

**SUPPORT TO PARCELIZATION OF  
LANDS FOR INDIVIDUAL TITLING  
(SPLIT)  
P172399**

**Resettlement Policy Framework  
(RPF)**



Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
February 2020

## SUPPORT TO PARCELIZATION OF LANDS FOR INDIVIDUAL TITLING (SPLIT) PROJECT

### Resettlement Policy Framework (RPF)

Department of Agrarian Reform

February 2020

#### EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) is prepared as part of the Environmental and Social Management Framework (ESMF) for Support for Parcelization of Lands for Individual Titling Project (Project SPLIT) of the Department of Agrarian Reform which is being considered for World Bank financing. Project SPLIT will involve the subdivision of collective land titles (Collective CLOAs or CCLOAs) issued under CARP into individual land titles (CLOAs). This RPF sets out the policies, processes and procedures for dealing with the potential involuntary resettlement impacts of the ground activities of the project. It aims to avoid physical and economic displacement, and when such displacement cannot be avoided, to provide affected people with timely compensation measures for loss of assets at replacement cost (in non-monetary form) and assistance in improving, or at least restoring, their livelihoods and living standards.

*Potential involuntary resettlement impacts of the project.* The Project does not finance civil works and would not affect people in this regard. However, under the Project, the revalidation of CCLOAs with respect to forestland classification may result in the reversion of some landholdings to forestland classification status. This could render the coverage of the landholdings or the issuance of CLOA invalid, or be issued with an alternative tenurial instrument with possible restrictions on land use. The revalidation of ARBs and actual occupants within the CCLOA may also result in the disqualification or "exclusion" of some of the named farmer beneficiaries and inclusion or disqualification of actual occupants.

*Country's legal framework on involuntary resettlement.* The Philippines on the exercise of the power of eminent domain requires the payment of fair and just compensation for properties taken by the state. This includes the new infrastructure Right of Way Law (RA 10752) and the Comprehensive Agrarian Reform Law (RA6657). However, although the principle of just compensation is present, there is no law that provides automatic just compensation to affected parties when property titles of government-awarded lands are cancelled or diminished by government. Affected parties of cancelled property titles are only afforded access to judicial process for the recovery of any loss or damage. The RPF therefore will fully adopt the requirements of the World Bank Standards for Land Acquisition, Land Use Restrictions and Involuntary Resettlement (ESS5).

*Assessing and addressing the resettlement impacts at each CCLOA.* The RPF requires that a virtual Compensation Measures/Resettlement Action Plan (RAP) process is implemented at the CCLOA levels and outlines that process and provides templates for the documentary requirements at each step of the process. The RPF also provides a generic Entitlement Matrix to guide the planning at the CCLOA levels.

*Generic Entitlement Matrix.* The generic entitlement matrix takes into consideration various categories of PAPs in terms of whether they are owner-claimants or non-owners, tillers or non-tillers, and whether they are original ARBs or successors of original awardees. The types of losses incurred by PAPs depend on their status and current tenurial situation with respect to the land. The RPF provides possible compensation measures which are non-monetary but could approximate the equivalent cash compensation that can be provided for each PAP category for consideration during actual assessment, resettlement planning and implementation of the plan on the ground. The potential types of losses include:

- (1) Loss of land ownership rights. This is relevant to the original ARB or his/her heir.
- (2) Payments made on the purchase of land rights. This is relevant to the buyer of rights which substitute as the value of the land he currently claims to hold.
- (3) Investment on land improvements. This is relevant to all PAPs who have made land improvements on the belief that they have secure tenure over the land.
- (4) Loss of access to land. This is relevant to actual occupants (owner-claimants or tenants) who may be displaced or replaced.
- (5) Stream of annual rents. This is relevant to owner-claimants who leased out their properties.
- (6) Share from tenant's crops. This is relevant to owner-claimants who have their landholdings cultivated by a tenant.

The RPF also provides for differentiated consultation approach for members of the ICC/IP communities and additional assistance to vulnerable PAP households.

*CM/RAP preparation and implementation process.* The RPF has outlined the process of preparation and implementation of the Compensation Measures/Resettlement Action Plan for each CCLOA. For the purpose of expediting the process, the RPF distinguishes between PAPs affected by reversion of landholdings to forestland classification (FPAPs) and those that were affected in the validation of the qualified ARBs to receive individual titles (TPAPs). The key activities are as follows:

1. Rapid Rural Participatory Assessment and Environmental Screening of CCLOA area, which should be done along with the inventory of CCLOA. This will initially determine whether a RAP process will be needed in a particular CCLOA area.
2. Initial consultations with potential FPAPs. If an overlap with forestland is confirmed, the CCLOA team should immediately commence consulting the occupants and owner-claimants of the affected parcels.
3. Detailed profiling of FPAP households. Detailed PAP and his/her household data shall be collected to provide inputs in the planning and consultations.
4. Identification and initial consultations of TPAPs. Owner-claimants and occupants of the A&D portions of the CCLOA, whose qualification status are unclear should be identified and consulted.
5. Detailed Profiling of TPAP Households. Detailed profiling for the PAPs and their households shall continue throughout up to this stage to input into the consultations.
6. Consultations to finalize non-monetary compensation measures and assistance to PAPs.
7. Valuation of losses and ascertaining the amount for purposes determining the equivalent non-monetary compensation measure and assistance.
8. Review and Approval of the Compensation Measure/Resettlement Plan
9. Delivery of non-monetary compensation measure and provision of assistance
10. CCLOA Compensation Measure/Resettlement Status Report

## 11. Monitoring and Audit

This RPF will be implemented through the Environmental and Social Sub-Unit (ESSU) of the CPMO led by a Senior Safeguards Specialist/Advisor. The structure of the ESSU is described in the ESMF. Social safeguards specialists will be recruited at the central offices while DAR staff at the provincial and municipal levels are designated as Safeguards Focal Persons or Safeguards Officers. The project safeguards staff shall undergo trainings and seminars on various social and environmental topics. The social safeguards specialists and focal persons and some selected project staff shall undergo RPF familiarization workshops at start of the project and participate in periodic coordination meetings. The cost of the implementation of the RPF, capacity building, delivery of non-cash compensation measures and assistance extended to PAPs have been incorporated in ESMF. It is estimated that the project may need up to PhP30 million (594,000.00 USD) to compensate and assist affected people.

## ACRONYMS

ARB = Agrarian Reform Beneficiary  
DARAB = DAR Adjudication Board  
ARCDP = Agrarian Reform Communities Development Project  
ARCESS - Agrarian Reform Community Connectivity and Economic Support Services  
BARC =Barangay Agrarian Reform Committee  
AD = Ancestral Domain (of certain ICCP/IP group)  
ESS= Environmental and Social Standard  
CLOA = Certificate of Land Ownership Award  
CCLOA = Collective Certificate of Land Ownership Award  
CARP = Comprehensive Agrarian Reform Program  
CARL = Comprehensive Agrarian Reform Law  
DAR = Department of Agrarian Reform  
DENR = Department of Environment and Natural Resources  
DA = Department of Agriculture  
A&D=Alienable and Disposable  
ES = Environmental and Social  
ESF = Environmental and Social Framework  
ESMF = Environmental and Social Management Framework  
FMB = Forest Management Bureau  
GRMF = Grievance Redress Mechanism Framework  
IPRA = Indigenous Peoples Rights Act  
IPPF = Indigenous Peoples Policy Framework  
ICC/IP = Indigenous Cultural Community/Indigenous People  
LMP = Labor Management Plan  
LMB = Land Management Bureau  
LRA = Land Registration Authority  
LBP = Land Bank of the Philippines  
NCIP = National Commission on Indigenous Peoples  
OLT = Operation Land Transfer  
RPF = Resettlement Policy Framework  
VLT = Voluntary Land Transfer  
VOS = Voluntary Offer to Sale

## TABLE OF CONTENTS

Executive Summary .....	ii
Acronyms .....	v
Table of Contents .....	vi
List of Tables .....	vi
I. Background.....	1
II. Project Description .....	2
Project Components .....	2
III. Activities Potentially Causing Involuntary Resettlement Impacts .....	3
IV. Potential Involuntary Resettlement Impacts .....	4
Reversion of Forestlands .....	4
Qualification of actual occupants and cultivators .....	7
V. Legal Framework .....	9
Laws Causing Involuntary Resettlement Impacts .....	9
Reversion of CCLOA lands to Forestland status .....	9
Potential Disqualification of Current Occupants .....	9
Laws Relevant to the Entitlements of Persons Impacted by Government Projects .....	11
World Bank Environmental and Social Framework (ESF) .....	17
Gap analysis .....	18
VI. Project Affected Persons and Their Entitlements .....	19
Resettlement and Compensation Policy .....	19
Methods of valuing affected assets .....	19
Who qualifies as PAPs.....	19
Entitlement Options .....	20
Other Considerations .....	23
VII. Preparation and Implementation of Compensation Measures/Resettlement Action Plan .....	23
VIII. Institutional Arrangements and Human Resource Enhancement .....	27
IX. Cost Estimate .....	28
References .....	28
Attachments .....	30
Attachment 1: PAP DATA SHEET .....	30
Attachment 2: PAP Consultation Minutes Template.....	32
Attachment 3: PAP Compensation Schedule.....	33
Attachment 4: Resettlement Status Report Template .....	34

## LIST OF TABLES

Table 1. Entitlement Matrix for PAPs of Reversion to Forestland Classification.....	20
Table 2. Entitlement Matrix for PAPs of ARB Validation.....	22
Table 3. Resettlement Action Planning and Implementation at each CCLOA site .....	24

## **SUPPORT TO PARCELIZATION OF LANDS FOR INDIVIDUAL TITLING (SPLIT) PROJECT**

### **Resettlement Policy Framework (RPF)**

**Department of Agrarian Reform**

February 2020

#### **I. BACKGROUND**

This Resettlement Policy Framework (RPF) sets out the policies, processes and procedures for dealing with the involuntary resettlement impacts of the ground activities of the Support for Parcelization of Lands for Individual Titling (SPLIT) Project of the Department of Agrarian Reform (DAR). The project will involve the subdivision of collective land titles (Collective CLOAs) issued under CARP into individual land titles (CLOAs). The project is being considered for World Bank funding and is required to comply with the World Bank Standards under the new World Bank Environmental and Social Framework (ESF).

This RPF is part of the more general Environmental and Social Management Framework (ESMF) which follows from the results of the Environmental and Social Assessment (ESA) conducted for the project. The ESMF points to the preparation of a separate Resettlement Policy Framework to set out the policies, processes and procedures for dealing with project's involuntary resettlement issues.

The main objective of this framework is to provide common guidance to project staff and management in the assessment and management of involuntary resettlement impacts of the project in compliance to the requirements of the World Bank Standard for Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5). Once the scope and bounds of the project and specific project locations are properly identified through land classification projection and ARB validation, the Resettlement Framework may branch out into specific resettlement plan(s) to augment and respond to the potential risks and impacts on land use and involuntary resettlement concerns to assist affected people in improving or at least restoring their income levels and livelihoods.

Project implementation in the first year will focus on parcelization of collective CLOAs with no significant environmental and social (E&S) risks and impacts (e.g. no overlap with forest and protected areas and ancestral domains) in three pilot regions. In parallel with the inventory that will be prepared during early implementation, DAR will undertake a more detailed assessment, including consultations with key stakeholders, of E&S risks and potential impacts and propose additional mitigation measures to be incorporated into the E&S documents. Staffing, technical assistance, training and budgetary resources will be re-assessed. The revised E&S documents will be submitted, together with an assessment report, for World Bank review and approval.

In connection with the detailed assessment, DAR will set-up a working group with partners (DENR, NCIP, DA) to review options for forest and protected areas management. The working group will lead the preparation of a report of scope of overlaps between CLOAs and forest and protected areas, legal technical review, institutional review, socio-economic review, with recommended measures to address risks and impacts, including cooperation between DENR, DAR and other relevant agencies.

## II. PROJECT DESCRIPTION

The SPLIT project will involve subdivision or parcelization of the currently "collective" or "co-owned" land titles called Collective CLOAs (CCLOAs), formally splitting them into individual land parcels and issuing individual titles (CLOAs). The CCLOAs were issued by DAR to groups of farmers sometime in the 1990s, as part of the strategy to fast track the distribution of lands under the Comprehensive Agrarian Reform Program (CARP) of the government. DAR has been incrementally subdividing these collective CLOAs and issuing individual land titles, but the process had been slow and as of January 2019 there are still over 1.38 million hectares of CCLOAs that have not been subdivided. Project SPLIT will help accelerate the subdivision of these remaining CCLOAs and the generation of individual CLOAs by (a) strengthening the Department of Agrarian Reform's (DAR) institutional capability through technical assistance and capacity-building; (b) provision of support to parcelization survey and individual titling of collective CLOAs; and (c) strengthening coordination and collaboration with other agencies involved in the project (i.e. DENR, NCIP and LRA).

The issuance of individual titles is expected to improve land tenure security and stabilize property rights of agrarian reform beneficiaries (ARBs) currently occupying mother CLOAs. More secure property rights are expected to provide ARBs with incentives to make land improvements towards increased farm productivity and household incomes. This objective is in support of the development goal of the government of reducing poverty and promoting economic growth in the countryside.

### Project Components

The project will have the following components:

*Component 1: Parcelization of Collective CLOAs.* This component aims to facilitate the subdivision and individual titling of collective CLOAs by providing funding support for rollout of the following major activities: (a) actual field validation of collective CCLOAs and ARB validation; (b) reconstitution/reissuance of titles; (c) verification survey of CCLOAs in conflict with cadastral survey; (d) conduct of subdivision survey; (e) redocumentation, farmer beneficiary screening and generation of individual titles; and (f) preparation of Land Distribution Information Schedule (LDIS).

*Component 2. Capability Building and Technical Assistance.* This component seeks to update and enhance knowledge management of DAR central and field officials to accurately deliver the approved subdivision survey and individual/separate titles of about 1,380,420 hectares of agricultural lands covered by over 130,000 CCLOAs. To meet the existing workload and challenges of the DAR, outsourcing of manpower through hiring of lawyers, additional legal officers, engineers, survey aide, and other technical staff/researchers, shall be indispensable. A comprehensive human resource development plan shall be prepared to directly respond to the project needs and demands, including the assessment of qualifications of those who will be involved in the project.

*Component 3. Project Management, Monitoring and Evaluation.* This component aims to discuss the creation of offices at the central, regional and provincial levels that will provide the immediate and necessary technical support relative to the project implementation and coordination with partner agencies. Included also is an administrative and financial structure that is primarily responsible for financial obligation, verification, and disbursement of funds, as well as procurement of equipment and services. A strong project monitoring and evaluation



office shall be created periodically to inspect and verify compliances to the terms and conditions of the project and strictly validate fund disbursement.

Since the DAR is currently on the process of inventory and validation of registered CCLOAs, the magnitude of the impact of the project is yet to be determined. This makes the framework approach more applicable to guide the crafting of specific Resettlement Plans, if applicable, once project locations are identified. Land projection and ARB identification and validation would be the basis of resettlement plan or compensation measures to be applied. Only then will the agency proceed to the next steps of the resettlement/compensation procedures, once the resettlement plans have been finalized and approved by the World Bank.

### **III. ACTIVITIES POTENTIALLY CAUSING INVOLUNTARY RESETTLEMENT IMPACTS**

The project does not finance civil works and would not adversely affect people in this regard. However, under the project, the revalidation of CCLOAs with respect to land classification included in the watershed protection/rainforest may result in their reversion under the disposal of DENR. This could potentially displace the ARBs and/or other occupants therein because the title to the lands erroneously included in these CCLOAs would be deemed void and illegal and will be segregated from the CCLOA. An appropriate resettlement and compensation plan for project-affected persons shall be formulated in case of change in tenurial status and to address any impacts on the livelihoods of affected people. It is expected that affected people will not be relocated and will continue to cultivate the land, however, potentially needing changes to land and natural resource use under different tenure arrangements.

In addition, the revalidation of ARBs and/or other actual occupants within the CCLOAs may also possibly result in the disqualification or "exclusion" of some of the current non-ARB occupants.

*Validation of Land Classification (LC).* The validation of land classification would be based on the Land Classification Map of the National Mapping and Resource Information Authority (NAMRIA) of DENR. Most of the CCLOAs issued way back in 1990s covered public lands, proclaimed DAR resettlement areas pursuant to Presidential Proclamation No. 2282, s. 1983, and other government-owned lands turned over to the DAR for distribution under the CARP. Along this process, it was a mandatory procedure to segregate forest and timberlands, mineral lands, and national parks from the application of the agrarian reform program.

Due to manifest agricultural activities and the existence of farmer-tiller communities in areas classified primarily as forestland in the land use maps, the DAR proceeded to qualify them as agricultural lands and subject them to the CARP. Such areas are fully inhabited by a community of farmers and farm-workers who are all engaged in farm production and are primary contributors to the demand of food security. However, the subsequent projection of land classification and the lack of updates on the national land use plan has resulted in inconsistencies and overlaps in the aforementioned land use classification.

Prior to the conception of the Project, the DAR endeavored to properly cleanse the database on collective CLOAs, identifying those that are classified as agricultural and those under forest and timberland primary classification. The cleansing includes the required inventory of the number of ARBs to properly install protection measures and safeguards as deemed appropriate.

As of December 2018, the initial baseline data is 126,976 hectares which will be turned over to the jurisdiction of the DENR, but short of projection. If the said data turn out to be consistent after the projection of land classification, they shall be subject to alternative tenurial

instruments consistent with the DENR guidelines. Accordingly, the DAR will ensure through these safeguards that the ARBs receive appropriate assistance and compensation.

*Validation of ARBs and Firming –up of Master List and Lot Allocation.* The required validation of ARBs will be based initially on the list of original ARBs registered as co-owners whose names are annotated in the CCLOAs. It shall also include the validation of the qualifications of the actual occupants and cultivators and the processing of the reasons and justifications of the absence of ARBs named in the CCLOA. In both situations and as a requirement for the generation, issuance and registration of the individual title farmer beneficiary screening under Section 22 of R.A. No. 6657 as amended and DAR A.O. 9, series of 2011 shall be complied, as follows:

- 1) Landless as defined by RA 6657;
- 2) Filipino citizen;
- 3) Permanent resident of the barangay and/or municipality where the landholding is located;
- 4) At least 15 years of age at the time of identification, screening, and selection; and
- 5) Willing, able, and equipped with the aptitude to cultivate and make the land productive

RA 6657 specifies qualified CARP beneficiaries in the following order of priority: (1) agricultural lessees and share tenants; (2) regular farmworkers; (3) seasonal farmworkers; (4) other farmworkers; (5) actual tillers/occupants of public lands; (6) collectives/cooperatives of the above beneficiaries; and (7) others directly working on the land.

The required *pulong-pulong* (participatory implementation process) or local mediation and consultation shall aim to endeavor to settle all disputes relating to the areas occupied by each ARB. It shall also consider and respect the local customs, traditions, and other modes of settling disputes amicably especially in indigenous communities. While issues raised on the qualifications of the identification of farmer beneficiaries during the posting of the amended Master list resulting from the ARB validation shall be resolved at the PARPO level. If everything is settled and the ARB co-owners agreed on the areas to be awarded, then an Order of Lot Allocation shall be issued, subdivision survey will be conducted and the generation, registration, and issuance of individual CLOAs will follow.

Legal process and proceedings of Inclusion and Exclusion shall happen only if there is disagreement among the affected co-owners.

If indigenous communities, as defined by the Bank's ESS7, are affected the IPPF prepared for the Project will also apply to avoid adverse impacts or to address these through a free, prior and informed consent process.

#### **IV. POTENTIAL INVOLUNTARY RESETTLEMENT IMPACTS**

##### **Reversion of Forestlands**

As mentioned previously, due to manifest agricultural activities and the existence of farmer-tiller communities in areas classified primarily as forestland identified permanent forest or forest reserves, and forest reservations under P.D. 705 as amended, the DAR proceeded to qualify them as agricultural lands and subject them to the CARP. Such areas are fully inhabited by a community of farmers and farm-workers who are all engaged in farm production and are primary contributors to the demand of food security. However, the subsequent projection of

land classification and the lack of updates on the national land use plan has resulted in inconsistencies and overlaps in the aforementioned land use classification.

The validation and rectification of CCLOAs (particularly those involving government-owned lands, DAR settlements and KKK lands) with respect to official government alienable and disposable (A&D) agricultural lands and forestland classification might result in the return of some portions of CCLOA lands back to the DENR's jurisdiction upon determination (during projection on LC maps) that these were erroneously included and reclassification thereof to agricultural land cannot be resorted to as a possible remedy under existing laws, particularly the areas serving as watersheds. This may in turn result in the potential attenuation of tenurial rights and even possible displacement of the affected ARBs if they are not subsequently issued any alternative tenurial instrument under DENR's regulation.

Following the required projection of the landholdings subject of the Project, under the land classification map and the subsequent ground inspection consisting of ARB validation and area identification, may yield to a finding that portions are included in forestlands identified as permanent forest or forest reserves, and forest reservations. In such situations, the lands will be reverted back to the DENR for disposition. Under our existing laws as permitted by the Constitution, a tenurial instrument can be executed by and between the DENR and ARB beneficiary-occupant in the form of 25-year lease under the pasture-lease agreement method or Community-Based Forest Management Agreements (CBFMA). Resultantly, the collective CLOAs issued over the forestlands identified as permanent forest or forest reserves, and forest reservation, shall be cancelled to pave way for the immediate execution of other tenurial instruments to prevent possible economic loss of livelihood and to abate the removal and physical displacement of the farmer.

In the case of protected areas, the National Protected Areas System (NIPAS) law generally allows access by traditional forest occupants and forest dependent communities to some zones of the protected area. The DENR can enter into an agreement with the occupants who will be organized particularly under a Protected Area Community-Based Resource Management Agreement (PACBRMA) which allows economic activities within areas considered as buffer zones. The affected ARBs of CCLOA parcels falling within officially declared protected areas are expected to retain possession of their lands subject to regulations by the protected area authorities.

In response to the anticipated potential risks of displacement and economic loss of livelihood and other identified risks encountered and discovered during immersion and initial field validation of DAR staff, the DAR and the DENR would complementarily craft guidelines such as the revision of the JAO No. 1 Series of 2012 and AO No. 2 Series of 2019.

To fully protect the rights of the ARBs and the developments they have introduced in the area, another option being considered by the DAR is the change in classification of forestlands to alienable and disposable agricultural lands, subject to the approval of the DENR Secretary or the President of the Philippines. As of writing of this Resettlement Framework, it is also important to point out the current developments in the country. Since the National Land Use Bill is yet to be approved, the agency cites a proposed E.O. by the President for reclassification to be undertaken by the LGU to manifest the appropriate land use change in keeping with the developmental goals of the current administration to distribute lands to small farmers and farmworkers.

One option being favorably considered would be to declare or reclassify the overlapped lands as alienable and disposable agricultural lands by the DENR Secretary or the President,

whichever is applicable, upon validation by a joint DAR-DENR team that these have already been devoted to agriculture, or are determined to be more suitable for agricultural purposes.

In all cases that would result to cancellation of CLOA and result to the change in tenurial arrangement or tenurial status of the ARB, the Project shall directly safeguard that the support services program of the DAR shall continue to benefit and protect the farmer beneficiaries as part of the compensation measures. Such services are designed to uplift the economic condition of the ARBs so they could remain competitive farmer-tillers and producers in the agricultural market.

Another option that may apply to particular CCLOAs would be DAR's plan to re-subdivide the remaining lands within CCLOAs (after carving out the forest lands) among the affected ARBs such that every ARB will still end up with some land parcels, albeit of reduced lot area. For example, the DAR's preliminary estimate that around 20% of the 123,369 hectares of CCLOAs identified to have forest overlaps would mean that there would be 24,673 hectares within forest land classification that may be carved out from the CCLOAs before parcelization. This would leave around 98,965 hectares of A&D lands for the "cleansed" CCLOAs which would roughly translate to 2.5 hectares each for the 38,543 ARBs in these CCLOAs. This lot size is more than twice the average area awarded by DAR which, according to the DAR-BLTI, stands at 1.3 hectares per ARB. Thus, any possible retention of forestland classification of the remaining 24,673 hectares would not impact much on the individual ARBs. In addition, the strategy shall expressly carry out the mandate of the President to distribute all government-owned lands, especially those which are highly agriculturally productive.

The accurate data on overlapping areas covered by collective CLOAs would be finally determined after the conduct of the inventory and validation which is expected to be completed by June 2020. The identification and joint validation shall be conducted by DAR and the DENR on a per province basis under the supervision of the regional offices. Continuous monitoring and consolidation of outputs shall be done by the central office of DAR. A system is being developed to properly identify and segregate the overlap areas covered by collective CLOAs. The resettlement or protective options being considered by the DAR would be to ensure that no ARBs would be displaced. While those overlapped portions that would be reverted to forestlands, upon arrangement with the DENR, would continue their agricultural occupation using the legally recognized tenurial arrangement.

While those occupying portions that would remain as forest lands will generally be allowed to continue with their agricultural production under alternative tenurial arrangements with the DENR. The affected ARBs must have continued access to these lands and be provided with necessary support services from the CARP either from the DAR or DENR as well as other government agencies to ensure productivity of their farms and continue to establish or pursue their own economic activities.

*Year 1 inventory and assessment.* Project implementation in the first year will focus on parcelization of collective CLOAs with no significant environmental and social (E&S) risks and impacts (e.g. no overlap with forest and protected areas and ancestral domains) in three pilot regions. In parallel with the inventory that will be prepared during early implementation, DAR will undertake a more detailed assessment, including consultations with key stakeholders, of E&S risks and potential impacts and propose additional mitigation measures to be incorporated into the E&S documents. Staffing, technical assistance, training and budgetary resources will be re-assessed. The revised E&S documents will be submitted, together with an assessment report, for World Bank review and approval.

In connection with the detailed assessment, DAR will set-up a working group with partners (DENR, NCIP, DA) to review options for forest and protected areas management. The working group will lead the preparation of a report of the scope of overlaps between CLOAs and forest and protected areas, legal technical review, institutional review, socio-economic review, with recommended measures to address risks and impacts, including cooperation between DENR, DAR and other relevant agencies.

### Qualification of actual occupants and cultivators

The award of CCLOAs can be dated since 1988, with the effectivity of R.A. No. 6657. Since the CCLOAs were issued many years back, it is likely that some of the land parcels therein may now be occupied by persons who were not the original identified ARB awardees but who may have been tilling, building structures and making improvements on the land. The process of individual titling will involve the validation of the qualification and legal status of current occupants of the CCLOA land parcels. The validation may result in the possible displacement of some current non-ARB occupants as some of them may not qualify as farmer-beneficiaries.

By reason of increased economic demands, it is highly likely that some ARBs named in the collective CLOA are no longer the actual cultivators and possessors of the land after the validation. However, even though new occupants would be identified after validation, this will not immediately result to the identification of the actual occupant as the agrarian reform beneficiary. The newfound cultivator will first go through the process of screening and qualification pursuant to Section 22 of R.A. 6657 as amended.

Secondly, in spite of the presence of that new tiller/occupant, the process of identification will still require proper notice and opportunity to be heard for the original farmer beneficiary, in compliance with the very concept of the rights provided under Constitution. However, there could be a possibility that the current occupant would not legally possess the qualification provided under Section 22, R.A. 6657 as amended and hence would be displaced or may lose their “rights” on the parcels they currently occupy along with any improvement they had made therein. This process will be managed by DAR’s local safeguards teams with support from the central safeguards team when needed. The Project shall also provide safeguards for such occupants in the form of resettlement (which may be through change in tenurial arrangements) and non-cash compensation in the event that they would be affected by displacement.

The presence of new occupants and cultivators can be by reason of sale of rights, tenant worker or caretaker of the awardee, an heir, or an informal settler with permission from the owner, or possessors and cultivators by tolerance, or illegal settlers. In some instances, the original ARBs can no longer be found in the land due to peace and security reason or the area being identified as a conflict area. Before issuing individual CLOAs, the DAR will undertake a thorough review of their circumstances of the occupancy, as well as the validity of any land or land rights transfer made from the original awardees to the current non-ARB occupants. In most cases this would result in a transfer of award from the original ARB to the current occupant.

Based on a study, informal rights transfer for individual CLOAs are high (Ballesteros and Cortez, 2008). Results from DAR’s own surveys, the extent of these “illegal” transactions ranged from a low of 2% to a high of 100% with high proportion of informal sale usually occurring in peri-urban areas where agriculture land commands higher price but also on rice lands (DAR 1998, David et al 2003; LAMP 2002 as cited by Ballesteros and Cortez, 2008). It is noted that transfer of rights can take several forms: direct sale, waiver of rights of beneficiary, mortgage of the land with an automatic payment clause of the collateral in the agreement allowing the use of the land as payment, in case of failure to pay, and sale via land pawning

activities or simply abandonment of land. It is however not clear whether the same rate is occurring for CCLOA areas when land have not been formally subdivided yet.

Initial assessment by the DAR-WB safeguards team during project preparation mission (field visits in Iloilo province and discussions with select DAR regional and provincial officials during a mission workshop in Cavite province) showed that, indeed, there are non-beneficiary occupants who are actually tilling the lands but may be removed and disqualified during the screening process. It should be noted, however, that as far as the DAR is concerned there has been no instance since almost 25 years ago wherein parcelization of CCLOAs resulted to any kind of displacement, much less eviction, of non-beneficiary occupants because they were either accommodated in the CCLOAs or awarded lands in alternative CLOA sites after consultation with the other ARBs during the initial *pulong-pulong*. This is true on the total 581,956 hectares of CCLOA lands that the DAR has subdivided into individual CLOAs as of 2018. Nevertheless, as a precautionary measure, this resettlement policy framework is provided as part of the project management measures (to provide guidance in planning and implementing resettlement plans) to address resettlement impacts should these happen during project implementation. The Project applies a mitigation hierarchy that aim first of all to avoid and then minimize the risks of economic or physical displacement consistent with the Bank's ESS5. When such impacts cannot be avoided, assistance and mitigation measures will be applied following the requirements of ESS5 and DAR's social justice approach.

### ***In consideration of social justice policy***

For the Project to be socially acceptable and successful, the proposed compensation scheme to displaced ARBs for the reason that their lands are within watershed and forest reservation, the following safety nets should be accorded, aside from the monetary considerations:

1. The ARBS to be displaced should be given priority in the identification and awarded in the other areas to be covered;
2. They should be considered as high priority in the provision of support services (i.e. farm mechanization, facilities, subsidies, etc.);
3. The ARBs to be displaced shall not be automatically removed but allowed to harvest their standing crops and benefit from such farming activities, depending on the crops/trees at stand;
4. The ARBs should be given priority in the delivery of social services and educational trainings especially on the provision of scholarship to the children of these ARBs, employment opportunities and others;
5. The ARBs to be displaced should be accorded with allowance of at least three (3) years to wind-up and conclude their occupation and recover the investments on the land they occupied.
6. The ARBs will be granted an appropriate tenurial instrument that can be executed by and between the DENR and ARB beneficiary-occupant in the form of 25-year lease under the pasture-lease agreement method or Community-Based Forest Management Agreements (CBFMA). Or in case of protected areas, the DENR can enter into an agreement with the occupants who will be organized under a Protected Area Community-Based Resource Management Agreement (PACBRMA) that allows economic activities within areas considered as buffer zones.

## V. LEGAL FRAMEWORK

### Laws Causing Involuntary Resettlement Impacts

The project's involuntary resettlement impacts result from the application of two sets of laws: (1) the Public Land Act and related laws; and (2) the CARL and related issuances of DAR.

#### Reversion of CCLOA lands to Forestland status

***Commonwealth Act 141 (The Public Land Act)***. This Act provides for the classification of lands that are still in the public domain into Alienable and Disposal (A&D), Forestland and Mineral Lands. Under this law, only A&D lands can be privately owned; Forestlands and Mineral Lands cannot be privately owned (hence inalienable). The law vests the President with authority to reclassify lands or "transfer such lands from one class to another, for the purposes of their administration and disposition".

***Presidential Decree No. 705 of 1975 (The Forestry Reform Code of the Philippines)***. Provides that no land of the public domain with eighteen per cent (18%) in slope or over shall be classified as alienable and disposable, nor any forest land with fifty percent (50%) in slope or over, as grazing land. Lands eighteen per cent (18%) in slope or over which have already been declared as alienable and disposable shall be reverted to the classification of forest lands to form part of the forest reserves, unless they are already covered by existing titles, or approved public land application, or actually occupied.

***1987 Constitution***. The 1987 Constitution (Section 3) classifies lands of the public domain into agricultural, forest or timber, mineral lands and national parks; and only agricultural lands of the public domain can be alienable. The constitution also provides that only an Act of Philippine Congress can change the classification lands of the public domain.

#### Potential Disqualification of Current Occupants

The CARP law provides criteria for the qualifications of ARBs and these will be used by DAR in the screening of ARBs to receive the individual CCLOA titles.

***Republic Act 6657 (Comprehensive Agrarian Reform Law of 1988) as amended***. The CARL lists down qualified CARP beneficiaries in this order of priority: (1) agricultural lessees and share tenants; (2) regular farmworkers; (3) seasonal farmworkers; (4) other farmworkers; (5) actual tillers/occupants of public lands; (6) collectives/cooperatives of the above beneficiaries; and (7) others directly working on the land. The law also provides that: (a) "actual tenant-tillers in the landholdings shall not be ejected or removed therefrom"; (b) OLT beneficiaries (i.e. under PD 27) who have sold, disposed of, or abandoned their land are disqualified to become ARBs; and, (c) beneficiaries guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary, among other criteria.

***DAR Administrative Order (AO) 09, series of 2011***. The Administrative Order provides the qualification for the ARB as follows:

- 1) Landless as defined by RA 6657;
- 2) Filipino citizen;
- 3) Permanent resident of the barangay and/or municipality where the landholding is located;
- 4) At least 15 years of age at the time of identification, screening, and selection; and,

- 5) Willing, able, and equipped with the aptitude to cultivate and make the land productive.

***DAR Admin Order No. 7 Series of 2014 (Rules and Procedures for Cancellation of Registered EPs, CLOAs and other Titles Issued under the Agrarian Reform Program).*** The AO numerates the grounds for cancellation of CLOAs as follows:

- (1) The landholding involves the retention area of the landowner;
- (2) The landholding is excluded or exempted from coverage of CARP;
- (3) Defective or irregular Notices of Coverage (NOCs) amounting to lack of notice;
- (4) The landholding falls under the exclusive authority of the Department of Environment and Natural Resources (DENR) or the National Commission on Indigenous People (NCIP);
- (5) Erroneously-issued titles as a result of: (a) erroneous technical description of the covered landholding, where: (i) one or more of the affected beneficiaries does not consent to the procedures set forth in A.O. No. 6, Series of 2014; or (ii) the cancellation of the title will result in a decrease in the number, increase in the number, or change of beneficiaries; (b) the cancellation of the landowner's title prior to the issuance of the Certificate of Deposit (COD), in the case of CLOAs;
- (6) Nullification of DAR Clearance;
- (7) Misuse or diversion of financial and support services extended to ARBs pursuant to Section 37 of R.A. No. 6657, as amended;
- (8) Misuse of the land;
- (9) Material misrepresentation of the ARB's basic qualifications as provided under Section 22 of RA 6657, as amended, PD. 27, and other agrarian laws;
- (10) Premature conversion by the ARB pursuant to Section 73 (F) of RA 6657, as amended and Section 11 of RA 8435;
- (11) Sale, transfer, lease, or any other form of conveyance by a beneficiary of the right of ownership, right to use, or any other usufructuary right over the land acquired by virtue of being a beneficiary, in order to violate or circumvent the provisions of Sections 27 and 73 of RA 6657, as amended, PD 27, and other agrarian laws;
- (12) Deliberate and absolute non-payment of three (3) consecutive amortizations in case of voluntary land transfer/direct payment scheme, provided that the ARB has been installed and is in actual possession of the land, and provided further that the last proviso will not apply if the non-possession of the ARB is attributable to his or her own fault;
- (13) Deliberate and absolute failure of the ARB to pay at least three (3) annual amortizations to the Land Bank of the Philippines (LBP), provided an amortization table has been issued to the ARB, and provided further that the amortizations shall start one (1) year from the ARB's actual occupancy pursuant to Section 26 of R.A. No. 6657, as amended;
- (14) Willful and deliberate neglect or abandonment of the awarded land, except in case of a waiver of said awarded land; or
- (15) Acts and circumstances analogous to the foregoing.

Furthermore, the reasons for disqualification are implied in the A.O.'s definition of "Re-allocation" as "the process of substituting the farmer beneficiary on a specific landholding because the said beneficiary is found to be disqualified in an administrative proceeding. The grounds for re-allocation include but are not limited to the following: (1) abandonment, (2) waiver of rights to become a beneficiary, and (3) commission of illegal transactions such as the transfer of rights or ownership of the awarded land without the written consent and approval of the DAR Regional Director concerned."



## Laws Relevant to the Entitlements of Persons Impacted by Government Projects

***Compensation for Land Acquired by Eminent Domain.*** The Philippine Laws strictly observe the principle of just compensation on property acquisition by eminent domain. The Article 9 of the Bill of Rights in the Philippine Constitution states that "Private property shall not be taken for public use without just compensation". RA 10752 (the Right of Way Law) is an eminent domain law enacted specific to government land acquisition/expropriation for public purpose, mostly infrastructure. However, this does not apply to the cancellation of rights or disqualification of occupants under CARP.

***Compensation for Land Acquisition under the Comprehensive Agrarian Reform Law (RA 6657).*** The CARL which is the basis for CARP, allows for compulsory acquisition of private agricultural lands for redistribution to those qualified according to the law. Just compensation is guaranteed under the CARL for the original owners from whom the land distributed was taken. However, the compensation applies specifically to the original land acquisition for distribution and not to damages incurred due to cancellation or abrogation of the CLOA.

***Compensation for the Cancellation of Titles.*** Section 24 of RA 6657 as amended by RA 9700, provides that "the rights and responsibilities of the beneficiaries shall commence from their receipt of a duly registered emancipation patent or certificate of land ownership award and their actual physical possession of the awarded land." It also provides that CLOAs and other titles issued under any agrarian reform program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of the Registry of Deeds, subject to the property registration decree, and other pertinent laws. The emancipation patents (EP) or the CLOA are conferred with the same indefeasibility and security afforded to all titles under the Torrens System, as provided for by Presidential Decree No. 1529, as amended by Republic Act No. 6732. Moreover, Section 24 of R.A. No. 6657 as amended also states that "all cases involving the cancellation of registered EPs, CLOAs, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR".

***Provisions for recovery of damages and losses due to errors in Titling under Presidential Decree No. 1529 or Registration of Property Decree.*** This law creates an Assurance Fund and allows a person who incurs loss or damage due to, among others, mistakes in the certificate of title by court personnel the Register of Deeds, or other persons/entities, to bring an action in any court against the Register of Deeds and/or the other persons, as co-defendants, for the recovery of damages to be paid out of the Assurance Fund, provided that plaintiff cannot recover as compensation more than the fair market value of the land at the time he suffered the loss, damage, or deprivation thereof. Specifically, Chapter VII, Sections 95, 96 and 97 of PD 1529 state:

"A person who, without negligence on his part, sustains loss or damage, or is deprived of land or any estate or interest therein in consequence of the bringing of the land under the operation of the Torrens system of arising after original registration of land, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in the registration book, and who by the provisions of this Decree is barred or otherwise precluded under the provision of any law from bringing an action for the recovery of such land..., may bring an action in any court of competent jurisdiction for the recovery of damages to be paid out of the Assurance Fund."

"...If such action is brought to recover for loss or damage or for deprivation of land or of any estate or interest therein arising wholly through fraud, negligence, omission, mistake or misfeasance of the court personnel, Register of Deeds, his deputy, or other employees of the Registry in the performance of their respective duties, the action shall be brought against the Register of Deeds of the province or city where the land is situated and the National Treasurer as defendants or if it is brought against a person other than court personnel, such action shall be brought against the Register of Deeds, the National Treasurer and other person or persons, as co-defendants."

"...In an action under this Decree, the plaintiff cannot recover as compensation more than the fair market value of the land at the time he suffered the loss, damage, or deprivation thereof."

***Rule on Subdivision of Collective CLOA and Parcelization of CCLOA under DAR Administrative Order No. 3, Series of 1993 and DAR Administrative Order No. 2 Series of 2019.***

**PROCEDURE:**

*Firming up the list of collective CLOA owners and potential individual CLOA awardees*

In cases of subdivision of collective CLOA, now referred to as “parcelization”, the applicable Administrative Orders are DAR A.O. No. 3 Series of 1993 which was amended by A.O. 2 series of 2019, regarding the rules and procedures governing the issuance of collective CLOAs and subsequent issuance of individual titles to co-owners. The process of firming up the list of collective CLOA owners are summarized below:

1. Annotation of the Names of ARBs in the CCLOA
  - a. With approved Master List – Proceeds to parcelization
  - b. Without approved Master List – PARPO shall direct MARPO to prepare the Master List in accordance with pertinent rules on identification, screening and selection of ARBs.
2. Prioritization of qualified beneficiaries, in the following order (Section 22 of R.A. No. 6657):
  - a. Agricultural lessees and share tenants – Agricultural tenancy is established only by adducing evidence showing that all the essential requisites of the tenancy relationship concur, namely:
    - (a) the parties are the landowner and the tenant or agricultural lessee;
    - (b) the subject matter of the relationship is an agricultural land;
    - (c) there is consent between the parties to the relationship;
    - (d) the purpose of the relationship is to bring about agricultural production;
    - (e) there is personal cultivation on the part of the tenant/agricultural lessee; and
    - (f) the harvest is shared between the landowner and tenant or agricultural lessee.
  - b. Regular farmworkers – A natural person who is employed on a permanent basis by an agricultural enterprise or farm
  - c. Seasonal farmworkers – A natural person who is employed on a recurrent, periodic, or intermittent basis by an agricultural enterprise or farm, whether as a permanent or a non-permanent laborer, such as *dumaan* or *sacada*
  - d. Other farmworkers – A farmworker who does not fall under the definition of a farmer, regular farmworker, or seasonal farmworker
  - e. Actual tillers or occupants of public lands, only insofar as untitled private agricultural lands are concerned
  - f. Others directly working on the land

3. General qualifications of ARBs:
  - a. Farmer/Tiller who owns less than 3 hectares of agricultural land;
  - b. Filipino citizen;
  - c. Resident of the barangay (or the municipality if there are not enough qualified ARBs in the barangay);
  - d. At least 15 years of age at the time of identification, screening, and selection of farmer beneficiaries;
  - e. Willing, able, and equipped with the aptitude to cultivate and make the land productive. [DAR A.O. No. 7, Se. of 2011]
  
4. Inclusion/Exclusion from the Master List of ARBs. If there is no protest within 15 days from posting of the Master List:
  - a. The Master List becomes for the PARPO to issue Order of Parcelization
  - b. PARPO will direct ROD to annotate all the names of ARBs in the CCLOA

Otherwise, protest may be filed for the inclusion/exclusion of ARBs in the Master List.

5. In all cases of inclusion of actual occupants/cultivators established during the ARB Validation, the amended Master list shall be annotated at the back of the CCLOA, hence it will never result to Cancellation of the CCLOA. In the same way, original ARBs named in the CCLOA who are no longer in actual possession by reason of abandonment, sale or waiver of rights shall be disqualified from receiving the separate or individual CCLOA. The Order of Disqualification shall be annotated at the back of the CCLOA and again the same shall not result to Cancellation.

### ***Inclusion/Exclusion Proceedings***

- I. Inclusion/Exclusion of ARB. Refers to the process where ARBs are excluded as beneficiaries for a just cause and in lieu thereof, qualified potential ARBs are included as beneficiaries upon Final and Executory Order from the Regional Director/ Secretary pursuant to ALI rules and procedures. The issue of inclusion/exclusion arises only in instances where there is a disagreement on the names of the ARBs listed in the Master List and a protest is filed by an interested party for the inclusion or exclusion of a potential ARB.
  
- II. Jurisdiction over ALI cases. The inclusion/exclusion process enters at the stage of firming up the list of collective owners of the awarded land and a protest filed for the inclusion/exclusion of ARBs in the Master List.

The issue of inclusion/exclusion of ARBs is within the ambit of Agrarian Law Implementation (ALI) cases. Thus, all protest that may arise from the posting of the Master List of ARBs shall be resolved in accordance with the pertinent rules of procedure for ALI cases.

The Regional Director (RD) shall exercise primary jurisdiction over all ALI cases. In case of appeal from the RD decision, the Secretary shall exercise appellate jurisdiction and may delegate the resolution of appeals to any Undersecretary.

- III. Procedure.

- a. *Commencement.* An ALI case shall commence with the filing of the proper application or initiatory pleading at the DAR Municipal Office/Provincial Office/Regional Office. In all instances, the Municipal Agrarian Reform Program Officer (MARPO) shall notify all farmworkers and occupants of the subject land of the initiation of the case. Proof of notice to all the persons above-mentioned shall form part of the records of the case.
- b. *Notice.* After notifying all parties, the MARPO and Barangay Agrarian Reform Committee (BARC) shall exert exhaustive efforts at mediation and conciliation to persuade the parties to arrive at an amicable settlement or compromise.

If mediation/conciliation fails, the MARPO shall, within five (5) working days from termination thereof, transmit the case folder to the PARPO with a written report explaining the reasons for the mediation/conciliation's failure, furnishing all the parties with a copy of the written report.

- c. *Investigation.* The Regional Director may designate any Investigating Officer or Committee who shall conduct investigations and perform whatever is necessary to achieve a just, expeditious, and inexpensive disposition of the case.
- d. *Record of Proceedings.* The proceedings shall be recorded by a stenographer. In the absence of an available stenographer, the Investigating Officer shall make a written summary of the proceedings, including the substance of the evidence presented which shall be attested to by the parties or their counsel and shall form part of the records of the case. Should any party or counsel refuse to sign, the reason for such refusal shall be noted therein.
- e. *Ocular Inspection.* An ocular inspection may be conducted after giving all parties reasonable notice of the ocular inspection schedule, ocular inspection shall proceed with or without the presence of any party who refuses to cooperate.

The ocular inspection team shall prepare an initial report which all attending parties and BARC representatives shall sign. If anyone refuses to sign, the ocular inspection team shall indicate the reason for such refusal in the initial report.

- f. *Position paper.* The investigating officer shall require the parties to simultaneously submit their respective position papers within 10 days from receipt of the Order attaching thereto the draft decision together with a soft copy (in CD or USB) written in any popular word-processing program, furnishing a copy thereof to all parties.
- g. *Decision.* Pursuant to Section 51 of RA 6657, which provides that "any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution", the appropriate authority shall promulgate its decision within thirty (30) days from receipt of the Investigating Officer's recommendation.
- h. *Furnishing a Copy of the Decision.* The deciding authority shall furnish a copy of the decision, not only to the parties' counsel/s or representative/s, but also directly to the parties themselves as well as to the PARPO, MARPO, BARC,

and all other DAR officials who took part in the case or who may take part in its execution or implementation.

- IV. Motion for Reconsideration. A party may file only one (1) motion for reconsideration of the decision of the Regional Director, and may do so only within a non-extendible period of fifteen (15) calendar days from receipt of the decision, furnishing a copy of the motion to all other parties. The filing of the motion interrupts the running of the reglementary period within which to appeal. The Regional Director shall rule on the motion within thirty (30) days from its filing date.

If the motion for reconsideration is denied, the movant may perfect an appeal before the Secretary within a non-extendible period of fifteen (15) days from receipt of the resolution.

If the motion for reconsideration is granted, resulting in the reversal of the original decision, the losing party may perfect an appeal before the Secretary within a non-extendible period of fifteen (15) days from receipt of the new decision.

- V. Appeals to the Office of the Secretary.

- a. *Grounds.* Appeal shall be given due course on the decision of the Regional Director on the following grounds:
  - i. Serious errors in the findings of fact or conclusion of law which may cause grave and irreparable damage or injury to the appellant; or
  - ii. Coercion, fraud, or clear graft and corruption in the issuance of a decision.
- b. *When to Appeal.* Appeals may be taken within fifteen (15) days from receipt of the adverse decision pursuant to Section 51 of RA 6657, as amended, which provides that "any order or ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof".
- c. *How to File the Appeal.* Appeals from the decision of the Regional Director shall be filed in the same regional office which issued the adverse decision, a notice of appeal with proof of payment of the requisite appeal fee. Official cashiers of any DAR office may receive payment of the requisite appeal fee. The RD shall issue an Order if the appeal is perfected within five (5) days from the receipt of the said Notice of Appeal. Non-perfection of the appeal within the reglementary period merits dismissal of the appeal.
- d. *Appeal Pleadings.* The appellant shall submit an appeal brief with the BALA within ten (10) days from perfection of the appeal, furnishing a copy thereof to the adverse party and the Regional Director. The appellee may submit a comment (not a motion to dismiss) within ten (10) days from receipt of the appeal brief, furnishing a copy thereof to the appellant and the Regional Director. If necessary, the BALA Director may conduct a clarificatory hearing. ten (10) days after the termination of the said hearing thereof, the BALA Director may order the parties to simultaneously file their respective appeal memorandum.
- e. *Appeal Withdrawal.* An appeal may be withdrawn by filing with the BALA a motion to withdraw appeal at any time prior to the promulgation of the appellate decision, except when the withdrawal is prejudicial to public interest. The withdrawal may take effect only after the Secretary issues an order approving the motion to withdraw.

- VI. Motion for Reconsideration from the Order of the Secretary. A party may file only one (1) motion for reconsideration of the decision of the Secretary or deciding authority, and may do so only within a non-extendible period of fifteen (15) days from receipt of the Secretary's decision, furnishing a copy of the motion to all other parties. The filing of the motion interrupts the running of the reglementary period within which to appeal. Upon receipt of the resolution on the motion for reconsideration, the losing party may elevate the matter to the Office of the President (OP).
- VII. Appeal from the Order of the Secretary. Appeals from the decision of the Secretary may be taken to the OP within fifteen (15) days from receipt thereof. The filing of an appeal within the proper period does not stay execution of the subject decision.
- VIII. Finality and Execution.
- a. *Finality.* Orders/decisions/resolutions shall become final and executory after all parties have received an official copy thereof; after the lapse of fifteen (15) days from the date of receipt by the last recipient of an official copy thereof; and there is no motion for reconsideration nor appeal therefrom.
  - b. *Execution.* Execution shall issue automatically as a matter of course upon finality of the case. The Regional Director shall issue the necessary certificate of finality within five (5) days from date of finality of a case. For cases appealed to the Secretary that attained finality thereat, the BALA Director shall issue the necessary certificate of finality within five (5) days from the date of finality. Upon completion of the certificate of finality, the Regional Director or deciding authority may, upon motion or *motu proprio*, issue a writ of execution ordering the MARPO or appropriate DAR official to enforce the final order/decision/resolution. For this purpose, the MARPO or appropriate DAR official may seek assistance from law enforcement agencies.
- IX. Guidelines for the PARPO. In case there is a protest filed for the inclusion/exclusion of ARBs in the Master List, the PARPO shall be guided by the following:
- a. In case a petition for inclusion/exclusion is pending before the Office of the Regional Director or the Secretary, the Provincial Agrarian Reform Program Officer (PARPO) shall proceed with the parcelization of the unaffected area without prejudice to the outcome of the petition involving the substantial rights of other ARBs.
  - b. Upon the final and executory judgment on the inclusion/exclusion of ARB, the PARPO shall request the Register of Deeds to annotate the same in the CCLOA.

***Grounds for the replacement and/or disqualification of ARBs***

1. Failure to meet the qualifications under Section 22 of R.A. No. 6657, as amended;
2. Voluntary execution of a waiver of right to become an ARB in exchange for due compensation, and such waiver has not been questioned in the proper government entity;
3. Negligence or misuse of the land or any support extended by the government as provided in Section 22 of RA No. 6657, as amended;
4. Material misrepresentation of the ARB's basic qualifications under Section 22 of RA No. 6657, as amended, PD No. 27, and other agrarian laws;
5. Sale, transfer, lease, or any other form of conveyance by a beneficiary of the right of ownership, right to use, or any other usufructuary right over the land acquired by virtue

- of being such beneficiary, in order to violate or circumvent Sections 27 and 73 of RA No. 6657, as amended, PD No. 27, and other agrarian laws; or
6. Commission of any violation of the agrarian reform laws and regulations, or related issuances, as determined with finality after proper proceedings by the appropriate tribunal or agency.

The Cancellation of the CCLOA is a necessary step or a condition precedent to pave way for the generation, issuance and registration of the individual or separate titles for each ARB. Should there be inevitable cancellation of the CCLOA other than the parcelization process, the ARB adversely affected by said disposition may legally file for an appeal with the Office of the President, Court of Appeals, and the Supreme Court. They may also file a petition for revocation of Order of Cancellation or may pray for issuance of injunction or restraining order.

In all cases of displacement arising from Cancellation of CCLOA, DAR will adapt safeguard measures. DAR has no specific issuances that provides for monetary compensation of ARBs for damages and losses when their CLOA are cancelled. Both the CARL and CARPER provide no specific provision expressly allowing the payment of any form of cash compensation to any ARB who may be displaced because of erroneous coverage, identification, and landholding documentation. Least to say, neither does our GAA in the Department, provides a valid object of expenditure for an item of compensation for the same reason. In addition, we cannot provide an Assurance Fund or any similar funding allocated specifically for compensation. The laws. Therefore, places the burden of claim of harm to the beneficiaries themselves. In particular, Section 2.10 of DAR Admin Order No. 2, S. 2018 states that:

"A person whose rights have been violated as a result of the cancellation of the EP, CLOA or other title issued under any Agrarian Reform Program may ask for a Revocation of the Order of Cancellation on the ground that the Order of Cancellation was issued due to extrinsic fraud, lack of jurisdiction, or lack of due process. The aggrieved party shall execute a sworn affidavit stating the reasons or basis of the revocation of the OC. The person shall immediately file a Sworn Affidavit to the ULAO which shall evaluate the affidavit and recommend action to the Office of the Secretary. The Office of the Secretary shall issue the order on the grant or denial of the request for revocation."

## World Bank Environmental and Social Framework (ESF)

The World Bank ESF provides that projects supported by the Bank through Investment Project Financing are required to meet Environmental and Social Standards 1-10. This includes the Environmental and Social Standard No. 5. which deals with Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5).

***Applicability of ESS5 to the Project.*** In the context of the standard, land acquisition may include repossession of public land that is used or occupied by individuals or households while "restrictions on land use" refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project as well as restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones (World Bank, ESF, fn1-2; p53). These two activities are present in the Project. Moreover, according to the ESS5, involuntary resettlement are impacts which include physical displacement (relocation, loss of residential land or loss of shelter) and/or economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood) and where the affected persons or communities do not have the right to refuse land acquisition or restrictions.

***Objectives.*** The ESS5 aims to: avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives; to avoid forced eviction; to

mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost<sup>1</sup> and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher; to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure<sup>2</sup>; to conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; to ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

**Requirements.** The ESS5 requires that: (a) the Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement; (b) when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.

## Gap analysis

The Philippine laws recognize the principle of compensating losses incurred by persons as a consequence of government projects. It also provides protection of ARBs from cancellation or modification of the entry/encumbrance in the CCLOA which is what the process of "reversion" and "inclusion/exclusion" would actually entail. However, there is no specific law that could support for ready and automatic (i.e. not requiring judicial process) provision of compensation measures and resettlement assistance for people impacted by the validation/rectification and inclusion/exclusion process of the Project. There are also no explicit requirements for preparing a Resettlement Plan with the participation of affected people. Hence, the Project will fully adopt the World Bank standards and requirements and provide affected persons and their households with compensation measures and assistance as described in ESS5 and this RPF.

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<sup>1</sup> Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety.

The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

<sup>2</sup> "Security of tenure" means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.



## **VI. PROJECT AFFECTED PERSONS AND THEIR ENTITLEMENTS**

### **Resettlement and Compensation Policy**

The Project recognizes that in the process of validation/rectification of CCLOAs and subdivision to individual titles may entail losses to some people who in the course of several years have invested on the properties, and/or have acquired rights and interests, in the belief that the properties' rights were already secure under the CCLOA. And, in the extreme case, the impacts of the CCLOA rectification and individual titling may even result in dislocation of household or families.

Following the principle of just compensation, and the principles of the World Bank ESS5, the Project therefore adopts the policy of providing timely compensation measures and/or resettlement assistance to the people who may have to relocate and/or who may incur losses as a result of the Project.

### **Methods of valuing affected assets**

Consistent with ESS5, replacement costs will cover the value of the affected lands, structures, and crops for each PAP using the replacement cost standard as follows: (a) for land, the prevailing market value of the property; (b) for structures, the estimated value of the materials based on current prices of the same and the amount of labor required to build the structure, without depreciation; (c) for crops, trees, and other plants, the current value of crops, trees, and other plants based on the schedule of prices maintained and updated by the Provincial /City/Municipal Agriculture Office and/or Assessor's Office, whichever is applicable. Any transaction costs, e.g. administrative fees, will also be covered.

### **Who qualifies as PAPs**

For each land parcel within the CCLOA, there would be an owner-claimant who may or may not be the current actual tiller land. Non-tiller owner-claimant are those that have leased out the land to another person or entity, or have the land cultivated by a shareholding tenant who left the area/cultivation because of being situated in a conflict area or an area that lacks peace and order, or those who were never actually installed in the land. The owner-claimant could be: (a) the original ARB; (b) an heir of the original ARB or his successor; or, (c) a buyer of rights from the original ARB or his successor, or; (d) a donee or recipient of gifts of land as a gift from an original ARB or his successor.

The actual current tiller of the land in the CCLOA could be: (a) the claimant-owner him/herself; (b) a tenant; (c) an informal occupant with permission from owner-claimant, or, (d) a possessor or cultivator by tolerance of the farmer beneficiaries and/or an illegal settler. It should be noted that the "current tiller" may not be the one who actually cultivates the land for he/she could have hired a caretaker or farm manager to do it on his behalf.

The following are possible types of PAPs in the CCLOAs:

#### (A) Owner-Claimants who currently till the land

1. Tilling Original ARB
2. Tilling Legal Heir
3. Tilling Buyer of Rights
4. Tilling Donee

(B) Owner-Claimant who do not till the land

- 5. Non-tilling Original ARB
- 6. Non-tilling Legal Heir
- 7. Non-Tilling Buyer of Rights
- 8. Non-Tilling Donee

(C) Non Owner-Claimants who currently till the land

- 9. Tenant
- 10. Possessor/Cultivator by tolerance - with Consent
- 11. Illegal Settler/Squatter

### Entitlement Options

Since the DAR does not have the mandate to provide compensation to PAPs, the Project is adopting an approach of providing compensation measures other than cash, to help them improve or at least restore their standards of living or livelihoods, consistent with ESS5 requirements. This will be ensured particularly by allowing PAPs to continue tilling the lands they occupy for at least three consecutive years or until such time that the proceeds of economic activities therein would suffice to cover the equivalent amount of the compensation supposed to be given the PAPs in monetary form.

As previously mentioned in the DAR's social justice policy, the proposed non-cash compensation scheme for displaced ARBs are to be guided by the following safety nets:

- 1. The ARBs to be displaced should be given priority in the identification and awarded in the other areas to be covered;
- 2. They should be considered as high priority in the provision of support services (i.e. farm mechanization, facilities, subsidies, etc.);
- 3. The ARBs to be displaced shall not be automatically removed but allowed to harvest their standing crops and benefit from such farming activities, depending on the crops/trees at stand;
- 4. The ARBs should be given priority in the delivery of social services and educational trainings especially on the provision of scholarship to the children of these ARBs, employment opportunities and others;
- 5. The ARBs to be displaced should be accorded with allowance of at least three (3) years to wind-up and conclude their occupation and recover the investments on the land they occupied.
- 6. The ARBs will be granted an appropriate tenurial instrument that can be executed by and between the DENR and ARB beneficiary-occupant in the form of 25-year lease under the pasture-lease agreement method or Community-Based Forest Management Agreements (CBFMA). Or in case of protected areas, the DENR can enter into an agreement with the occupants who will be organized under a Protected Area Community-Based Resource Management Agreement (PACBRMA) that allows economic activities within areas considered as buffer zones.

Below is the table of entitlements for potential PAPs.

***Households affected by reversion of land to Forestland Classification (FPAP).***

**Table 1. Entitlement Matrix for PAPs of Reversion to Forestland Classification**

<b>Types of PAPs</b>	<b>Losses</b>	<b>Options</b>
1. Original ARB, Actual Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	A. Replacement Land from the A&D portion of the CCLOA or from another CCLOA, plus limited tenure from DENR for the original landholding; or, B. Non-cash compensation approximately equivalent to forgone opportunities of full ownership, plus limited tenure from DENR. or,

<b>Types of PAPs</b>	<b>Losses</b>	<b>Options</b>
		C. Non-cash compensation approximately equivalent to value of land and land improvements made after the issuance of CCLOA.
2. Original ARB, Non Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	A. Replacement Land from the A&D portion of the CCLOA or another CCLOA, plus the non-monetary compensation approximately equivalent to the value of land improvements if made on the land by the ARB after the issuance of CCLOA; or, B. Non-cash compensation approximately equivalent to the value of land or to the present value of annual stream of lease or value of sharecrop, plus the value of land improvements if made by the ARB after CCLOA issuance
3. Heir, Current Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	A. Replacement Land from the A&D portion of the CCLOA or another CCLOA, plus limited tenure from DENR for the original landholding; or B. Non-cash compensation approximately equivalent to forgone opportunities of full ownership, plus limited tenure from DENR; or C. Non-cash compensation approximately equivalent to value of land and land improvements made after the issuance of CCLOA.
4. Heir, Non Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	A. Replacement Land from the A&D portion of the CCLOA or another CCLOA, plus the non-monetary compensation approximately equivalent to the value of land improvements if made on the land by the ARB after the issuance of CCLOA; or, B. Non-cash compensation approximately equivalent to the value of land or to the present value of annual stream of lease or value of sharecrop, plus non-monetary compensation approximately equivalent to the value of land improvements if made by the ARB after CCLOA issuance
5. Buyer, Current Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	Non-cash compensation approximately equivalent to lost opportunities of having an imperfect ownership rights; plus, alternative tenurial arrangement with DENR.
6. Buyer, Non Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	Provision of non-monetary compensation approximately equivalent to the amount paid adjusted for inflation; plus non-monetary compensation equivalent to the value of land improvements if made by the buyer.
7. Donee, Current Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	Non-cash compensation approximately equivalent to forgone opportunities under imperfect rights. Alternative tenurial arrangement with DENR
8. Donee, Non Tiller	Ownership/Rights: -possession -use -cultivation -fruits and income from the land	Non-cash compensation approximately equivalent to land improvements, if any were made by the Donee after receipt of the land from Donor
9. Tenant	Access to land: -use	Alternative tenurial arrangement with DENR:

<b>Types of PAPs</b>	<b>Losses</b>	<b>Options</b>
	-cultivation -fruits and income from the land	<ul style="list-style-type: none"> <li>• in the form of 25-year lease under the pasture-lease agreement method</li> <li>• Community-Based Forest Management Agreements (CBFMA)</li> <li>• Protected Area Community-Based Resource Management Agreement (PACBRMA)</li> </ul>
10. Possessor/cultivator by tolerance with permission from owner	Access to land: -use -cultivation -fruits and income from the land	Alternative tenurial arrangement with DENR: <ul style="list-style-type: none"> <li>• in the form of 25-year lease under the pasture-lease agreement method</li> <li>• Community-Based Forest Management Agreements (CBFMA)</li> <li>• Protected Area Community-Based Resource Management Agreement (PACBRMA)</li> </ul>
11. Informal occupant with permission/Illegal settler/squatter	Access to land: -use -cultivation -fruits and income from the land	Alternative tenurial arrangement with DENR: <ul style="list-style-type: none"> <li>• in the form of 25-year lease under the pasture-lease agreement method</li> <li>• Community-Based Forest Management Agreements (CBFMA)</li> <li>• Protected Area Community-Based Resource Management Agreement (PACBRMA)</li> </ul>

### ***Households Affected by ARB Validation and Individual Titling (TPAP)***

**Table 2. Entitlement Matrix for PAPs of ARB Validation**

<b>Types of PAPs</b>	<b>Losses</b>	<b>Options</b>
1. Disqualified Original ARB, Lessor/Landlord	Loss of source of incomes, land improvements made after CCLOA, if any	Non-cash compensation approximately equivalent to land improvements made, resettlement assistance or Accommodation in other CCLOAs
2. Displaced Heir, Current Tiller	Loss of access to land; Investment on improvements	Non-cash compensation approximately equivalent to land improvements made, resettlement assistance or Accommodation in other CCLOAs
3. Displaced Heir, Lessor/Landlord	Loss of income source Investments on land improvements	Non-cash compensation approximately equivalent to the present value of annual stream of lease or non-monetary equivalent of the value of sharecrop, plus value of land improvements made by heir
4. Disqualified Buyer, Current Tiller	Loss of imperfect ownership rights; Loss of access to land.	Non-cash compensation approximately equivalent to the purchase price adjusted for inflation plus value of land improvements, or, Accommodation in other CCLOAs
5. Disqualified Buyer, Lessor/Landlord	Loss of imperfect land rights.	Non-cash compensation approximately equivalent to purchase price adjusted for inflation plus value of land improvements,
6. Disqualified Donee, Current Tiller	Loss of access to land.	Non-cash compensation approximately equivalent to forgone opportunities under imperfect rights, plus value of and improvements or Accommodation in other CCLOAs
7. Disqualified Donee, Non Tiller	Loss of income streams; Land improvements	Non-cash compensation approximately equivalent to lost incomes plus value of land improvements, if any were made by the Donee.

<b>Types of PAPs</b>	<b>Losses</b>	<b>Options</b>
8. Tenant of owner-claimant	Loss of access to land; Land improvements made, if any	Priority for inclusion in the CCLOAs individual titling. Should be allowed to harvest last crops Non-cash compensation equivalent to the value of land improvements made resettlement assistance
9. Informal occupant with permission	Loss of access to land; Land improvements made, if any	Priority for inclusion in the CCLOAs individual titling. Should be allowed to harvest last crops Non-cash compensation equivalent to the value of land improvements made resettlement assistance
10. Informal occupant without permission/Squatter	Loss of access to land; land improvements made, if any	Non-cash assistance approximately equivalent to value of land improvements made plus resettlement assistance

## Other Considerations

**Members of the ICC/IP.** If the PAP is a member of an ICC/IP group, the Project will ensure the simultaneous application of ESS7 and the IPPF and an FPIC process should be undertaken with additional culturally appropriate assistance to be determined and extended to mitigate negative impacts, if any. The support of NCIP and/or other independent experts will be engaged to help ensure the rights and welfare of the ICCs/IPs are upheld and respected in conformance with both ESS5 and ESS7.

There is no standard applicable to all ICC/IP communities because the primary consideration is to uphold their customs and traditions in dealing with land disputes. The DAR respects how each ICC/IP group uniquely handles such cases and as such, shall be dealt with on a case-to-case basis. In all instances, the social justice policy would still be applicable in cases of relocation/displacement of an ICC/IP group.

**Vulnerable households.** Vulnerable PAP households such as: (1) women PAP; (2) elderly; (3) PWD and health conditions; (5) manifestly very poor household (i.e. below poverty line and manifestly malnourished); (6) households with infants and small children, etc. shall be provided additional assistance based on their needs. Vulnerable PAPs will be identified during a detailed profiling of PAP households as part of the preparation of the Compensation Measures/Resettlement Action Plan. In the case of women ARBs, they can equally be awarded up to three hectares of landholding, separate from their spouses, provided that they are actually tilling the land.

## VII. PREPARATION AND IMPLEMENTATION OF COMPENSATION MEASURES/RESETTLEMENT ACTION PLAN

The resettlement/compensation measures planning and implementation will be undertaken in parallel with the CCLOA validation and subdivision/individual titling activities. Table 3 below outlines the planning and implementation activities and the documentary requirements. Before initiating a resettlement/compensation measures planning process, the Project will consider options to avoid impacts on affected households, particularly, options of retaining lands that fall within forest land or protected area as CCLOA will be explored with DENR and other relevant agencies.

In cases of displacement of a lawfully identified and instituted ARBs, identified before the cut-off date without any violation committed, the process for preparing and approving resettlement plans would commence.

DAR will be responsible for implementing the principles and requirements of this RPF, consistent with ESS5. The CCLOA team shall screen for potential impacts and risks and will be responsible for preparing a Resettlement Plan in case impacts cannot be avoided. This will process will start from the A&D validation during the first screening of the CCLOA.

**Table 3. Resettlement Action Planning and Implementation at each CCLOA site**

<b>CCLOA Validation and Individual Titling</b>	<b>Compensation/Resettlement Activity</b>	<b>Safeguard Documents</b>	<b>Responsibility</b>
A&D validation (Owner-claimants and occupants of CCLOA lands falling within forestlands/Protected Areas are identified)	1. Rapid Rural Participatory Assessment and Environmental Screening of CCLOA area	Screening Form and ESPC Submit form to Regional Safeguards officer.	Prov. & Mun. Safeguards Focal Person
	2. Initial consultation with owner-claimants and occupants of lands to be reverted to forestland/protected area status (FPAP)	Minutes of Consultation Meetings with potential PAPs due to reversion of CCLOA lands to forestland/PA status.	Prov. & Mun. Safeguards Focal Person
	3. Undertake detailed profiling and segregation of the FPAPs (Identify vulnerable PAP households). This is the cut-off date for eligibility under the RPF.	Detailed Household Profiles of Forestland PAPs	Prov. & Mun. Safeguards Focal Person
Validation of ARBs on CCLOA versus the actual occupants and cultivators	4. Notice to the ARBs in the CCLOA and Consultation with the actual cultivators and occupants, the disqualified owner-claimants and displaced occupants, and special meetings with vulnerable households.	Copy of Notices received  Minutes of Consultation Meetings with potentially Disqualified Owner-claimant and displaced Occupants.	Prov. & Mun. Safeguards Focal Person
	5. Household Profile of Disqualified Owner-Claimants and Displaced Occupants	Detailed Household Profiles of PAPs	Prov. & Mun. Safeguards Focal Person
Land Survey	6. Consultation for finalizing the Entitlement	Minutes of Consultations of DOC/DO PAPs	Prov. & Mun. Safeguard Focal Person
	7. Assessment of possible losses, if non-cash compensation is required	Compensation Measures Plan/Resettlement Agreement/Resettlement Plan	Prov. & Mun. Safeguards Focal Person
	8. Review and approval by PMU Safeguard Specialist	Clearance to Proceed	Regional Safeguards Officer If PAPs>10 Additional Clearance from PMU Safeguards
Distribution of Titles	9. Determination of eligibility for the Resettlement Plan	Acknowledgement Receipts/Quitclaims	
	10. Monitoring and Audit	Monitoring and Audit Report	

**1. Rapid Rural Participatory Assessment and Environmental Screening** - The first activity would be to undertake a rapid E&S assessment and screening of the CCLOA area. This activity will involve quick assessment of the documents available on the CCLOA, including the CLOA

itself, its technical description, the ARBs listed, the land classification (LC) maps, interviews with the CCLOA occupants, community leaders and a general walkthrough of the area. The purpose of this activity is to determine if there are potential PAPs in the CCLOA validation/rectification and subdivision. PAPs consists of owner-claimants and occupants of the affected lands:

- (a) Forestland PAPs (FPAPs) - Owner-claimants of CCLOA lands to be reverted back to forestland and/or Protected Area Classification; and the current occupants of these lands.
- (b) Titling PAPs (TPAPs) - Owner-claimants of CCLOA lands falling within A&D who would not qualify for as ARB; and the current occupants of these lands.

It should be noted that the current occupant of the land parcel in the CCLOA may not be the owner-claimant, and the owner-claimant may not necessarily be the original ARB awardee. The documentary requirement for this activity is a filled-up ES Screening Form (See Attachment 1 of the SPLIT Environmental and Social Management Framework-ESMF).

Cut-off date. The initial screening will be used to establish a cut-off date for eligibility under this RPF. The cut-off date will be well documented and disseminated to all ARBs and the local community. This may include posted warnings that persons settling in the project area after the cutoff date may be subject to removal and not entitled to the provisions of this RPF.

CCLOA inside Ancestral Domain. If the E&S screening indicates that portions or the whole of CCLOA is situated within an ICCs/IPs Ancestral Domain where the CCLOA was issued before the AD was established, the entire planning and implementation process will be undertaken in conjunction with the requirements of the Indigenous Peoples Planning Framework (IPPF).

ARBs who are members of ICCs/IPs. If the E&S screening indicates that there are some members of the ICCs/IPs among the ARBs and current occupants of the CCLOA area, further assessment will be undertaken to determine if the ARBs are members of the ICCs/IPs that meet the criteria of ESS7 and constitute an extant community and an FPIC process would be required as provided in the IPPF.

**2. Initial consultations with potential FPAPs** - The validation/rectification of CCLOA with respect forestland classification status is expected to be undertaken first before individual titling. It is likely that the FPAPs will be identified during the validation process. At this stage, the Provincial and Municipal Safeguards focal persons may already conduct initial consultations with these FPAPs. During the consultations, DAR will discuss project policy regarding owner-claimant tiller versus owner-claimant landlord, versus non-owner-claimant tiller and their entitlement options, i.e. (i) possibility of allocating of lands from the remaining A&D portions of the CCLOAs, (ii) assistance in obtaining alternative tenure grants from DENR; (iii) entitlements under this RPF; (iv) the principles and provisions of this RPF; and (v) the Project's GRM. The consultation shall involve a local DENR representative to discuss the available and most appropriate tenurial arrangement options for the FPAPs, their limitations and the process and requirements involved. The documentary requirements for this process are the consultation minutes.

**3. Detailed profiling of FPAP households.** Profiling of the FPAP household shall commence as soon as they are identified. A PAP datasheet has been developed for use in the profiling (Attachment 1).

**4. Identification and initial consultations of TPAPs.** During the validation of ARBs and actual occupants of the land parcels in the CCLOA, the project will identify owner-claimants and/or

occupants that may be displaced or disqualified as ARBs in the CCLOA based on the criteria for ARB. A Notice to the ARBs in the CCLOA will be given to commence discussions between the involved parties. Consultations shall be conducted with these PAPs as soon as they are identified. During the consultations, DAR will discuss the Project's policy regarding owner-claimant tiller versus owner-claimant landlord, versus non-owner-claimant tiller and their entitlement options. Affected people will also be consulted on the principles and provisions of this RPF, the different options for compensation and assistance, and the Project's GRM.

**5. *Detailed Profiling of TPAP Households.*** Likewise, detailed profiling of the TPAP households shall be undertaken as soon as they are identified using the PAP Data Sheet (Attachment 1). The datasheet will help identify vulnerable households as described in section IV above, and members of the ICC/IP.

**6. *Consultations to finalize compensation and assistance to PAPs.*** After most of the households have been profiled, another round of meaningful consultations shall be undertaken to discuss and agree with affected people the compensation measures and assistance to be provided to each type of PAP. Separate consultations may be undertaken for vulnerable households. A template of the consultation minutes is provided in Attachment 2.

Alternative Tenurial Arrangement for the FPAPs. For the FPAPs, consultations should involve local representatives from DENR, particularly the CBFM unit of CENRO, to firm up the process through which PAPs can be issued tenurial instrument, particularly signing up by the FPAPs for a new Community-Based Forest Management Agreement or joining an existing one in the area. The consultation should also firm up a Plan which shall include provision of support from various relevant agencies. The Plan shall be adopted and officially signed by DAR and DENR.

**7. *Assessment of possible losses and determining the amount of compensation and assistance.*** The CCLOA team shall organize a Valuation for Equivalent Non-Monetary Compensation Committee with the assistance of the Local Government Assessors Office to undertake assessment of the value of asset losses of PAPs, which will be the basis for determining the equivalent non-monetary compensation measures and assistance. The PAP shall sign on the Compensation and Assistance Sheet (Attachment 3) to indicate his/her concurrence with the valuation amount and the equivalent non-monetary compensation measure that will be provided by the DAR.

**8. *Review and Approval of the Resettlement Plan.*** The CCLOA team shall submit the Resettlement Plan package to the Regional Safeguards Officer for review and approval, and subsequently, to the Central PMO which shall furnish the World Bank for review and approval prior to RAP implementation. The Resettlement Plan will be prepared for each CCLOA with economic or physical displacement as the average number of ARBs in a CCLOA is less than 50 and the Plan is therefore likely to only cover a few households. The Compensation Measures/Resettlement Plan shall include: (a) Description of CCLOA; (b) Summary of potential impacts, number of affected people and valuation of asset losses; (c) Filled out Screening Form; (d) Initial Consultation Minutes of FPAPs and TPAPs; (e) Consultation Minutes on the Finalization of Compensation Measures and/or Resettlement Assistance; (f) Data Sheets of PAPs; (g) Compensation Sheets with PAP signatures; (h) Budgetary support and sources of funding; (i) Implementation arrangements; (i) Monitoring and evaluation arrangements; and (k) GRM.

**9. *Determination of eligibility for the Resettlement Plan.*** Once it is confirmed that the PAP will indeed be impacted by the project, the CCLOA team shall deliver the assistance and compensation measures to the PAP. The PAP shall sign a receipt signifying receipt of the



instrument/assistance provided in the non-cash compensation agreement. A template of the acknowledgement receipt is provided in Attachment 3. The Plan to assist the FPAPs obtain tenurial instruments should be funded and implemented by DAR.

10. ***CCLOA Resettlement Status Report.*** Upon completion of the settlement of compensation and receipt of any other applicable assistance provided in the RPF, the CCLOA team will submit a Compensation Measures/Resettlement Status Report to the Regional Safeguards Officer. A template of the Compensation Measures/Resettlement Status Report is provided in Attachment 4.

11. ***Monitoring and Audit.*** During the course of implementation of this RPF, the CCLOA team shall submit a status report to the Regional Office on a quarterly basis. The Central Office Safeguards, together with the Regional Safeguards Officer will visit selected CCLOA sites to conduct audit and provide technical support. Independent review of implementation of the RPF and CCLOA Resettlement Plans will be undertaken at least once during implementation.

***Grievance Redress Mechanism.*** PAPs and other affected people in the community shall have access to the Project's Grievance Redress Mechanism described in the Stakeholder Engagement Plan (SEP) and ESMF. It shall be centered on strengthening the opportunity of ARBs to be heard of their situations, circumstances, and grievances. The GRM will be managed following the existing process adopted by the DAR, i.e. alternative dispute resolution through consultation and mediation. A Complaints and Grievance Committee (CGC) at the barangay level shall be established to hear the complaints and grievances from various stakeholders of the projects including the ARBs. Members of the CGC shall include the Barangay Captain, the Tribal Chieftain (in case of ICCs/IPs) and the Barangay Agrarian Reform Committee (BARC) headed by the chairperson in the barangay where the ARB resides or his/her land is located. Through mediation, the conflicts, complaints and grievances will be addressed following the local customs and traditions in resolving land disputes in their locality.

Should the mediation at the Barangay level fail, the complaint, grievance and appeal shall be raised at the level of the DARMO, where the MARPO with the assistance of a legal officer will also adopt the same mediation process and maximize all means to settle the conflict at this level. Failure to settle at this stage will necessitate elevation of the matter to the DARPO thus, the situation becomes an Agrarian Law Implementation (ALI) case, which may take some time to be settled.

***Mid-term and End of Project Evaluation.*** The mid-term and end of project evaluation will include an assessment of the implementation of this RPF to determine if the objectives of this RPF have been achieved.

## **VIII. INSTITUTIONAL ARRANGEMENTS AND HUMAN RESOURCE ENHANCEMENT**

This RPF will be implemented by the Environmental and Social Sub-Unit (ESSU) at DAR-CPMO led by a Senior Social Safeguards Specialist/Advisor. The structure of the ESSU is described in the ESMF. The human resource plan will start with the recruitment of an environmental/social safeguards specialist at the national and regional levels and the assignment designation of DAR organic staff at the provincial and municipal levels as Safeguards Focal Persons or Safeguards Officers. The environmental/social safeguards specialist at the Central ESSU will assist the Senior Social Safeguards Advisor who shall have at least five years of experience in implementing resettlement action plans or resettlement policy frameworks of World Bank or ADB projects. In addition, he/she must be familiar with

DAR operations. Regional safeguards specialists will be recruited for regions where there are significant number of CCLOAs to be covered. Regional safeguards specialist shall have a background in implementation of RAPs and/or right of way acquisition and compensation, or at least have been involved in preparation of RAPs of some development projects. Regions that have few CCLOAs shall be covered by neighboring regions with significant CCLOAs. The environmental/social safeguards focal persons at the provincial and regional levels shall come from the DAR staff who have good background in community organizing works.

The project safeguards staff shall undergo trainings and seminars on various social and environmental topics. These trainings are detailed in the ESMF. For the implementation of this RPF, the environmental/social safeguards specialists and focal persons and some selected project staff shall undergo the following:

***Familiarization Workshops.*** At the start of the project, a workshop shall be conducted to familiarize all the ESSU and key project staff with this Resettlement Policy Framework. The familiarization workshop shall first be held at the Central Office with fifteen Regional Safeguards Officers and selected staff. Then it will be re-echoed at each region by the Regional Safeguards Officers assisted by the Central ESSU team.

***Regular Coordination Meeting.*** Each region shall conduct regular coordination meeting with provincial and municipal safeguards teams to get updates on the number of involuntary resettlement cases, progress of the work on the ground and to discuss RPF implementation issues and concerns and get technical assistance/advice from Social Safeguards Specialists. Whenever possible, the National Safeguards Team shall attend to these coordination meetings. There will be at least one yearly national coordination meetings to be attended by all regional safeguards team and selected provincial and municipal safeguards focal persons to share experiences and learn from each other on the RPF implementation on the ground.

***Coordination with other Agencies.*** The ESSU will serve as the coordinating office for the implementation of the RPF, particularly DENR at national, regional and municipal levels, including the local government units.

## **IX. COST ESTIMATE**

The cost of the implementation of the RPF, capacity building, compensation payments and assistance extended to PAPs have been incorporated in ESMF implementation cost (Please refer to the Project's ESMF). Based on DAR's experience during the last 25 years of CCLOA subdivision, the Project expects only very few, if any, PAPs per CCLOA and would not involve cash compensation. Nevertheless, given 139,000 CCLOAs to be covered for an assumed average of 0.5 PPA per CCLOA at P25,000 (495 USD) per PAP, the implementation of the RPF and delivery of non-cash compensation measures and other cost of assistance will amount to around PhP30 million (594,000.00 USD) for the whole project.

The estimated budget will be re-assessed after the inventory and detailed assessment of environmental and social impacts and risks of the Project (e.g. scope of overlap with forest land and protected areas). If needed, additional resources will be allocated to implement the RPF.

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**ATTACHMENTS**

**Attachment 1: PAP DATA SHEET**

CCLOA No: \_\_\_\_\_  
Barangay: \_\_\_\_\_ Municipality: \_\_\_\_\_ Province: \_\_\_\_\_  
Land Parcel (Name of Original ARB whom land is assigned to): \_\_\_\_\_

PAP Name, Family: \_\_\_\_\_; First: \_\_\_\_\_; Middle: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Civil Status: \_\_\_\_\_ Spouse: \_\_\_\_\_  
Head of Household (Y/N)? \_\_\_\_\_

Type of Impact:  
\_\_\_\_ Reversion of landholding to Forestland Status  
\_\_\_\_ Not qualified for Individual Titling  
\_\_\_\_ Others pls. specify. \_\_\_\_\_

Ownership Status:  
\_\_\_\_ Original ARB  
\_\_\_\_ Buyer from OARB  
\_\_\_\_ Tenant  
\_\_\_\_ Informal Occupant without permission  
\_\_\_\_ Heir of OARB Name of OARB  
\_\_\_\_ Donee of OARB  
\_\_\_\_ Informal Occupant with permission

Occupant Status:  
\_\_\_\_ Tiller: \_\_\_\_ Tiller-Occupant \_\_\_\_ Tiller via caretaker/manager.  
\_\_\_\_ Lessor/Landlord  
\_\_\_\_ Not tilling the land for other reason: \_\_\_\_\_

Land Improvements made by the PAP: \_\_\_\_\_  
\_\_\_\_\_

**PAP Household**

Number of Members in the HH: \_\_\_\_\_ Age of Eldest \_\_\_\_\_ Age of Youngest \_\_\_\_\_

Educational Attainment of PAP: \_\_\_\_\_

Income Sources:

1. \_\_\_\_\_ Amount (est. total per year) : \_\_\_\_\_
2. \_\_\_\_\_ Amount (est. total per year) : \_\_\_\_\_
3. \_\_\_\_\_ Amount (est. total per year) : \_\_\_\_\_

Are there any PWD in your household (type of disability)? \_\_\_\_\_

Are there anyone with lingering health condition/illness (type of illness)? \_\_\_\_\_

Location of Home: \_\_\_\_ On the land parcel; \_\_\_\_ Elsewhere in the barangay outside the land parcel.

If tiller-occupant,

Crops Planted Annual Harvest (calculate total in a year)

1. \_\_\_\_\_ \_\_\_\_\_
2. \_\_\_\_\_ \_\_\_\_\_
3. \_\_\_\_\_ \_\_\_\_\_
4. \_\_\_\_\_ \_\_\_\_\_

If lessor or landlord, how much do you receive in a year from the parcel (calculate estimated total amount) ? \_\_\_\_\_

Other landholdings (approximate area): \_\_\_\_\_



## Attachment 2: PAP Consultation Minutes Template

CCLOA: \_\_\_\_\_ Address: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Venue: \_\_\_\_\_

### **I. Information Provided at the Start of the Meeting (Describe any presentation made such as about the Project, Purpose/Objective of the consultation, other special concerns)**

- 1.
- 2.
- 3.

### **II. Concerns Raised by the PAP**

- 1.
- 2.
- 3.

### **III. Agreements, Issues Resolved/Explained**

- 1.
- 2.
- 3.

### **IV. Attach the List of Attendees with Signatures**

### **V. Attach Pictures**

Attachment 3: PAP Compensation Schedule

*(Please use landscape orientation for more space in columns if necessary)*

CCLOA #: \_\_\_\_\_. CCLOA Address: \_\_\_\_\_

Name of PAP	Losses	Agreed Compensation Measure/Assistance	Signature
1. Fulano de Tal	Ownership Rights	new parcel in CCLOA DENR-FMB tenure	
	Access to Land	new parcel in CCLOA	
	Land Improvements		
	Vulnerable HH Assistance	N/A	
2.			
3.			
4.			
5.			

## Attachment 4: Resettlement Status Report Template

**CCLOA 3:** \_\_\_\_\_ **CCLOA Address:** \_\_\_\_\_

**As of Date:** \_\_\_\_\_

I. Check those that have been completed:

- Identification of FPAPs
- Initial Consultation with FPAPs
- Identification of TPAPs
- Initial Consultation with TPAPs
- Profiling of PAP Households
- Consultation on Entitlements
- Compensation Schedule
- Approval of Resettlement Document Package

Any issues, constraints, concerns, that the team has encountered:

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II. If already in the implementation stage, please fill the following table:

	Total Number	No. already received compensation	Balance
<b><i>FPAPs</i></b>			
<b><i># of FPAP</i></b>			
#PAPs to receive non-cash compensation based on computed value of affected assets			
# PAPs to receive new DENR land tenure			
#PAPs to be accommodated in the A&D portion of CCLOA			
<b><i>TPAPs</i></b>			
<b><i># of TPAP</i></b>			
#PAPs to receive non-cash compensation/ based on computed value of affected assets			
#PAPs to receive in-kind assistance			
<b><i>Vulnerable Households</i></b>			
<b><i>Total # of VHH</i></b>			
#Vulnerable HH to receive non-cash assistance based on computed value of affected assets			
#Vulnerable HH to receive in-kind assistance			

Issues, Constraints and Concerns, if any:

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Prepared by: \_\_\_\_\_