

## TERMS OF REFERENCE

### **Consultancy for Policy Review of Implementing Rules on the SPLIT Project (SPLIT-REF-NO-046)**

#### **1. Project Information**

Name of Project: Support to Parcelization of Lands for Individual Titling (SPLIT)  
 Project Duration: 09 October 2020 – 08 October 2027  
 Implementing Agency: Department of Agrarian Reform (DAR)

##### a) Procurement Summary

- |                            |                                     |
|----------------------------|-------------------------------------|
| 1. Component:              | Parcelization of Collective CLOA    |
| 2. Related Major Activity: | Enhancement of Policy Framework     |
| 3. Fund Source:            | Loan Proceeds (2024 current budget) |
| 4. Contract Duration:      | one (1) year                        |
| 5. Supervisor:             | NPD & DNPD for Operations           |
| 6. End User :              | CPMO                                |
| 7. Mode of Procurement:    | CQS                                 |

##### b) Rationale / Background

The Support to Parcelization of Lands for Individual Titling (SPLIT) is an ongoing project of the Department of Agrarian Reform (DAR) which aims to improve land tenure security and stabilize property rights of agrarian reform beneficiaries (ARBs) in their CARP-awarded lands through accelerated subdivision of collective Certificate of Land Ownership Awards (CCLOAs) and generation of individual titles. The Project is being implemented by the DAR in partnership with the Department of Environment and Natural Resources (DENR), the Land Registration Authority (LRA), Registry of Deeds (RoD), Land Bank of the Philippines (LBP), National Commission on Indigenous Peoples (NCIP) and the Department of Interior and Local Government (DILG). Financed by the World Bank, SPLIT aims

SPLIT aims to expedite DAR's current CCLOA parcelization program by increasing efficiencies through the introduction of digital technology in the parcelization process, streamlining workflows and processes, enhancing stakeholder engagement, and building capabilities of project implementers, including competency enhancement on project management and supervision.

The project aims to cover an estimated 1.37 million hectares of collective CLOAs with around 1.1 million ARBs. The project components are:

1. Component 1: Parcelization of Collective CLOAs. This component includes the improvement of regulatory framework, IT support, inventory of collective CLOA and the different activities of Parcelization comprised of field validation, redocumentation including resolution of legal cases, subdivision survey, verification, and generation and issuance of individual titles;
2. Component 2: Capacity Building and Technical Assistance. This component supports the capacity building activities for DAR and partner agencies, central and field office staff on the adoption of enhanced guidelines and processes, use of modern survey equipment, and training on the digital CLOA Document Management System, Safeguards and Grievance Redress Mechanism; and
3. Component 3: Project Management and Monitoring and Evaluation (M&E) and Safeguards. This component aims to provide the necessary management, technical and funding assistance to the project implementing units and partner agencies at the central, regional and provincial levels to support the management, supervision and coordination of project activities including planning, budgeting, technical assistance, financial management, procurement and disbursement, monitoring and evaluation, environmental and social safeguards.

Specifically, the project adheres to Environmental and Social Standards (ESS) in compliance with the World Bank's Environmental and Social Framework (ESF). The ESS activities and commitments are reflected in several ESF documents such as the Environmental and Social Management Framework (ESMF), Stakeholder Engagement Plan (SEP), and the Environment and Social Commitment Plan (ESCP). In addition, the project also has a Grievance Redress Mechanism (GRM) to address questions, clarifications, or complaints about the project from beneficiaries, stakeholders, affected individuals and communities, and project workers. The ESS activities, commitments, and GRM cut across all project components and are thus, an integral part of project implementation.

Prior to the inception of the SPLIT Project, the DAR, as the lead CARP implementing agency (CIA), faced the challenge of parcelizing private, public, and ancestral lands covered by CCLOAS being managed or administered by different agencies with overlapping mandates and jurisdictions. Thus, DAR, Department of Environment and Natural Resources (DENR), Land Registration Authority (LRA), and National Commission on Indigenous Peoples (NCIP) issued Joint Administrative Order No. 1, Series of 2012 (DA-DENR-LRA-NCIP JAO No. 1 s. 2012) in an attempt to reconcile these conflicting issues, but the aforementioned problems continue to persist to date

Relatedly, Subcomponent 1.1, Improved Regulatory Framework of the Parcelization Component of the SPLIT Project, involves (i) updating of DAR's Department Administrative Orders (DAO) as well as Joint Administrative Orders with DENR, LRA and NCIP related to CCLOA Parcelization and the preparation of the accompanying implementing rules and regulations to include strengthening inter-agency institutional arrangements between and among DAR, DENR, LRA/ROD, and NCIP; (ii) development of a media and communication strategy, and (iii) assessment of the policy and operational implications of the enhanced Parcelization process and the results of the CCLOA inventory to further improve Parcelization.

Along this line, several guidelines and administrative orders were issued by DAR and the other CIAs such as DAR AO No. 2, S. 19, DAR-DENR JAO No. 9, s. 2021, and DAR-LRA JAO No. 2, s. 2022 to incorporate relevant SPLIT Project components and address operational bottlenecks in the registration of e-Titles, among other concerns regarding project implementation. Another Joint Administrative Order with NCIP is being discussed pertaining to overlaps of CCLOA in ancestral domain areas. However, the parcelization of the outstanding CCLOA balance remains to be a challenge and feedback gathered from the field revealed the emergence of new and additional issues, as well as second generation problems in the implementation of CARP.

Thus, the current status of implementation of the SPLIT Project, which relied on the unique situations per region and the involvement of multi-government agencies in overlapping jurisdictions, necessitates a comprehensive policy review that would serve as basis for improving efficiencies in the implementation of CCLOA parcelization. Accordingly, upon the review of national policies and administrative orders affecting parcelization, policy recommendations to harmonize and address the protracted jurisdictional issues, as well as to institutionalize synchronized implementation of policies pertaining to land management, are expected not only to improve implementation of the SPLIT Project, but also of the CARP, specifically through policy papers, suggested policy issuances, or even draft legislation.

## **2. Objectives of the Policy Study**

The general objective of this study is to come up with policy recommendations to help DAR and partner implementing agencies improve and hasten the process of Parcelization and titling of CCLOAs the SPLIT Project by addressing policy issues and in a manner that would minimize the adverse impact on the environment and other stakeholders. Specifically, it aims to:

- (a) Reconcile and harmonize all policies and issuances pertaining to individual Parcelization and titling of CCLOAs, considering the objectives and timelines of the SPLIT Project;

- (b) Assess the effectiveness and impact of existing policies and guidelines in the entire process of Parcelization, on current institutional arrangements and on the ARBs, project-affected persons and other stakeholders especially on women and other vulnerable groups;
- (c) Determine the gaps or missing links in the various policies affecting other CIAs;  
Identify any inconsistencies of the project safeguards instruments with relevant national laws on environmental protection, protected areas conservation and indigenous rights;
- (d) Assess how the administrative orders would affect or relate to other policy issuances of DAR;
- (e) Come up with policy papers and draft bills proposing new policies or necessary amendment to existing policies to further improve the implementation of the project

### **3. Scope of Work**

In line with the overall objective of the study, the following scope of work has been identified :

(a) review the key policies and issuances that support the full range of activities as set out in the SPLIT project documents including policies related to ESF, particularly the relevant national laws on environmental protection, protected areas conservation and indigenous rights, note the inconsistencies or any disconnect and document the importance of the policies and the potential issues or problems that have adversely affected the implementation of Project SPLIT;

(b) review the current status of SPLIT activity, with a key focus on the Results Framework as set out in the World Bank Project Appraisal Document;

(c) identify the underlying causes for any delays or underperformance and document the nature and effects of these causes

(d) identify the key policy gaps, grey areas and missing links in the Parcelization process, institutional arrangements, stakeholders' engagement, communication strategy and safeguards that have caused or contributed to the delays or under-performance of SPLIT.

(e) document the lessons learned and good practices

(f) make recommendations for changes in policy or modifications required to address the issues and identify the key measures required to institutionalize and effectively enforce the policy to realize the objectives of the project.

#### 4. Methodology

To accomplish the abovementioned scope of work, the company/Institution is expected to undertake research using the following methods:

- (a) Review of existing and newly approved administrative orders, guidelines, reports and other relevant documents
- (b) Quantitative analysis based on statistical data gathered thru primary and/or secondary surveys
- (c) Qualitative Analysis which will include the perceptions, ideas, suggestions and recommendations of the following:
  1. Project implementors from DAR and partner implementing agencies at the central, regional and provincial levels.;
  2. ARBs disaggregated into sectors such as women, senior citizens, youth, persons with disability, indigenous people;
  3. Non-ARB project affected persons or stakeholders; and
  4. Support groups such as the LGUs, non-government organizations and civil society organizations.

These can be gathered through focused group discussions (FGDs), key informant interviews (KIs), and key stakeholder consultations, workshops/seminars.

#### 5. Expected Outputs

Given the aforementioned Scope of Work, the following outputs are expected from the Company/Institution:

- (a) An Inception report which explains the research design and methodology, framework of analysis, and implementation plan and schedule;
- (b) An Interim Report containing the results of the review of existing policies and pertinent administrative orders, implementing rules and regulations, project guidelines including the Environmental and Social Safeguards vis-a-vis national laws on environment and assessment of the status of the project vis-à-vis the Results Framework to be presented in a workshop with the participation of key stakeholders;
- (c) A Progress Report that presents the gaps, grey areas and missing links in the implementation of the project including the supporting quantitative and qualitative analysis based on the perceptions, ideas, suggestions, and recommendations of project implementers, ARBs, other stakeholders/project-affected persons and support groups including the lessons learned and good practices;

- (d) A draft Final Report which contains all the highlights of the previous reports including the policy recommendations and a separate Policy Paper that present the options and recommended policies to be presented to DAR and CIAs and draft bill/s for submission to Congress, also to be presented to DAR, the World Bank and key stakeholders; and
- (e) A Final Report which is a comprehensive report including a Final Policy Paper and draft bill/s pertaining to parcelization or CARP implementation for legislative enactment incorporating the feedback, comments and suggestions of DAR management, the World Bank, CIA and the results of the workshop(s) with key stakeholders.

## 6. Schedule of deliverables and payment

The work under this TOR is expected to commence in October 2024 and to be completed within one (1) year after issuance of Notice to Proceed (NTP). The Company/Institution will be paid upon acceptance of DAR of the expected deliverables and contingent upon their timely submission.

The table below specifies the deliverables and the disbursement schedule under this contract:

	<b>% Payment</b>	<b>Deadline</b>	<b>Deliverables</b>
1st Payment	15%	One (1) month from issuance of Notice to Proceed (NTP)	Upon acceptance of Inception Report
2nd Payment	30%	Three (3) months from issuance of NTP	Upon acceptance of the Interim Report.
3rd Payment	25%	Seven (7) months from issuance of NTP	Upon acceptance of the Progress Report
4th Payment	20%	Ten (10) months from issuance of NTP	Upon acceptance of the draft Final Report
5th Payment	10%	Twelve (12) months from issuance of NTP	Upon acceptance of the Final Report, Policy Paper and draft Bills for legislation

All hard copies of the deliverables should be submitted in five (5) sets, including periodic reports, and the electronic reports to the DAR SPLIT CPMO, represented by the National Project Director.

All payments shall be made subject to the issuance of a Certificate of Acceptance by DAR of the reports as indicated in the Deliverables.

## **7. Qualification Requirements**

A Company/institution will be hired to implement the policy study on the SPLIT Project and accomplish the identified Scope of Work and should possess the following:

### **(a) General Qualifications**

1. The Company/Institution should have at least five (5) years extensive experience in policy review and policy analysis.
2. The Company/Institution should be able to set up a Research Team or a pool of experts with competence in the conduct of policy studies, research on agrarian reform laws, and agrarian reform program implementation and social and environmental assessment

### **(b) Knowledge and Track Record**

Each member of the team is expected to have his/her own expertise and is knowledgeable on any of the following:

1. In-depth knowledge of agrarian reform laws and other related land laws, property rights, land ownership issues, tenorial instruments, and land management (delineation, survey, and titling);
2. Extensive knowledge in policy review and analysis;
3. Extensive knowledge in policy formulation and legislations in agrarian laws and other related pieces of legislation;
4. Background in administrative and judicial cases on agrarian disputes;
5. Background in social, cultural, geo-political, and environmental laws.

(c) Work Experience: Depending on their expertise, the Consultants to be recommended by the Company/ institution should have the following experiences:

1. A minimum of five (5) years of experience in conducting in policy analysis;
2. An actual engagement with DAR or any other government agency on policy and research projects and activities in the last five (5) years;
3. A minimum of three (3) years of experience in the conduct of policy review of agrarian laws, implementing rules, and policy issuances; or
4. A minimum of five (5) years of experience in any research undertaking with foreign funding.



(d) Team Composition: Following the abovementioned requirements, the institution should be able to put up a Team comprised of the following:

- i. Agrarian Reform expert;
- ii. Policy expert;
- iii. Legal expert; and
- iv. Environmental Safeguards expert.
- v. Social Safeguards Expert

The head of the Team will come from one of the abovementioned experts.

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