: Coordination/Consultation Meeting**

Coordination/Consultation Meeting	Date	Venue
Stakeholders' Meeting (Inter-Agency)	May 4, 2023	Hall 4, 3 <sup>rd</sup> Floor, Mall of Alnor, Cotabato City
Stakeholders' Meeting (Municipal- Level)		
Municipality of Parang	May 10, 2023	Sangguniang Bayan Hall, Municipality of Parang, Maguindanao del Norte
Public Consultation Meeting (Barangay-Level)		
Barangay Public Consultation Meeting – Barangay Making	May 22, 2023	Covered Court, Barangay Making, Parang, Maguindanao del Norte
Barangay Public Consultation Meeting - Gumagadong Calawag	May 22, 2023	Multipurpose Building, Barangay Gumagadong Calawag, Parang, Maguindanao del Norte
Barangay Public Consultation Meeting - Manion	May 23, 2023	Madrasa Building, Barangay Manion, Parang, Maguindanao del Norte
Barangay Public Consultation Meeting - Nituan	May 23, 2023	Multipurpose Building, Barangay Nituan, Parang, Maguindanao del Norte

#### 10.5 Stakeholders Issues and Concerns

During the open forum, the stakeholders were encouraged to raised questions, issues and concerns with regards to the RAP policy. The major issues and concerns commonly raised/asked during consultations are summarized in Table 10-2.

**Table 10-2: Major Issues and Concerns Raised during Consultation**

Question	Raised by	Response
<b>Stakeholders Consultation Meeting (LGU-Level) – Municipality of Parang</b>		
1. What is the timing of payment? Is it before, during or after the construction?	Hon. Mayor Cahar P. Ibay	DPWH RMC1, Mr. Paul Erick Villaluz, responded as to payment for the land. The letter offer shall be released before the start of the implementation/construction of the

Question	Raised by	Response
		<p>project. The process of payment will be provided once all the requirements stipulated in the letter offer are submitted to DPWH.</p> <p>Engr. Muhammad Abubakr Omar, DPWH RMC1, responded that for payment for the structures, DPWH will send a letter of offer. Once the offer sale is accepted, and all the necessary requirements stated in the letter of offer have already been submitted to the DPWH, 70% of the cost of the structures /improvements will be processed and released upon signing of the Agreement to Demolish and Remove Improvements (ADRI). Once the removal of the structures and improvement is complete, the remaining 30% will be released, for a total of 100% payment.</p> <p>Engr. Scott Deo Ramos, DPWH RMC1, answered that for the payment of trees and crops, after the valuation of the assessors, a letter offering to the owners/claimants will be provided. When the offer is accepted and upon complete submission of the requirements, the signing of ADRI will follow. Subsequently, 70% percent of the cost will be processed, and the remaining 30% will be released once all trees and crops are removed.</p>
2. In remote areas, it is usually common that owner of the house/structure is not the owner of lot. But the house was built with permission from the land owner. What would be the process in this situation?	Ms. Farhana Aron, Brgy. Chairwoman of Orandang, Parang	Mr. Paul Erick Villaluz responded for the house/structures; he responded that the lot owner had a “Waiver of Rights” to the structure in favor of the House Owner.
3. What if the affected area is considered timberland? What will be the process?	Mr. Datu Daud Mamalangkat, FMS Chief-MENRE BARMM	Mr. Villaluz responded that since Timberland cannot be titled, then this will not be covered.
4. It is mentioned that the timing of payment should be before the implementation starts. But why is it that in other areas, there are still unpaid or unsettled claims? Others even resort to barricading roads because of these unsettled claims.	Mr. Datu Daud Mamalangkat, FMS Chief-MENRE BARMM	Mr. Villaluz, cited that different departments of the Government of the Philippines have their own Accounting and Finance Divisions. Once they receive the documents for processing, they have their own process and timetable for preparing the payments. This issue is beyond the control of the DPWH-UPMO RMC1.
5. For those lots that are under Military Reservation, what will be the process?	Mr. Joel Elacion/BLGU Gumagadong Calawag	Mr. Villaluz responded that Section 1 of Executive Order No. 75 series of 2019, for those areas that are under Military Reservation and are affected by the alignment, if the Department of Justice (DOJ) and the Department of

Question	Raised by	Response
		Agrarian Reform (DAR) which are the lead agencies for the EO 75, deem these areas alienable and disposable public lands, these can be awarded thru Certificate of Land Ownership Award (CLOA). On the DPWH's part, as long as the requirements are provided, will compensate the claimant.
6. What type of crops will the DPWH be paying for?	Mr. Anwar Macalawan – Municipal Assessor	Mr. Villaluz responded that all agricultural crops would be subject to compensation
7. How about those areas that were believed to be and were previously identified as Military Reservations but turned out that these are under Group Settlement Survey (GSS), which according to MENRE is now considered alienable and disposable? What if they were not able to secure the land title for these areas, by all means, and with all effort, what will happen to them?	Mr. Anwar Macalawan – Municipal Assessor	Mr. Villaluz cited that the basic rule is if complete requirements are provided, DPWH will process the payment. But for cases like titling is possible but the claimant was unable to secure it with his best effort, we can ask the consultants team what support they can provide to the claimants.
		Mr. Daisaku Kiyota – RAP Specialist of RNDP CAAM, responded that creating a committee Municipal RAP Implementation Committee (MRIC) with different agencies to provide support.
8. Is there a step-by-step process for applying titles for free patents from the MENRE office? Can we request a copy of this so we can include it during the information campaign to project affected persons?	Engr. Nasser Sinarimbo – Deputy Project Manager, RNDP - CAAM	Mr. Datu Daud Mamalangkat responded that they have and the said copy can be provided and shared with the Consultant.
9. There are three (3) Sub-Projects that will benefit Parang, SP 8, SP 9, and SP 2. What will come first?	Hon. Mayor Cahar P. Ibay	Engr. Nasser Sinarimbo, Deputy Project Manager, RNDP-CAAM, stated that the instruction is to start with SP 9. The Team is trying to bid out SP 8 this year, and SP 9 will follow.
<b>Public Consultation Meeting – Barangay Making</b>		
1. If the affected land is under Military Reservation what will happen?	Ms. Taracita Madridondo	Mr. Villaluz responded that Section 1 of Executive Order No. 75 series of 2019, for those areas that are under Military Reservation and are affected by the alignment, if the Department of Justice (DOJ) and the Department of Agrarian Reform (DAR) which are the lead agencies for the EO 75, deem these areas alienable and disposable public lands, these can be awarded thru Certificate of Land Ownership Award (CLOA). On the DPWH's part, as long as the requirements are provided, will compensate the claimant.

Question	Raised by	Response
2. During the implementation, are we allowed to apply as laborers?	BLGU	Mr. Villaluz definitely responded Yes.
3. If my house is affected, and I don't own the land, Am I entitled to compensation? And how about our trees and crops?	Ms. Lilia A. Oclarino	Engr. Omar, responded, yes, DPWH will compensate affected structures as long as there are complete requirements.
		Engr. Ramos stated that for the trees and crops, the DPWH will compensate as long as it has complete requirements
4. If you traverse the Trees, will it be compensated? What will happen to the tree? Who will get it?	Mr. Anwar Macalawan	Mr. Villaluz stated that all paid by the government goes to the government and DPWH will endorse it to DENR or any concerned agency as directed.
<b>Public Consultation Meeting – Barangay Gumagadong Calawag</b>		
1. When will the project start? And if our house will be traversed by the alignment and we don't have the land title, what compensation should we accept if there's any?	PAPs	Mr. Villaluz responded that the Consultant Team is finalizing the alignment, and after the approval of the alignment, the procurement process will follow. Procurement takes 3 to 6 months to process.
		Engr. Omar cited that all affected structures are entitled for payment for as long as the previously mentioned requirements shall be presented.
		Engr. Ramos stated that same goes for the trees and crops, these will be compensated as long as they have complete requirements.
2. According to my mother, our location was previously under the Girl Scout facility. What will happen?	PAPs	Mr. Anwar Macalawan, advised the PAPs to visit Municipal Assessor Office. Based on his knowledge, the Girl Scout facility is a property of the Local Government Unit. But with regards to Structure and Trees, these can be compensated for as long as complete requirements are provided.
3. There are five (5) houses near Professor Adam's area, and my house is one of them. It was newly built.	Mr. Acmad Moro, PAPs	Mr. Macalwan, responded that the alignment is still for approval, so we don't know if your house will be affected. Accordingly, the RNDP-CAAM Team is avoiding those houses. But if ever your house will be traversed by the alignment, settle your taxes so that you will be entitled to payment.
4. Our area is under Military Reservation, we know the process for Military Reservation. How about our crops and trees? Is it the same payment for land?	PAPs	Mr. Villaluz cited that if the house, trees, and crops will be affected, please secure a Tax Declaration. Declare all the development/properties because those declared properties will be entitled to payment. Usually, if you don't own the lot but you're the owner of the house or trees and crops. DPWH needs to secure the



Question	Raised by	Response
		landowner's certificate of permission.
5. Our area is under the Military Reservation, the tax declaration was named under our father. And our father already died, and it was no yet transferred to our name (7 siblings) but, it was already divided among us.	PAPs	<p>Mr. Villaluz responded, since inherited the land possession, it needs to secure the tax declaration, then apply to GSS 262 or verify/inquire to MENRE/MAFAR/DAR.</p> <p>Mr. Macalawan stated that not only lot is taxable, but also houses, /structures, trees, and crops. They can apply extrajudicial partition and LGU can issue a tax declaration and verify it to MENRE/MAFAR/DAR.</p>
<b>Public Consultation Meeting – Barangay Manion</b>		
1. If the lots traversed by the alignment are under Military Reservation. Some have no land title.	PAPs	<p>Engr. Nasser Sinarimbo responded in the local dialect, that better to secure land title because DPWH needs proof of ownership because these agencies will be audited by the Commission on Audit. So, they will not pay without proper documentation. Better to take this chance that the Municipal Assessor of Parang is very accommodating and willing to help the community.</p> <p>Eng. Gilbert Gopez, stated that based on the last talk with Municipal Assessor, accordingly, those under Military Reservation no longer use by the military and its alienable and disposable were under GSS 262.</p> <p>Mr. Villaluz, cited that EO 75 - Alienable and disposable. CLOA – issued by MAFA/DOJ. Payable within 10 years in the bank by the actual tiller. Fully paid CLOA is entitled to payment; DPWH serves that title as private.</p>
2. Are there any job opportunities for us during the implementation?	PAPs	Mr. Villaluz responded Yes.
<b>Public Consultation Meeting – Barangay Nituan</b>		
1. If the land is under Military Reservation, we are currently paying the property tax. But the Tax Declaration is under the name of our late Father. We are developing the land, we have fruit-bearing trees such as coconut trees are we entitled to compensation from ROW for our agriculture production?	PAPs	Mr. Villaluz responded that Presidential Decree 2019 EO 75, if the purpose of the land is no longer used based on its original purpose, and the same is alienable and disposable agricultural land of the Philippines and since been tilling the land for more than 30 years or since time immemorial, they can go to MAFAR/DAR to apply for the MAFAR/DAR Program. For the CLOA holder, it is a basic principle that since the tiller/tenant is paying for the land and they did not acquire it for free, under ROWA, the DPWH will pay for the affected area.

Question	Raised by	Response
2. The land title is under the name of our late Father, what will be the process?  How about the trees and crops (corn) that will traverse by the alignment, does it is compensable or not?  How about the affected house but he does not own the lot?	PAPs	Mr. Villaluz stated that the heirs are the ones who will be compensated  Engr. Ramos responded that for crops such as corn and trees will be compensated, if they have complete requirement i.e. (tax declaration, and tax clearance. Even if they don't own the land or are under military reservation, they only need to secure consent from the landowner.  Engr. Omar, answered that the affected houses are subject to compensation as long as it has complete requirements.
3. Through what sense DPWH can help the PAPs? In terms of Monetary processing fees?	PAPs	Mr. Villaluz responded that there is no such financial assistance from the DPWH office, but the DPWH will help in terms of fast-tracking the process. DPWH can offer services for free or assist in proper documentation.
4. DPWH is setting a cutoff date, we can plant corn, and it has not yet sprouted, is it entitled to compensation?	PAPs	Mr. Villaluz answered that if the notice of taking is not yet sent to them, DPWH will pay them based on the existing crops and trees that have been covered by the Notice of Taking  Engr. Ramos responded that DPWH will compensate the crops to be affected by the Project.
5. We received a letter offer, and the crops are ready for harvest and there is already a buyer. What will happen?	PAPs	Mr. Ramos stated that based on the appraised value given by the Private Appraiser, DPWH will pay for the plants, including the fruits, based on the actual.
6. If there is a conflict of interest who is really the owner?	PAPs	Mr. Villaluz responded that according to the Right of Way Act, if there are conflicting claims, DPWH will send a Notice of Taking. DPWH will try to settle, if not settled, we will endorse that matter to the OSG. RTC will determine who will be the rightful claimant. It will fall to Expropriation.
7. I bought land and not yet been transferred under my name, but we have a Deed of Sale, Am I entitled to payment because accordingly, they will only pay for those who have proof of ownership?	PAPs	Mr. Villaluz answered that not only the land title is the proof of ownership. A deed of Sale is also recognized. He advised the PAPs to transfer the land titled under his name.

## 11 CONCLUSIONS AND RECOMMENDATIONS

The Resettlement Action Plan Report outlines a comprehensive strategy for fair and just compensation. It is essential that this aspect of the project is meticulously planned and executed to mitigate any adverse impacts on residents, ensuring their well-being during the construction phase.

Given the compelling evidence presented in this report, it is evident that the Construction of the Parang East Diversion Road Project is a pressing infrastructure need and aligns with broader socioeconomic development goals.

The proposed implementation plan will include recommendations that will be closely coordinated with the municipality's future expansion plan as well as roadside development policy guidelines to maintain the diversion road's role as an arterial road.

The overall intent is to ensure that future developments alongside the diversion road will not result in congestion and slowing down of through traffic that will need the construction of another diversion road in the future.

Furthermore, various implementation strategies will be explored depending on the availability of funding. The general approach will be to acquire all the needed RROW immediately and secure it.

Should funding allocations only come at regular intervals over an extended period the best possible strategy is to implement the construction in phases. This can be accomplished by constructing the project by segments ending say 20m beyond an existing road intersection. The idea is to make the completed segment usable while the next construction phase can continue without disturbing the existing traffic flow on the complete segment.

These strategies may not be needed should enough funds be allocated to complete the whole project.

### 11.1 Next Steps

After completion of the Detailed Engineering Design, the following activities will be undertaken with their corresponding timelines:

- Disclosure of the Updated RAP: -February 2024
- Notification of PAPs: -February 2024
- Compensation: -March 2024
- Income Restoration: -March 2024
- ROW Acquisition: -April to September 2024
- Construction/Civil Works: - August 2024 to August 2026

#### Monitoring and Evaluation

- Internal Monitoring: -March 2024 to August 2026
- External Monitoring: -March 2024 to August 2026



**Republic of the Philippines**  
**Department of Public Works. and Highways**



**Consulting Services for the Road Network Development  
Project in Conflict-Affected Areas in Mindanao  
(RNDP-CAAM)**

