

Resettlement Framework

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Final Draft for approval

Proposed Loan Republic of the Philippines: Emergency Assistance for the KALAHI–CIDSS National Community-Driven Development Project

Prepared by Department of Social Welfare and Development for the Asian Development Bank. This is an updated version of the draft originally posted in April 2013 available on <http://www.adb.org/projects/46420-002/documents>.

NOTE:

This is a draft safeguards framework document. The safeguards framework is to be consistent with the ADB SPS requirements. The framework will be revised and updated prior to implementation. If there are any instances of inconsistency with the ADB SPS, the latter requirements shall apply and are to be incorporated in the updated framework.

CURRENCY EQUIVALENTS

(as of 2 December 2013)

Currency unit	–	peso/s (P)
P1.00	=	\$0.0228
\$1.00	=	43.77

ABBREVIATIONS

ACT	–	area coordinating team
ADB	–	Asian Development Bank
CDD	–	community-driven development
CEAC	–	Community Empowerment Activity Cycle
DSWD	–	Department of Social Welfare and Development
IOL	–	inventory of loss
ICC	–	indigenous cultural community
IP	–	indigenous peoples
KALAHI–CIDSS	–	<i>Kapit-Bisig Laban sa Kahirapan</i> (Linking Arms against Poverty)– Comprehensive and Integrated Delivery of Social Services
KC-NCDDP	–	KALAHI–CIDSS National Community-Driven Development Project
M&E	–	monitoring and evaluation
MCC	–	Millennium Challenge Corporation
MCT	–	Municipal Coordinating Team
MIAC	–	Municipal Inter-Agency Committee
MIBF	–	Municipal Inter-Barangay Forum
NCIP	–	National Commission on Indigenous People
NPMO	–	national project management office
PDROM	–	Program Disaster Response Operational Manual
RF	–	resettlement framework
RP	–	resettlement plan
RPMO	–	regional program management office
SES	–	socioeconomic survey

GLOSSARY

Definitions are mostly adopted from the Indigenous Peoples Rights Act of 1997 (IPRA).

Affected person (AP)	Any person or persons, household, firm, private or public institution that, on account of changes resulting from the project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by <i>the</i> project or any of its components.
Ancestral Domain	All areas generally belonging to indigenous cultural communities (ICCs)/IPs comprising lands, inland waters, coastal areas, and natural

resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals, corporations, and which are necessary to ensure their economic, social, and cultural welfare. It includes land, forests, pasture, residential, agricultural, and other lands individually owned whether in alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or who practice shifting cultivation. (Adopted from Republic Act (R.A.) 8371)

Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)

A long-term community-based, comprehensive plan that contains the ICCs/IPs' collective vision, mission, general objectives, long-term goals, and priority concerns. The ADSDPP contains a list of development plans and projects that is used as reference in determining the fit between a proposed infrastructure project and the long-term development goals and priority concerns of the affected ICC/IP. Often interchanged with the ADB-IP Development Plan (IPDP), but where ADSDPP is all encompassing, planning for IPDP is limited to the ADB investment/project/subproject.

Ancestral Lands

Land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots. (Adopted from R.A. 8371)

Certification Precondition (CP)

A document issued by the National Commission on Indigenous Peoples (NCIP) attesting that the applicant or project proponent has complied with the requirements for securing the consent of affected ICCs/IPs in accordance to the Free, Prior and Informed Consent Guidelines of 2006.

Compensation

Payment in cash or in kind for land, housing, income, and other assets *acquired or adversely affected* by the project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.

Customary Law	A body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by the IPs.
Cut-off date of eligibility	Date of commencement of the census of affected persons within the project boundaries. Persons not covered at the time of census taking will not be eligible for claims of compensation entitlements.
Entitlement	Range of measures comprising compensation, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature and severity of their losses, to restore their economic and social base.
Free and Prior Informed Consent	The consensus of all members of the affected IP group is to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable and appropriate to the community. Broad community support may exist even if some individuals or groups object to the project.
Income restoration	Re-establishing income sources and livelihoods of APs to approximate or exceed the level it was before the development project.
Indigenous People	A group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs will likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions or cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. (Adopted from R.A. 8371)
Land acquisition	The process whereby a person is compelled to relinquish ownership, possession, control or use of all or part of their land, structures or other assets to the project in exchange for cash or in-kind compensation. This includes land or assets for which the possessor or user enjoys customary or uncontested access but lacks legal title. For this project, compensation is based on replacement cost.
Relocation	Physical displacement of an AP from his/her pre-project place of residence and his/her transfer to another place.
Replacement cost	Amount of cash or kind needed to replace an asset (i.e., land, private

structure, crops and trees, public structure and common resource) after an acceptable value is methodologically arrived at.

Resettlement	All measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Vulnerable groups	Distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women, elderly, or disabled, (ii) households falling under the generally accepted indicator for poverty, (iii) landless households, and (iv) ethnic minorities.

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I. INTRODUCTION

A. Project Description

1. The proposed loan to the Republic of the Philippines for the Emergency Assistance for KALAHI–CIDSS National Community-Driven Development Project (the project) will support the implementation of the *Kapit-Bisig Laban sa Kahirapan* (Linking Arms against Poverty)–Comprehensive and Integrated Delivery of Social Services (KALAHI–CIDSS) National Community-Driven Development Project (KC-NCDDP) to restore basic social services and rebuild communities affected by Typhoon Yolanda (international name: Haiyan).¹

2. **Typhoon Yolanda.** On 8 November 2013, Typhoon Yolanda hit the central Philippines, leaving behind an unprecedented path of destruction.² As of 1 December 2013, death toll stands at 5,632, with another 1,759 still missing, 26,136 injured, and about 0.89 million families or 4.11 million people displaced.³ It is estimated that additional 1.5 million persons may have fallen into poverty immediately after typhoon Yolanda, or 24% rise in the number of poor in Central Philippines and 7.1% nationwide.⁴ Preliminary government estimates indicate that Typhoon Yolanda and other recent disasters may have cut the national economic growth rate by 0.3–0.8 percentage points in the fourth quarter of 2013 alone, which is equivalent to \$900 million–\$2.5 billion of lost gross domestic product (GDP) in 2013. ADB’s preliminary forecast for 2014 is that the drop in the GDP growth rate could be as high as 1 percentage point. The combined regional economies of Central Visayas, Eastern Visayas, and Western Visayas – which account for 12.5% of the country’s GDP – could shrink by 4.0%–8.0% in 2014. Eastern Visayas’ economy could contract by 30.0% or more in 2014.

3. The proposed project is aligned with the Asian Development Bank’s (ADB’s) Disaster and Emergency Assistance Policy by assisting the government restore and rebuild economic, social and governance activities in typhoon-affected communities. It is also aligned with ADB’s sector and thematic assessments, which stress strengthening capacity for disaster risk management, and promoting gender equality and women’s empowerment. ADB has closely coordinated with the government and other development partners in the design of the project as well as in rehabilitation and recovery efforts. The project is consistent with the government’s Yolanda Recovery and Rehabilitation Plan (YRRP).

4. **Impact and outcome.** The impact of the project will be improved resiliency of poor communities to natural hazards. The outcome will be improved access to services and infrastructure for communities in affected provinces and their participation in more inclusive local disaster risk reduction and management planning, budgeting, and implementation.

5. **Output 1: Community-driven development (CDD) subprojects selected, implemented, and completed.** Planning and investment grants will be provided to more than 6,000 barangays, benefiting an estimated 900,000 households. Planning grants will support participatory and gender-inclusive planning by barangay residents as well as technical assistance to ensure effective subproject selection and implementation. Investment grants will

¹ The National Economic and Development Authority Board approved the KC-NCDDP on 18 January 2013. The design of KC-NCDDP has been subsequently adjusted to address the recovery needs of typhoon-affected communities. More broadly, the KC-NCDDP aims to bring about more equitable access to basic services, reduce poverty, and achieve inclusive growth in the poorest areas of the country.

² Summary Initial Disaster Needs Assessment (accessible from the list of linked documents in Appendix 2).

³ National Disaster Risk Reduction and Management Council, Situation Report No. 49. 1 December 2013.

⁴ ADB estimates.

support subprojects and activities that respond to community priorities.⁵ Rehabilitation and recovery efforts will emphasize building back better and disaster-resilient community infrastructure. Subproject eligibility will be based on an open menu and subject to an exclusion list.⁶ The open menu will include community proposals on disaster response and risk reduction.

6. Community planning will be facilitated in barangays. KC-NCDDP staff will undertake community organization and facilitation in cooperation with community volunteers trained in participatory planning and subproject preparation and implementation. Community subprojects will be identified and selected for submission to a municipal forum. Community leaders and volunteers selected by barangay residents will represent their barangay in the forum where subprojects will be prioritized based on size of the investment grant allocated to the municipality and locally agreed selection criteria.⁷ Program staff will undertake due diligence on subprojects before funding is committed.⁸ Barangays with prioritized subprojects will organize implementation teams to supervise and administer the subprojects.

7. **Output 2: Institutional and organizational capacity strengthened.** The project will support capacity development of municipal Department of Social Welfare and Development (DSWD) program staff who will provide facilitation support, technical assistance, subproject oversight, and local coordination.⁹ About 4,000 program staff and their local government unit (LGU) counterparts will be trained in CDD, development planning and management, conflict resolution, mediation within and between barangays, quality review, local poverty assessment, and monitoring and evaluation (M&E). The project will undertake capacity development activities that will enhance program and financial management systems, particularly suited for disaster response. Program staff and KC-NCDDP stakeholders will be trained to (i) develop competencies in disaster-risk management; (ii) apply environmental and social safeguard policies; (iii) respond to special circumstances such as vulnerability to natural hazards and climate change, presence of indigenous communities, and areas affected by conflict; (iv) facilitate community organization to ensure the inclusion and participation of marginalized groups in subprojects; and (iv) embed participatory approaches in government systems and processes. The project will strengthen the KC-NCDDP grievance redress, social accountability mechanisms, and knowledge development and exchange.

8. **Output 3: Program management and monitoring and evaluation systems enhanced.** The project will strengthen program management and M&E systems by supporting the development and maintenance of a management information system in DSWD for tracking,

⁵ Investment grant amounts are based on a formula using population size and poverty incidence.

⁶ The open menu of subprojects includes community water systems, schools, day-care centers, health stations, electrification, tribal housing, access roads, small bridges or footbridges, pre- and post-harvest facilities, equipment and materials support, irrigation, drainage, sanitation, flood control, seawalls, soil protection, and artificial coral reef sanctuaries. In the aftermath of disasters, the menu may be adjusted to allow investments needed or justified in a post-disaster or emergency context (e.g., repair of public buildings, debris removal, shelter construction and repairs, use of chainsaws for cutting fallen trees), including investments for cash for work or food for work. The exclusion list includes activities that may be harmful to the environment or indigenous peoples such as weapons, chainsaws, explosives, pesticides, insecticides, herbicides, asbestos, and other potentially dangerous materials and equipment; fishing boats and nets exceeding the government-prescribed size and weight; road construction into protected areas; political and religious activities, rallies, and materials; and activities employing children under 16 or unfairly exploiting women or men of any age. During implementation, the menu may be adjusted, as mutually agreed between ADB and DSWD, to allow investments that might be needed or justified in a post-disaster or emergency context.

⁷ Paras. 29 to 30 of the project administration manual discuss subproject selection criteria and process.

⁸ This will comprise technical, economic, social, and financial viability assessments, including safeguard compliance.

⁹ In response to a government request, a capacity development technical assistance for \$1.5 million will be prepared and financed separately. It will complement capacity development under the KC-NCDDP with the (i) formulation of a learning and development framework; (ii) completion of curriculum design and learning modules; and (iii) establishment of institutional support systems.

measuring, and reporting progress using key performance indicators. The system will include national and regional electronic file management of community requests for fund release and supporting documents. The project will also support third party M&E, at least one special study, and capital expenditure requirements for program management. The KC-NCDDP operations manuals have been updated and harmonized with ADB policies and procedures.

B. Anticipated Involuntary Resettlement

9. The project will support KC-NCDDP's major activities under Component 1 particularly in providing basic social services and access infrastructure, and environmental protection structures, using the CDD approach. Resettlement issues are not foreseen to be significant, by the nature and size of subprojects as these are mostly along the lines of rehabilitation/reconstruction of services and structures affected by the typhoon. These facilities usually take the form of multi-purpose buildings, tribal halls, school room units, day care centers, barangay health stations, small scale flood protection works and other rural infrastructures like irrigation facilities, roads and bridges, post-harvest facilities as well as domestic water supply systems

10. Despite the expected limited scope of land acquisition requirements, provisions for assessment and mitigation of involuntary resettlement impacts (in terms of both physical and economic displacement) are required to be incorporated in to the project planning and implementation arrangements. If land acquisition and involuntary resettlement are warranted, the project will ensure, through this Resettlement Framework (RF) that any negative impacts are properly minimized and mitigated through compensation and assistance measures. Only sub-projects where land is not subject to conflict of ownerships will be funded.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. Objectives of the Resettlement Framework

11. The impact of the project will be known only once the specific subprojects are selected and designed. Adverse subproject impact is expected to be minimal.

12. The principal objective of this document is to ensure that during the subproject concept development under the Community Empowerment Activity Cycle (CEAC), all displaced persons or affected persons (AP) are consulted, informed of the decisions regarding the proposed subprojects and their entitlements, and when necessary, compensated for their losses and provided with assistance to improve, or at least maintain, their pre-project living standards and income earning capacity.

13. The document lays down the principles and objectives, eligibility criteria for entitlements, legal and institutional framework, modes of compensation, people participation features and grievance procedures that will guide the implementation of compensation for APs.

14. The specific objectives of this document are to ensure that:

- (i) All APs are informed and consulted on the proposed subprojects that will be implemented in their area using the different fora of the CEAC process,
- (ii) Compensation and assistance has been provided and supporting legal documents have been executed prior to subproject implementation, and

- (iii) Specific arrangements between the ADB/AP and the barangay/municipality and or the community have been documented and complied with.

B. Resettlement Framework Principles

15. This resettlement framework adopts the principles of ADB's Safeguards Policy Statement 2009 (SPS 2009), the existing Environment and Social Management Framework (ESMF)¹⁰ of DSWD, as well as the National Community Driven Development Program Disaster Response Operations Manual (PDRM). The following principles will govern project implementation:

- (i) Involuntary resettlement should be avoided where feasible;
- (ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options as agreed upon during community assemblies or other fora;
- (iii) People unavoidably displaced should be compensated and assisted so that their economic and social future would be as favorable as it would have been in the absence of the project. .
- (iv) People affected by involuntary resettlement due to development initiatives should be fully informed and consulted and have agreed on resettlement and compensation options;
- (v) Existing social and cultural institutions of APs and their hosts should be supported and used to the greatest extent possible, and APs should be integrated economically and socially into host communities;
- (vi) Lack of legal rights to the assets lost will not hinder APs from entitlement to such compensation or rehabilitation measures; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and appropriate assistance should be provided to help them get the rehabilitation or compensation package as agreed upon by the majority during barangay assembly;
- (vii) As far as possible, involuntary resettlement should be conceived and executed as part of the project; and
- (viii) The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.
- (ix) Given the emergency context of the project, and the extent of displacement already experienced as a result of the typhoon, assistance and rehabilitation measures to be provided to persons either displaced by the project or who experience restricted access to land due to the project will be incorporated into the entitlement matrix as needed to ensure compliance with the requirements of the ADB SPS. In addition, defining and categorizing vulnerability and associated assistance to be provided will be reviewed and incorporated in the entitlement matrix prior to the implementation."

C. Legal Framework

1. National Laws of the Government of the Philippines (GOP)

¹⁰ The Environmental and Social Management Framework (ESMF) of DSWD complies with the environmental safeguard requirements of the Department of Environment and Natural Resources and WB as well as the principles and contents of the Environmental Assessment and Review Framework (EARF), Indigenous Peoples Planning Framework (IPPF) and Resettlement Framework (RF).

16. The Philippine Constitution specifically provides for the following:
- (i) Article III, Section 9: "Private property shall not be taken for public use without just compensation."
 - (ii) 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 an act of Congress, customary laws governing property rights or relations can be applied in determining the ownership and extent of ancestral domains."
17. Republic Act (RA) 8974 - An Act to Facilitate the Acquisition of Right-Of-Way (ROW), Site or Location for National Government Infrastructure Projects. The Implementing Rules and Regulations (IRR) of this law stipulates that the Implementing Agency will negotiate with the owner for the purchase of the property by offering first the current zonal value issued by the Bureau of Internal Revenue (BIR) for the area where the private property is located. Further, that valuation of improvements and/or structures on land to be acquired will be based on the replacement cost, 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.
18. Indigenous Peoples' Rights Act (IPRA) of 1997. Involuntary resettlement triggers may occur within ancestral domains. The IPRA sets conditions, requirements, and safeguards for plans, programs, and projects affecting IPs. A significant issuance for purposes of this RF is AO No. 3 Series of 2012. The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012.
19. Executive Order (EO) 1035 stipulates (i) the provision of financial assistance to displaced tenants, indigenous peoples, and settlers equivalent to the average annual gross harvest for the last 3 years and not less than PHP15, 000 per ha, (ii) disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest during the last 5 years, and (iii) Compensation for improvements on land acquired under Commonwealth Act 141.
20. Executive Order 132, Procedures to be followed in the Acquisition of Private Property for Public Use and Creating Appraisal Committee.

2. ADB Safeguards Policy Statement of 2009

21. The following ADB-SPS principles on involuntary resettlement are stipulated and will also apply to the project:
- (i) Develop procedures in a transparent, consistent, and equitable manner, if land acquisition is through negotiated settlement in order to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
 - (ii) Prepare a RP elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
 - (iii) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other

stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

- (iv) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

22. The ADB Policy on Gender and Development adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities.

23. The ADB Public Communications Policy seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders.

3. World Bank Policy on Involuntary Resettlement (Bank Policy 4.12)

24. This policy covers direct economic and social impacts that both result from WB-assisted investment projects and are caused by:

- (i) The involuntary taking of land resulting in:
 - a. Relocation or loss of shelter
 - b. Loss of assets or access to assets; or
 - c. Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - d. The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
- (ii) This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that in the judgment of the Bank, are:
 - a. Directly and significantly related to the Bank-assisted project;
 - b. Necessary to achieve its objectives as set forth in the project documents; and
 - c. Carried out, or planned to be carried out, contemporaneously with the project.
- (iii) To address the impacts above, the borrower ordinarily prepares a resettlement plan or a resettlement policy framework that covers the following:
 - a. Measures to ensure that the displaced persons are informed about their options and rights; consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and provided prompt and effective compensation at full replacement cost for losses of assets.
 - b. If the impacts include physical relocation, measures to ensure that the displaced persons are provided assistance (such as moving allowances) during relocation; and provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential,

locational advantages, and other factors is at least equivalent to the advantages of the old site.

- c. Where necessary to achieve the objectives of the policy, measures to ensure that displaced persons are offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

4. Equivalence-Gap Analysis

25. An equivalence-gap assessment of the ADB SPS 2009 (specifically on Involuntary Resettlement) and Philippine Government policy on involuntary resettlement still needs to be undertaken. Where there are differences between the two, gap-filling measures will be specified as agreed between ADB and the EA and ADB SPS 2009 will be applied.

26. Other concerns that need to be enhanced include:

- (i) In the conduct of the social impact assessment, identified vulnerable sectors will avail of assistance through the project.
- (ii) Income restoration program/s will be developed as a result of the social impact assessment.
- (iii) Information disclosure will be observed.
- (iv) Internal and external monitoring will be part of implementation.
- (v) Occurrence of unanticipated involuntary resettlement impacts will be acted upon through the necessary corrective actions.

D. Subproject Screening and Minimizing Involuntary Resettlement

27. Given the emergency context of the project, and the extent of displacement already experienced as a result of the typhoon, assistance and rehabilitation measures to be provided to persons either displaced by the project or who experience restricted access to land due to the project will be incorporated into the entitlement matrix as needed to ensure compliance with the requirements of the ADB SPS. In addition, defining and categorizing vulnerability and associated assistance to be provided will be reviewed and incorporated in the entitlement matrix prior to the implementation.

28. The DSWD has updated its ESMF and PDRM to ensure that the GOP, ADB and WB policies on environmental and social assessment are met and all subprojects undertaken by the community are environmentally and socially sound and sustainable. Specifically, the ESMF and PDRM shall ensure (i) that selected subprojects are designed to avoid or minimize negative environmental and social effects, and (ii) identify any negative impacts and develop and implement appropriate mitigation measures as part of the subproject design and implementation. It shall provide guidelines for implementers to ensure that appropriate measures are applied in integrating environmental and social concerns during the CEAC process. It will also serve as a guide for community and LGU-proponents in complying with GOP's and development partners (ADB, WB, MCC, others) environmental and social safeguards requirements for various subprojects.

29. The project uses an open menu in identifying eligible subprojects under the investment grant, subject to a negative list based on experience from KALAHÍ-CIDSS and ADB's SPS 2009 (footnote 6). The most common subprojects under KALAHÍ-CIDSS experience include

water supply systems, school buildings, access roads, day care centers, health stations, post-harvest facilities, drainage systems, and small irrigation facilities. Proposals on local disaster response and recovery will also be considered for the investment grant. A positive list of subprojects is contained in Table 1.

Table 1: Activities that can be financed under the KC-NCDDP's Contingent Component

Positive List	
1) Repair of rural and local roads	7) Collection and removal of technogenic debris (building parts, mixed waste, timber) as uprooted trees and plan debris from public infrastructure, public spaces and agricultural areas, and its deposition in pre-existing waste management facilities that are operating under national licensing and regulations and comply with normal practice in the country
Positive List	
2) Backfill, reshaping and landscaping of areas affected by erosion	8) Repair of public buildings (including government offices, meeting hall and places of religious worship – latter TBC) and infrastructure (e.g. transmission lines, street lighting, traffic signs, bus stops)
3) Repair of riverbank protection systems and earth-fill dykes up to 5m height if supervised by a qualified engineer	9) Collection and removal of earth, mud and plant debris from public infrastructure and spaces as well as agricultural areas and its deposition, landscaping and greening at appropriate locations.
4) Repair/reconstruction of small bridges (san up to 15m)	10) Shelters - construction/re-construction of damaged homes of the most affected households.
5) Construction of temporary bypass roads up to 500 m length, if not located in sensitive habitats and land acquisition follows the provisions of the main ESMF and bypasses are completely removed and the alignment restored to its original conditions once the need for their service has expired	11) Other similar undertaking such as temporary setting up of school, health and water facilities for access to basic needs and services of affected population including temporary housing for vulnerable population such as children, lactating and pregnant women, elderly and persons with disabilities (PWD).
6) Repair/reconstruction of communal irrigation and water supply systems and of facilities that they have been completed with project funding.	

Source: National Community Driven Development Program Disaster Response Operations Manual, August 2013.

30. Involuntary resettlement should be avoided where feasible and if it is avoidable, it should be minimized by exploring all viable sub-project options as agreed during communities assemblies or other fora. Where screening identifies a sub-project with negative impacts, RP preparation is deemed necessary. RP will be prepared for the sub-project and will be part of the sub-project proposal to be submitted to the regional program management office (RPMO). The outline for RP is attached as Appendix 1,

31. It is important to screen the project early on to identify past, present, and future IR impacts and risks. Determine the scope of RP through a survey/census of DPs, including gender analysis, specifically related to resettlement impacts and risks. The screening will

identify the potential for loss of land, assets/structures, livelihoods, willingness of the community to collaborate in the implementation of the sub-projects, and their impacts through primary and secondary data information collection.

32. The guiding principles contained in this document will be adopted. The RP should reflect the inventory of affected persons and properties, number of persons eligible for each entitlement or form of assistance as stated in the RF, cost estimates and arrangements for consultation and participation.

33. If indigenous peoples are among the subproject beneficiaries, the RP should include details and documentation on IP consultation and participation, additional details are in the IPPF.

34. Payment of compensation and provision of other entitlements (in cash or in-kind) will be satisfactorily completed for each subproject prior to the commencement of civil works by the community. The same requirement would apply if APs voluntarily contribute any part of their land and/or assets for the subproject. All deeds of donations and other relevant legal instruments for each subproject will be satisfactorily completed prior to the conduct of the Municipal Inter Agency Committee (MIAC) technical review and subsequent request for fund release. This will be verified by the independence third party.

35. Construction will not be allowed to commence until compensation has been paid and resettlement, when necessary, is completed in accordance with the RP approved by ADB. The formulation of the compensation package and subsequent payments made will be properly documented.

E. Affected Persons and Eligibility

36. Types of displaced persons within project area are as follows:

- (i) Persons with formal legal rights to land they may lose in its entirety or in part; Landowners:
- (ii) Persons who may lose the land they occupy or utilize in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands such as customary claims, that are recognized or recognizable under national laws; and
- (iii) Persons who may lose the land they occupy or utilize in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land.

37. A cut-off date for eligibility to entitlements is established by each subprojects. The cut-off date sets the time limits to determine eligibility of persons living and/or with assets or interests inside the project areas during the period to be counted as AP. Should they be adversely affected, they will be entitled to compensation for their affected assets, including rehabilitation measures as needed, sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. A general information drive about the project/subproject, cut-off dates and entitlements is held following subproject approval by the Government and ADB. Those who encroach into the project area, or any of its subprojects, after the cut-off date will not be entitled to compensation or any other assistance.

38. The RF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, at greater risk of impoverishment when their land and other assets are affected. The extent of impact on IPs and other disadvantaged groups, such as landless, poor, households headed by women, elderly, and disabled, who will receive special rehabilitation assistance will be determined during preparation of subproject FS and RP preparation. The project's strategies on vulnerable groups are:

- (i) Surveys of socioeconomic conditions of APs will identify the conditions, needs and preferences of poor households, women who head households (and other female APs) and ethnic minority APs; monitoring of resettlement activities will assess separately the impacts on vulnerable APs.
- (ii) Ensure that the process of land acquisition and resettlement does not disadvantage IPs, women, households headed by women or elderly or disabled, and poor households, particularly the landless.
- (iii) Preparation of information, IEC materials will take into consideration the language and literacy skills of participants, as well as other gender and cultural sensitivities that would affect their participation.
- (iv) The project will give priority to vulnerable APs for employment for construction, operation and maintenance of physical infrastructure, reforestation and protection and other project activities, where appropriate.

III. SOCIOECONOMIC INFORMATION

A. Census of Affected Persons

39. A complete enumeration of all affected households and their assets through household interviews will be conducted to inventory APs and their assets as a basis for compensation in order to minimize later encroachment of non-entitled persons into the subproject area.

40. Basic socioeconomic information on APs, including those who will be severely affected due to loss of 10% or more of their productive land and/or other productive assets, will also be collected. This will include information on the demographic characteristics of all AP household members, ownership of land and other assets, livelihood sources and levels of household income. This information will be entered into the KC-NCDDP database and project management will ensure that this is accessible for external monitoring.

B. Impact Survey: Detailed Measurement Survey

41. Based on KALAHI–CIDSS experience and as stipulated in the ESMF, an inventory for each road, bridge, irrigation canal, water supply pipe alignment or segment thereof will be prepared by the community with the assistance of the Area Coordinating Team (ACT) or service provider. The initial output will be reviewed and discussed during the barangay assembly prior to the preparation of RP.

42. An inventory of loss (IOL) survey or detailed measurement survey (DMS) will be conducted following the detailed design of a subproject and if needed, a demarcation of land acquisition. APs will be notified before the conduct of the IOL/DMS and requested to participate in the survey. The DMS will be carried out in the presence of heads or members of households and completed DMS forms will be duly endorsed by household head or members. The survey method will be updated and fine-tuned at implementation.

43. The information to be obtained in the IOL will include the following for each affected household:

- (i) Number of persons and names;
- (ii) Amount and area of all the residential plots lost;
- (iii) Amount, category/type and area of agricultural land lost;
- (iv) Quantity and types of crops and trees lost;
- (v) Quantity and category of any fixed assets lost; and
- (vi) Temporary damage to productive assets.

44. The entitlements of assets and land affected will be calculated based on the above information and per negotiation approval and acceptance of the community/barangay assembly. The data will be accessible for external monitoring.

C. Replacement Cost Study

45. The determination of the compensation for each of the affected households can be obtained using the Bureau of Internal Revenue (BIR) land valuation, assessors' fair market values and interviews with local realtors. The project will engage a regional appraisal team to initially determine the value for compensation. The unit costs should be at replacement level and based on empirical data. The study will be part of project cost. Market value on land may be based on Land Bank of the Philippines (LBP) record of sales.

46. **Right-Of-Way Valuation.** In view of cost-sharing arrangement for KC-NCDDP, LGU equity for costs related to land acquisition, resettlement and rehabilitation documentation and implementation will cover the following items:

- (i) Value of land – depending on the type of area that will be traversed by the project;
- (ii) Value of Improvements that will be damaged during construction (i.e.crops, trees, structures, etc.);
- (iii) Other costs related to ROW acquisition (inventory of project affected stakeholders, consultation with affected individuals, notarization, cost of parcellary survey for annotation of individual land titles, etc.).

47. Validity of ROW valuation will be based on a minutes of meeting to be submitted by the MLGU to project management. The minutes should reflect the following (i) that consultation with the project affected stakeholders has been conducted and they were informed of the proposed subproject(s), (ii) that the proposed subproject(s) will traverse specific private properties which were donated or acquired by the MLGU, and (iii) the agreement among those present during the consultation. The basis for valuation of land will be proof of sale or a certification from the LB Philippine or Provincial Assessor's Valuation or the BIR Zonal Valuation as specified in the minutes of meeting. Valuation of improvements that will be damaged during construction will be based on the Provincial Assessor's Valuation or BIR Zonal Valuation or Bill of Materials, as specified in the minutes of meeting.

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

48. The APs will participate throughout the various stages of RP preparation, documentation, implementation, and monitoring. For these purposes and prior to any

resettlement activity, APs will be fully informed about the proposed subproject and the provisions of this RF, during barangay assembly. Several consultations will be conducted at the earlier stages of project preparation. Information about the RP requirements will be included during the Municipal Orientation. After the census of households or during the social investigation stage, a public assembly at the barangay level will be called to orient APs on the project and explore other alternatives with them, when necessary.

49. These consultation meetings will include:

- (i) An orientation on the project;
- (ii) Subproject designs;
- (iii) Schedules of implementation;
- (iv) Probable benefits and adverse impacts; and mitigating measures to be taken;
- (v) Compensation packages and the subsequent schedule of disclosure meetings on Valuation;
- (vi) Payment; and
- (vii) Grievance process.

50. Copies of the project background, RF and entitlements will be distributed and explained to the APs and as much as possible using local language.

51. A walk-through of the alignments to determine the specific location of subprojects on the ground may be arranged by the community and or together with the ACT or Municipal Coordinating Team (MCT) members upon the request of APs. Field verification activities will be conducted parallel with the field validation led by the Deputy Areas Coordinator (DAC) together with the project preparation team.

52. All consultation meetings and other activities will be properly documented. In the event that a subproject involves acquisition of land and other assets, and results in other adverse impacts, the community/LGU will not proceed with the implementation of the subproject unless a compensation package in accordance with this document, satisfactory to all concerned, is agreed upon between the community/LGU and the owners of land/asset affected as well as those who stand to lose their crops, jobs, or sources of income.

53. **Women and vulnerable sector.** The project Gender Action Plan ensures the engagement with local women's groups in key project activities. In case of under-representation or where needed, separate meetings with marginalized households, including women, shall be organized to discuss subproject proposals prior to the barangay assembly. Beyond the GAP, participation of women and the vulnerable/ marginalized sectors will be upheld across the CEAC stages.

B. Disclosure

54. Disclosure of the following documents is required:

- (i) updated Resettlement Framework and resettlement plan endorsed by DSWD and concurred by ADB
- (ii) Resettlement Plans for cat A and B endorsed by DSWD and concurred by ADB prior to implementation;
- (iii) Corrective action plans prepared during project implementation, if any; and due diligence report for Cat C
- (iv) The resettlement monitoring reports.

Materials will be produced in popularized form for all APs across implementation levels. The ADB Public Communication Policy will serve as guide. The documents listed above will be uploaded in the KC-NCDDP management information system for interconnectivity as well as the ADB website.

V. COMPENSATION, INCOME RESTORATION, AND RELOCATION

A. Compensation

55. The DSWD, through the KC-NCDDP national project management office (NPMO), is to work closely with LGUs in the implementation of the Land Acquisition, Resettlement and Rehabilitation Policy Framework and Implementing Guidelines. The KC-NCDDP NPMO, as represented by the regional project management offices (RPMO) and the Regional Community Process Specialist, will coordinate with the duly authorized representative/s of the LGU in determining the appropriate compensation for APs in accordance with the Entitlement Matrix in Table 2.

56. The determination of all these compensation packages should be done prior to the conduct of the MIAC technical review so that the deed of donation (DOD) or other modes of land acquisition can already be completed.

57. **Assistance to vulnerable sectors.** Defining and categorizing vulnerability and associated assistances to be provided will be reviewed and incorporated in the entitlement matrix prior to implementation.

Table 2: Entitlement Matrix

Asset	Impact Category	AP/Eligibility	Compensation Entitlement
Arable land	Loss of land up to 10 % of land holding and the remaining land remains economically viable	Farmer/title holder	Cash compensation for affected land at full replacement cost
		Tenant/lease holder	Cash compensation equivalent to market value of gross harvest of the affected land for one year or for the remaining period of tenancy/lease agreement, whichever is greater.
	Loss more than 10% of land holding OR remaining land becomes economically not viable	Farmer/title holder	Land for land replacement or compensation in cash according to AP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and crop productivity with a secured tenure status at a location acceptable to the AP. The replacement land will be free of taxes, registration & other costs. Rehabilitation assistance Transfer/resettlement assistance
		Tenant/lease holder	Cash compensation equivalent to market value of gross harvest for one year or for the remaining period of tenancy/lease agreement, whichever is greater.
		Agricultural worker	Cash compensation equivalent to 6-month salary Assistance in getting alternative employment

Asset	Impact Category	AP/Eligibility	Compensation Entitlement
Commercial land	Land used for business partially affected, limited loss (remaining portion still viable for livelihood purposes)	Title holder/ business person	Cash compensation for affected land at full market value Cash compensation for loss of income equivalent to 5% of gross annual income
		Rental/lease holder	Cash compensation for loss of income equivalent to 10% of gross annual income.
	Land used for business severely affected, remaining area insufficient for continued use	Title holder/ business person	Land for land replacement or compensation in cash according to AP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at a location acceptable to the AP. The land will be free of taxes & other transfer costs. Rehabilitation assistance
			Transfer/resettlement assistance Opportunity cost compensation equivalent to 10% of gross annual income.
		Rental/lease holder	Opportunity cost compensation equivalent to 20% of gross annual income. Assistance in rental/lease of alternative land/property
Residential and other non-commercial land	Less than 10% of land holding affected and the remaining land remains viable for present use	Title holder	Cash compensation for affected land at full replacement cost
		Rental/lease holder	Minimum cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement
	Less than 10% of land holding affected but remaining land becomes smaller than minimally accepted under zoning law/s and/or not viable for continued use	Title holder	Land for land replacement or compensation in cash according to AP/DP's choice. Land for land replacement will be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in area/size. Replacement land will be free of taxes, registration and transfer cost. Rehabilitation assistance Transfer/resettlement assistance
		Rental/lease holder	Cash compensation equivalent to 20% of lease/rental fee for the remaining period of rental/lease agreement Assistance in rental/lease of alternative land/property
Structures (includes public utilities/ structures)	Structure partially affected but the remaining structure remains viable for continued use	Owner	Cash compensation for affected structure and other fixed assets Full (cash) assistance in restoration of the remaining structure

Asset	Impact Category	AP/Eligibility	Compensation Entitlement
		Rental/lease holder	Cash compensation for affected assets Disturbance compensation equivalent to two-month salary or rental whichever is greater
	Entire structure affected OR structure partially affected but the remaining structure is not viable for continued use	Owner	Cash compensation for entire structure and other fixed assets Rehabilitation assistance Transfer/resettlement assistance
		Rental/lease holder	Cash compensation for affected assets Disturbance compensation equivalent to six-month salary or rental whichever is greater Assistance in alternative rental arrangements
		Informal dwellers	Cash compensation for affected assets Disturbance compensation equivalent to three-month salary or rental whichever is greater
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	AP	Cash compensation at full market value PLUS 5% premium
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees PLUS 10% premium
Easement	Temporary acquisition or easement	Title holder	Minimum cash compensation equivalent to 10% of the value of affected asset

Given the emergency context of the project, and the extent of displacement already experienced as a result of the typhoon, assistance and rehabilitation measures to be provided to persons either displaced by the project or who experience restricted access to land due to the project will be incorporated into the entitlement matrix as needed to ensure compliance with the requirements of the ADB SPS. In addition, defining and categorizing vulnerability and associated assistance to be provided will be reviewed and incorporated in the entitlement matrix.

AP = affected person.

AP who lose assets equivalent to 10% or more of their productive assets will be entitled for income restoration program.

B. Income/Livelihood Restoration

58. The objective of income/livelihood restoration is to ensure the improvement of the socioeconomic conditions of APs or at least to bring back the pre-disaster project income and living standards of affected families at the project sites and if vulnerable, improve to national minimum standards. This RF will enable the development of sustainable income restoration and rehabilitation strategies that are appropriate for the cultural background and practices of APs (IPs and non-IPs) in the project sites. Strategies for income and livelihood restoration are consistent with the overall KC-NCDDP framework and may include but not limited to (i) training/capacity building for livelihood/micro-financing, food security in terms of developing sustainable food sources, depending on the crop suitability (elevation, soil type, etc.) as well as cultural preference; (ii) prioritized hiring of APs to serve as contracted human resources for subproject activities; and (iii) financial and in-kind assistance support to the poor will be allocated attached to capacity building initiatives. AP who lose 10% or more of their total productive assets for the identified sub-projects will be entitled for income restoration assistance. These may be in the form of farm/fisheries supplies and equipment and/or based on agreed criteria within communities and DSWD. Costs for income/livelihood restoration strategies for poor APs will be included in the total costs of the proposed subproject, subject to the KC-

NCDDP negative list. Additional support may likewise be provided in coordination with appropriate DSWD offices and units.

C. Support to Host Communities

59. Relocation is not an anticipated impact of the project. Specific to IP communities, should any resettlement issues arise requiring relocation, these will be accommodated within ancestral domains to ensure that social relations are not disrupted.

60. However, in the event that relocation is necessary, this RF categorically upholds support for host communities. APs are not considered in isolation specifically from host populations. The possibility for AP relocation could have impacts on host populations, specifically on employment, use of common property resources, and pressure on natural resources or social services. Conflicts between hosts and resettled population may arise due to resource competition as well as competition over assistance that may be extended to APs. Support to host communities therefore could be in the form of social preparation, sharing of infrastructure and support services at the relocation sites, participation in economic development and social integration programs, and access to training, employment, and other benefits generated by the project. As such, the RF promotes the following:¹¹

- (i) Participation of APs and host communities in decisions concerning site selection, layout and design, and site development.
- (ii) Development of programs that can benefit both APs and the host population jointly to foster prospects for social integration.

D. Voluntary Land Donations

61. In the rural areas where donations of lands for community use are generally practiced, arrangements have to be made to ensure that (i) the donation is indeed voluntarily given, (ii) the donor is legitimate owner of such lands, and (iii) the donor is fully informed of the nature of the subproject and the implications of donating the property. Should the donor decide to donate the property on a conditional basis, the terms and conditions for the temporary use (usufruct rights) of the property must be clearly stated in the Conditional Deed of Donation document. A sample Deed of Donation is provided in Appendix 2.

62. Under these situations, the following safeguards need to be applied, based on their relevance to the cases being encountered by subproject proponents:

- (i) An assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation;
- (ii) Certification from the LGUs and the proponents, that the land is free of claims or encroachments from any third party;
- (iii) Independent third party verification of the process
- (iv) Deed of Donation to the LGU (barangay, municipality) concerned or the community organization, as witnessed by the LGU barangay and municipal government officials, notarized by a registered Lawyer, with copies of donation papers furnished the Office of the Municipal Assessor and the Provincial Register of Deeds;
- (v) Declaration of Ownership with Waiver of Claims for Affected Assets;

¹¹ ADB Handbook on Resettlement: A Guide to Good Practice. 1998.

- (vi) Joint Affidavits of Two Adjoining Landowners or Barangay Officials (for unregistered lands);
- (vii) Waiver of Rights/Quit Claim (for Plants, Trees, Houses, Structures claimed by Tenants, Informal Settlers); and
- (viii) Waiver of Rights/Quit Claim (With Sharing of Claim).

63. Proponents and LGUs can discuss possible incentive schemes for APs who voluntarily donate portions of their property to facilitate construction/rehabilitation of a proposed subproject. These schemes may include:

- (i) Privileges to use community facilities with minimal fees to be paid by donor;
- (ii) Amnesty for payment of back taxes (for those with no Tax Declarations);
- (iii) Employment during construction;
- (iv) Transfer/resettlement assistance, when necessary; or
- (v) Assistance in getting alternative employment.

64. The Project external monitor will be part of the oversight of voluntary land donations and the previously described process has been followed.

VI. GRIEVANCE REDRESS MECHANISMS

65. Complaints and grievances relating to any aspect of the resettlement entitlements and/or activities, including the determined area and price of the lost assets, will be managed as follows:

- (i) A Grievance and Redress Committee (GRC) at the barangay level will hear the complaints and grievances of the APs regarding the acquisition of land and other assets, compensation, resettlement, rehabilitation and other entitlements.
- (ii) The complaint, grievance and appeal will have the following levels:

1. LEVEL 1:

- (i) AP addresses complaints and grievances to the Special Barangay Assembly (BA) or Special Municipal Inter Barangay Forum (MIBF) Fact-Finding Group for verification and clarification of issues as stated in the GRS Manual.
- (ii) The Special MIBF Fact Finding Group will document its investigation on the facts presented and provide a written response to the AP, within fifteen (15) calendar days of receiving the complaint or based on number of days agreed upon by the Committee and the complainant.

2. LEVEL 2: If the AP is not satisfied with the decision of the Special MIBF; within 15 days the AP may appeal the case to RPMO through the Regional Grievance Officer – as stated in the GRS Manual.

3. LEVEL 3:

- (i) If the AP is not satisfied with the decision of the RPMO, the AP may appeal the case to the DSWD Regional Director/Regional Project Manager (RPM) within fifteen (15) calendar days of receiving the written decisions from the ACT. The decision of the DSWD Regional Director will be rendered within thirty (30) calendar days of receipt of the AP's appeal after validating the facts of the complaint.
- (ii) If the AP is not satisfied with the decision of the RPMO, the case may be submitted to the NPMO through the national project manager (NPM). The decision of the NPMO will be rendered within thirty (30) calendar days of receipt of the AP's appeal.

- (iii) APs will be exempted from all administrative and legal fees.
- (iv) Unresolved grievance can be elevated to the proper courts. However, resorting to courts prior to availing of this complaint and grievance process will make the appellant's action dismissible, on the ground of non-exhaustion of administrative remedies.

66. Modes of Filing Complaint to the Grievance and Redress Committee (GRC).

Although different modes of filing are acceptable to the project, the GRC at different levels will determine the validity of complaints filed and will see to it that the purpose of creating the GRC will not be misused or abused. The complainant, should he/she decides to personally file his/her complaint(s), is assured of confidentiality by the officers and members of the GRC until proper venue has been provided to discuss and settle the reported issues.

67. There are different modes of filing complaints to the GRC:

- (i) Filing of complaints through GRC Logbook /database – ACTs/MCT of KC-NCDDP-covered barangays will be required to provide a Logbook to record complaints raised by community member(s) or any individual in relation to KC-NCDDP implementation while RPMOs and NPMO will utilize the existing database system. Non KC-NCDDP complaints will be forwarded to the concerned offices/institutions for appropriate action.
- (ii) Complaints/Grievance Reports via text messages – members of the GRC will make available official contact numbers for complaints/grievance filing (depending on availability of resources and technology).
- (iii) Letter addressed to any GRC head or committee member.
- (iv) Any other mode, e.g. direct hotline, social media, etc.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Institutional Arrangements

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

- (i) The overall responsibility for the implementation and enforcement of the policy and guidelines under this document rests with the NPMO through the Technical Support Services Division (TSSD) at the National Level.
- (ii) The Regional Community Process Specialist, with the assistance of Regional Community Infrastructure Specialist (RCIS) and Counterpart, will work closely with the ACT/MCT to assist them in (a) APs inventory, (b) conduct of consultations, (c) preparation of RP per proposed subproject, (d) preparation of Minutes of Meeting for all meetings/consultations conducted, (e) completion of required legal documents, and other activities necessary in the completion of documentary requirements.
- (iii) At the Community level, the community volunteers (CVs), together with the ACT and the Community Facilitator (CF), will be responsible in preparing the asset inventories, the RPs and day-to-day implementation within their respective jurisdiction. The barangay volunteers, who will form part of the Barangay Subproject Management Committee, will ensure the active and effective consultation and participation of the APs in the preparation and implementation of the RP.

- (iv) Disputes/grievances will be filed through the GRC, which had been used and established from the barangay up to the national level. Documentation will be undertaken by the assigned secretary of the committee. Report will be submitted to the NPMO on a monthly basis or depending on the urgency of issues filed to the committee.
- (v) Funds for implementing the inventories and associated action plans will be provided by the LGU or the community as part of the local counterpart contribution based on budgetary requirements established by Municipal and Barangay Committees in consultation with the APs.

69. Compliance and monitoring of the environmental and social safeguards will be the responsibility of the project coordinators at the barangay and municipal levels.

70. The semi-annual compliance monitoring will be initiated at the regional office. In some special cases, the donors may opt to require special monitoring exercises as may be necessary. To ensure compliance at each level of the implementing structure of KC-NCDDP, a Safeguards Officer will be in-charge per island group (i.e., Luzon, Visayas, and Mindanao).

B. Resettlement Planning in the Subproject Approval Process

71. The guiding principles contained in this document will be adopted. The RP should reflect the inventory of affected persons and properties, number of persons eligible for each entitlement or form of assistance as stated in the RF and ESMF Implementation Guidelines, cost estimates and arrangements for consultation and participation.

72. If IPs are among the subproject beneficiaries, the RP should include details and documentation on IP consultation which should include:¹²

- (i) Extensive consultation with and informed participation of IPs to ensure that development is culturally appropriate;
- (ii) In cases of provision for individual titling, areas with IPs should get IEC sessions so that they are aware of what they are getting into and some of its potential dangers; and
- (iii) Capacity building activities.

73. Payment of compensation and provision of other entitlements (in cash or in-kind) will be satisfactorily completed for each subproject prior to the commencement of civil works by the community.

74. The same requirement would apply if APs voluntarily contribute any part of their land and/or assets for the subproject. That is, all deeds of donations and other relevant legal instruments for each subproject will be satisfactorily completed prior to the conduct of the MIAC technical review and subsequent request for fund release (RFR).

75. RP preparation where there are involuntary resettlement impacts is required to mitigate negative impacts of proposed subprojects. Depending on diversity or types of subprojects chosen by communities with impact on involuntary resettlement, DSWD, in coordination with ACT/MCT and local governments may opt for (i) prepare RPs by phase or stages for a set of subprojects either by region/province or municipal/ cities; or (ii) prepare RPs by type or sector of subprojects. These documents, depending on the option chosen, will be submitted by RPMO for

¹² Details of the process can be found in the KC-NCDDP Operations Manual.

DSWD concurrence and sent to ADB for approval prior to the implementation of subprojects with IR impact. The outline for an RP is attached as Appendix 1. For subprojects where there are no involuntary resettlement impacts, the RPMO will prepare and submit to ADB a resettlement due diligence report confirming the absence of resettlement impacts.

VIII. BUDGET AND FINANCING

76. Each inventory and resettlement plan will include detailed cost of relocation, compensation and other entitlements, with a breakdown of replacement or rehabilitation costs for agricultural land, residential land, business land, houses, business and other assets, public facilities and services, and utilities. The cost estimates will make adequate provision for continuous consultation and information, dissemination, surveys (parcellary) and project supervision for contingencies.

77. Income restoration and resettlement costs will be allocated. LGU contributions to development of income restoration schemes and resettlement sites and services may similarly be valued and reflected as part of the cost. Allowable RP costs by category are presented in Table 3.¹³

Table 3: Allowable RP Costs and Budget Line Items

CATEGORY	COST ITEM
Resettlement plan preparation and compensation for acquired assets	Cost of census and survey of affected people and inventory of assets Compensation for assets lost (land, structures, etc.) at replacement cost Cost of preparation of replacement farmland
Relocation and transfer	Cost of moving and transporting movable items Cost of replacement housing Cost of site and infrastructure development and services Subsistence allowances during transition Cost of replacement businesses and downtime
Income/Livelihood programs	Cost estimates for income restoration plans (e.g., training, small business, community enterprise, livelihood specialist) Cost of incremental services (extension, health, education) Environmental enhancement packages (forestry, soil conservation, grazing land, etc.)
Administrative/ Services costs	Physical facilities (office space, staff housing, etc.) Transport/vehicles, materials Operation staff (managerial, technical), and support staff Staff training for capacity development and monitoring Information disclosure, consultations, and grievance redress mechanism NGO services for resettlement plan implementation
Monitoring and reporting	Cost of monitoring the resettlement plan implementation Verification of monitoring by qualified and experienced external experts or qualified NGOs for projects with significant involuntary resettlement impacts Evaluation of resettlement plan implementation and reporting

¹³ ADB: A Planning and Implementation Good Practice Sourcebook – Draft Working Document, November 2012.

CATEGORY	COST ITEM
Contingency	About 10 percent of the estimated resettlement project costs

78. **Sources of funds and flow of funds.** Fund source will be through the project and downloaded through the DSWD accessed by the respective regional units, voucher style. The resettlement committees will ensure payments are made to the APs.

IX. MONITORING AND REPORTING

79. The RPMOs through the MCT and ACT will be in charge of monitoring LGU compliance with agreements reached by the LGU and APs based on the approved RPs. Periodic monitoring will also be conducted by the NPMO to monitor if the agreed RF is being observed and implemented. This will also serve as venue to evaluate the processes and make adjustments as may be necessary. Monitoring indicators will be prepared prior to implementation.

80. **Internal Monitoring.** Implementation of RPs will be regularly supervised and monitored by the respective RPMOs in coordination with the respective MCTs/MPDO and barangay-based committees. The findings will be recorded in quarterly reports to be submitted to the NPMO.

81. Internal monitoring and supervision by RPMO, ACT/MCT will:

- (i) Verify that the baseline information of all APs has been secured and that the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation has been carried out.
- (ii) Formulate performance indicators, benchmarks and success/hurdle rates for the project.
- (iii) Oversee that the inventory and RP is implemented as designed and approved.
- (iv) Verify that funds for implementing the inventory and RP are provided by the LGU in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the respective inventory and RP.
- (v) Record all grievances and their resolution and ensure that complaints are dealt with in timely manner.

82. The NPMO will conduct periodic monitoring of LGU compliance as well as application of KC-NCDDP field offices of the required procedure to:

- (i) Determine whether the procedures for APs participation, relocation and delivery of compensation and other entitlements have been done in accordance with this RF and the respective inventories and action plans.
- (ii) Assess if the objective of restoration of living standards and income levels of APs have been met.

83. **External Monitoring.** An independent agency acceptable to ADB will be engaged by NPMO to carry out external regular monitoring and evaluation including: (i) KC-NCDDP Project mid-term, and (ii) prior to project closure, and forward periodic reports accordingly to ADB. The NPMO will ensure that funds are available for monitoring activities and that reports are submitted to ADB. In case of voluntary donated land, the EM will be part of the third party oversight.

84. **Unanticipated Impacts.** If unanticipated involuntary resettlement impacts are determined during project implementation, this will be addressed as per this RF in compliance with ADB SPS 2009.

APPENDIX 1: OUTLINE OF A RESETTLEMENT PLAN

1. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown

A. Executive Summary

2. This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Introduction

3. This section provides a general description of the project; project area; project components that result in land acquisition, involuntary resettlement, or both; the EAL approach and justification for flexibility in safeguards procedures; and describes the alternatives considered to avoid or minimize resettlement

C. Scope of Land Acquisition and Resettlement

4. This section: (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities; (ii) summarizes the key effects in terms of assets acquired and displaced persons; and (iii) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

5. This section provides a description of key socioeconomic characteristics of affected persons.

E. Information Disclosure, Consultation, and Participation

6. This section (i) describes the consultation and participation mechanisms to be used during the different stages of the project cycle; (ii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders; (iii) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; (iv) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

7. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

8. This section(i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed; (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons; (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

9. This section(i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix); (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements (If relevant)

10. This section (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified); (ii) describes alternative relocation sites considered, community consultations conducted, and justification for selected sites, including details about location, environmental assessment of sites, and development needs; (iii) provides timetables for site preparation and transfer; (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons; (v) outlines measures to assist displaced persons with their transfer and establishment at new sites; (vi) describes plans to provide civic infrastructure; and (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

11. This section (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources; (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets); (iii) outlines measures to provide social safety net through social insurance and/or project special funds; (iv) describes special measures to support vulnerable groups; (v) explains gender considerations; and (vi) describes training programs.

K. Resettlement Budget and Financing Plan

12. This section (i) provides an itemized budget for all resettlement activities

L. Institutional Arrangements

13. This section (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;

M. Implementation Schedule

14. This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

15. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

APPENDIX 2: SAMPLE DEED OF DONATION

DEED OF DONATION

KNOW ALL MEN BY THESE PRESENTS:

That I, _____ of legal age, single / married to _____ with postal address at _____ hereinafter referred to as the DONOR, and _____, likewise of legal age, single / married to _____ with postal address at _____ hereinafter called the DONEE, witnesseth:

That the DONOR is the registered owner of a parcel of land, more particularly described as follows:
(Insert description of property to be donated)

That the DONEE is a _____;

That the DONOR hereby voluntarily GIVES, TRANSFERS, and CONVEYS by way of donation, unto the said DONEE, his heirs and assigns, the above described property, together with all the improvements found thereon, free from all liens and encumbrances;

That the DONOR affirms that this donation is not made with intent to deceive his creditors, and that he has reserved for himself sufficient funds and property;

That the DONEE hereby accepts and receives this donation made in his favor by the DONOR, and hereby manifests his gratefulness for the latter's generosity.

IN WITNESS WHEREOF, both the DONOR & DONEE have hereunder subscribed their names this _____ day of _____ 200_ at _____, Philippines.

 DONOR

 WITNESSES:

 DONEE

ACKNOWLEDGEMENT

Republic of the Philippines)
 _____) S.S

BEFORE ME, a notary for and in the _____ (Locality) _____, personally appeared:

Name CTC Number Date/Place Issued
 (Donee) 00000000 (Date), 200_ / Locality

known to me and to me known to be the same persons who executed the foregoing Deed of Donation and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on the date and place first above written.

Notary Public
 Doc. No. _____;
 Page No. _____;
 Book No. _____;
 Series of 200_.

This is a sample of a Deed of Donation. You may freely copy and revise this form.