



Department of Public Works and Highways **SOCIAL AND ENVIRONMENTAL MANAGEMENT SYSTEMS**



OPERATIONS MANUAL

DECEMBER 2016

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

**UPDATED SOCIAL AND ENVIRONMENTAL MANAGEMENT SYSTEMS
MANUAL OF OPERATION**

December 2016

PREFACE

In 2003, the DPWH Social and Environmental Management System (SEMS) Operations Manual was launched through DPWH Department Order (DO) 245 s. 2003, in line with the policy direction of DPWH to integrate social and environmental requirements for the fast-track development of infrastructure projects. The use of the manual aims to:

- i. enhance the Department's social and environmental performance;
- ii. guide Project Proponents in complying with Philippine environmental laws, regulations, policies, and other issuances;
- iii. secure social acceptability of projects through a process of public participation and consultation;
- iv. avoid delays in Project implementation arising from the lack of environmental permits and social acceptability;
- v. avoid penalties from non-compliance to environmental laws;
- vi. streamline operations and standardize reports; and,
- vii. streamline the review of reports and procedures.

The 2003 SEMS Operations Manual was based on the DENR Administrative Order 37 series of 1997 and its Procedural Manual, the Implementing Rules and Regulations (IRR) of Presidential Decree (PD) 1586. The 2003 Manual covers the application of the Philippine Environmental Impact Statement System (PEISS) to road and bridge projects, with guidance in (i) preparing an Environmental Impact Statement (EIS) or an Initial Environmental Examination (IEE) for the acquisition of Project Environmental Compliance Certificate (ECC); (ii) preparing DENR ENFORM-1 for the acquisition of Certificate of Non-Coverage (CNC); (iii) performing post-Environmental Compliance Certificate (ECC) issuance activities; and (iv) conducting Environmental Project Monitoring and Audit.

In order for the Department to effectively and efficiently integrate social and environmental concerns into the project cycle of infrastructure development and provide feedback mechanism in the implementation of the SEMS Operations Manual prescribed under Department Order No. 245, series of 2003, a Social and Environmental Management Executive Committee (SEMEC) was organized. The SEMEC is tasked to ensure that lessons from the field implementation of the Social and Environmental Management System Manual are duly recorded, reported and relayed to the management. SEMEC shall manage these lessons for purposes of devising more appropriate policies, guidelines, and/or procedures to improve the field implementation process and to help institutionalize the Social and Environmental Management System of the Department.

The Manual was expanded in 2007 with the inclusion of an updated Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples (LARRIP) Policy.

This latest 2016 DPWH SEMS Operations Manual aims to meet the changing national regulations and organizational set-ups and international best practices. This 2016 SEMS Operations Manual incorporates the issues raised and recommendations made during the consultations held on October 21-22, 2014 in Tacloban City with the representatives of DPWH Regional Offices and Local Government Units (LGUs) in the Visayas Administrative Regions 6, 7, and 8, which were then at the stage of reconstruction and rehabilitation from the devastation by Typhoon Yolanda. Other comments were received from the different offices of the DPWH in the later months of 2016, from the Training-Workshop of representatives from DPWH Central and Regional Offices held on September 6-8, 2016 in Puerto Princesa City, Palawan.

This version of the manual updates and enhances the current practices for the social dimension and includes the following new features: (i) more systematic and simplified checklists for social consideration on the screening of a national and local infrastructures projects (ii) improved templates for the social analysis, and (iii) provides a framework for other social mitigation measures which incorporates the Gender Action Plan (GAP) and the Social Development Plan (SDP).

Finally this update provides guidance to Project Proponents in developing their own Social and Environmental Management System (SEMS) for infrastructure projects, with reference to the system the Department of Public Works and Highways (DPWH) is already implementing. Each project is unique and it is important Project Proponents would discern the topics applicable to their respective projects.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
BOD	Biochemical Oxygen Demand
CAA	1999 Philippine Clean Air Act (R.A. 8749)
CNC	Certificate of Non-Coverage
COC	Chain of Custody; Chain-of-Custody Form
COD	Chemical Oxygen Demand
DAO 90-34	DENR Administrative Order No. 34 of 1990
DAO 90-35	DENR Administrative Order No. 35 of 1990
DAO 96-37	DENR Administrative Order No. 37 of 1996
DAO 03-30	DENR Administrative Order No. 30 of 2003
DENR	Department of Environment and Natural Resources
DO	Department Order
DPM	DAO 96-37 Procedural Manual
DPWH	Department of Public Works and Highways
ECC	Environmental Compliance Certificate
EIA	Environmental Impact Assessment
EIAPO	Environmental Impact Assessment Project Office
EIARC	EIA Review Committee
EIS	Environmental Impact Statement
EMB	Environmental Management Bureau
EMP	Environmental Management Plan
EMoP	Environmental Monitoring Plan
ESSD	Environment and Social Safeguards Division
GPS	Global Positioning System
HVS	High Volume Sampler (for dust monitoring)
IEE	Initial Environmental Examination
IO	Implementing office
JICA	Japan International Cooperation Agency
LARRIP	Land Acquisition, Resettlement and Rehabilitation and Indigenous People
MMT	Multipartite Monitoring Team
MOA	Memorandum of Agreement (between DPWH and DENR)
NRIMP	National Roads Improvement and Management Program
PD	Presidential Decree
PM	Project Manager
PMO	Project Management Office (DPWH)
RA	Republic Act
RAP	Resettlement Action Plan
RPM	Revised Procedural Manual of DAO 2003-30
TL	Team Leader
WB	World Bank

UPDATED SOCIAL AND ENVIRONMENTAL MANAGEMENT SYSTEMS

OPERATIONS MANUAL FOR INFRASTRUCTURE PROJECTS

1 INTRODUCTION

1.1 SEMS FRAMEWORK IN PERSPECTIVE

The objective of presenting SEMS Framework is to guide project proponents in adopting their own SEMS for a specific infrastructure project in a structured or systematic way. SEMS is developed to ensure the environmental and social soundness of the project through the timely applications of relevant environmental and social laws, rules, and regulations, as well as international good practices, collectively called as environmental and social safeguards.

The development of SEMS at the project level follows the idea of environmental impact assessment (EIA), considered as an environmental planning tool, which is applied at the four stages of a project: identification, preparation, construction, and operation. At the project identification and preparation stages, the EIA serves to identify, characterize and address adverse environmental impacts and risks on land, water, air and people through avoidance (alternatives), mitigation, and offsetting. These three strategies form part of the environmental management plans, with corresponding monitoring plans. At the project construction and operation stage, the environmental mitigating measures are also implemented and monitored on performance. SEMS include social development plans, protocols for emergency response and continual feedback and update. In those activities, regulatory instruments, such as certifications, permits, licenses, are prescribed. Inherent in the implementation environmental activities or functions are the supporting policies, institutional arrangements, quality control practices, budget and other resources.

The level of detail and complexity of the social and environment management system depends on the capability of the proponent and the nature and scale of the project and level of impacts and risks of the project on the natural and social environments. Project-level SEMS maybe adapted from the overall organizational SEMS. Topics for documentation vary widely and may include the following¹:

- environmental and social policy
- environmental mission and vision
- description of the infrastructure project (rationale, nature, scale, location, and development phases)
- identification of risks and impacts (environmental impact assessment)
- development of applicable environmental and social management programs (with permits and performance standards, as may be applicable)

¹ IFC Performance Standard No. 1 on Environmental and Social Sustainability (2012): *The ESMS will incorporate the following elements: (i) policy; (ii) identification of risks and impacts; (iii) management programs; (iv) organizational capacity and competency; (v) emergency preparedness and response; (vi) stakeholder engagement; and (vii) monitoring and review.*

- land acquisition and involuntary resettlement
- natural resource and biodiversity conservation
- pollution prevention
- climate change adaptation
- disaster risk reduction
- labor and working conditions
- community health, safety, and security, (and access)
- gender management plan
- indigenous peoples
- cultural heritage
- implementation of environmental and social management program
- monitoring and review
- stakeholder engagement (in all project stages)
 - stakeholder identification, analysis and engagement planning
 - disclosure of information
 - consultation
 - informed consultation and participation
 - indigenous peoples
- internal communications and reporting protocols
- external communications and grievance mechanisms
- reporting to affected communities
- emergency preparedness and response
- environmental clauses in project contracts
- organizational capacity and competency
- project record keeping and data base
- safeguards financial and logistical programming
- feedback of lessons learned
- SEMS continual update

1.2 VISION AND MISSION OF ENVIRONMENTAL AND SOCIAL SAFEGUARDS DIVISION (ESSD)

The integration of the various environmental and social safeguards laws in its operations follows the formulation of vision and mission for environmental and social safeguards. The Department's environmental and social vision and mission is articulated in the formerly EIAPO (now ESSD) vision and mission formulated during a strategic planning workshop held in March 2001 under the CO5 package, or the Strengthening of Environmental, Socio-Economic and Land Acquisition Capabilities project under the National Roads Improvement and Management Program (NRIMP). This vision is stated as follows:

“To serve as the environmental and social technical arm of the Department that is composed of highly competent, well trained, committed multi-disciplinary staff to promote environmentally sustainable infrastructure projects.”

Complementing this vision is the mission statement reflecting the DPWH's and ESSD's objectives and key role within the Department:

“To integrate environmental and social concerns in all stages of the DPWH infrastructure project cycle through the enhancement of the capacity of the EIAPO [ESSD] staff, increase in the level of environmental awareness within the DPWH family and the development and implementation of a sound social and environmental management system.”

These statements provide the DPWH, through ESSD, with a clear goal and a broad strategy to direct its actions related to social and environmental concerns.

1.3 OVERVIEW OF THE PHILIPPINE ENVIRONMENTAL AND SOCIAL SAFEGUARD POLICIES

1.3.1 PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT SYSTEM

Various environmental and social laws have been passed and evolving in regulating development projects and one of them is the Philippine Environmental Impact Statement System (PEISS) that adapts the international principles and best practices of an environmental impact assessment (EIA). The EIA laws, rules and regulations as applied to DPWH projects include Presidential Decrees 1151 and 1586, Presidential Proclamation 2146; Presidential Administrative Order 42, series of 2002, DENR Administrative Order 2003-30; and EMB Memorandum Circulars 2007-002, 2010-14, and 2014-005, briefly introduced, as follows

- i) Presidential Decree 1151 (1977). Philippine Environment Policy

Section 4. Environmental Impact Statements. -- Pursuant to the above enunciated policies and goals, all agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms and entities shall prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detailed statement on:

- a) the environmental impact of the proposed action, project or undertaking;*
- b) any adverse environmental effect which cannot be avoided should the proposal be implemented;*
- c) alternative to the proposed action;*
- d) a determination that the short-term uses of the resources of the environment are consistent with the maintenance and enhancement of the long-term productivity of the same; and*
- e) whenever a proposal involves the use of depletable or non-renewable resources, a finding must be made that such use and commitment are warranted.*

- ii) Presidential Decree 1586 (1978). Establishing an Environmental Impact Statement System including other Environmental Management Related Measures and for other Purposes

Section 2. Environmental Impact Statement System. - There is hereby established an Environmental Impact Statement System founded and based on the environmental impact statement required, under Section 4 of Presidential Decree No. 1151, of all agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms and entities for every proposed project and undertaking which significantly affect the quality of the environment.

Section 9. Penalty for Violation. - Any person, corporation or partnership found violating Section 4 of this Decree, or the terms and conditions in the issuance of the Environmental Compliance Certificate, or of the standards, rules and regulations issued by the National Environmental Protection Council² pursuant to this Decree shall be punished the suspension or cancellation of his/its certificate and/or a fine in an amount not to exceed fifty thousand pesos (50,000.00) for every violation thereof, at the discretion of the National Environmental Protection Council.

- iii) Presidential Proclamation 2146. Proclaiming Certain Areas and Types of Projects as Environmentally Critical and within the Scope of the Environmental Impact Statement System Established Under Presidential Decree No. 1586

² Executive Order 192 (1987) Section 16. The National Environmental Protection Council (NEPC), the National Pollution Control Commission (NPCC), and the Environmental Center of the Philippines (ECP), are hereby abolished and their powers and functions are hereby integrated into the Environmental Management Bureau

- iv) Presidential Administrative Order 42 series 2002. Rationalizing the implementation of the Philippine Environmental Impact Statement (EIS) system and giving authority, in addition to the Secretary of the Department of Environment and Natural Resources, to the Director and Regional Directors of the Environmental Management Bureau to grant or deny the issuance of Environmental Compliance Certificates
- v) DAO 2003-30. Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System
- vi) EMB MC 2007-002. Revised Procedural Manual for DAO 2003-30
- vii) EMB MC 2010-14. Standardization of Requirements and Enhancement of Public Participation in the Streamlined Implementation of the Philippine EIS System
- vii) EMB MC 2014-005. Revised Guidelines for Coverage Screening and Standardized Requirements under the Philippine EIS System (revising a portion of the Revised Procedure Manual)

In addition, a Memorandum of Agreement (MOA) was forged between the DPWH and DENR (1999) on streamlining the procedure for processing of applications for an Environmental Compliance Certificate for infrastructure projects.

DAO 2003-30 defines EIA as a process that involves evaluating and predicting the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive, mitigating and enhancement measures addressing these consequences to protect the environment and the community's welfare. In other words, EIA is a process that serves an environmental planning tool to avoid or minimize significant adverse environmental and social impacts and risks of in the entire project life cycle of development projects or undertakings. In the process, it serves to surface environmental and social issues that are governed by various laws and providing measures.

The PEISS key operating principles are outlined as follows:

- a. The EIS System is concerned primarily with assessing the direct and indirect impacts of a project on the biophysical and human environment and ensuring that these impacts are addressed by appropriate environmental protection and enhancement measures.
- b. The EIS System aids proponents in incorporating environmental considerations in planning their projects as well as in determining the environment's impact on their project.
- c. Project proponents are responsible for determining and disclosing all relevant information necessary for a methodical assessment of the environmental impacts of their projects.
- d. The review of the EIS by EMB shall be guided by three general criteria:
 - (1) that environmental considerations are integrated into the overall project planning,
 - (2) that the assessment is technically sound and proposed environmental mitigation measures are effective, and

- (3) that social acceptability is based on informed public participation.

The specific criteria for determining projects or undertakings to be covered by the EIS System include:

- a. characteristics of the project or undertaking (size of the project, cumulative nature of impacts vis-à-vis other projects, use of natural resources, generation of waste; and environment-related nuisance, environment-related hazards and risk of accidents;
- b. location of the project (vulnerability of the project area to disturbances due to its ecological importance, endangered or protected status; conformity of the proposed project to existing land use, based on approved zoning or on national laws and regulations; and relative abundance, quality and regenerative capacity of natural resources in the area, including the impact absorptive capacity of the environment; and,
- c. nature of the potential impact (geographic extent of the impact and size of affected population, magnitude and complexity of the impact; and likelihood, duration, frequency, and reversibility of the impact.

These criteria been used in developing the following categories of projects/undertakings:

- Category A Environmentally Critical Projects (ECPs) with significant potential to cause negative environmental impacts
- Category B Projects that are not categorized as ECPs, but which may cause negative environmental impacts because they are located in Environmentally Critical Areas (ECAs)
- Category C Projects intended to directly enhance environmental quality or address existing environmental problems not falling under Category A or B
- Category D Projects unlikely to cause adverse environmental impacts.

ECPs and ECAs are defined under Presidential Proclamation 2146 and technically defined under EMB MC 2014-005.

Moreover, EMB MC 2014-005 provides project thresholds (nature and scale) for coverage screening, categorization, and required EIA Report (Annex A). Section 2.3 and Table 2 of EMB MC 2016-005 provides for the project category, project implementation status, project mix (single project or co-located projects), required EIA Report, and deciding authority.

Briefly, every Category A project is required an Environmental Compliance Certificate (ECC), supported by an Environmental Impact Statement (EIS). Likewise, every Category B project is required an ECC but supported either by an EIS or an Initial Environmental Examination (IEE)

Checklist depending on the scale of the project. In contrast, every Category C or D project is not required an ECC, but may be applied for a Certificate of Non-Coverage (CNC) with the submission of Project Description.

Figure 1 shows a summary flowchart of the regulatory EIA cycle consisting of six (6) stages: (1) screening of project for coverage (based on project thresholds) and requirements; (2) scoping of the project-specific and site-specific issues and information required; (3) EIA study and report preparation; (4) review and evaluation of EIA Report; (5) decision making for the issuance or denial of an ECC; and (6) Post-ECC issuance monitoring, validation and evaluation/audit stage. The first five (5) stages are those involved when a proponent applies for an ECC. Public participation forms part of the EIA cycle. Not included in the flowchart is the requested involvement of various agencies in the review.

The flowchart shows that the project is first screened if it is required a regulatory EIA process and an ECC. Scoping that follows is proponent-driven, with the participation of the public and EMB-formed EIA Review Committee (EIARC). The activity sets the reasonable boundary, limit or endpoints of the study that result in a scope of work or terms of reference of the EIS. Public scoping for IEE-required projects is optional. Preparation of the EIA Report is also proponent driven, normally with the assistance of registered EIS preparers. Once submitted, the EIA Report is reviewed by EIARC, for the granting or denial of an ECC. The ECC may contain requirements for a Multi-partite Monitoring Team (MMT), an Environmental Monitoring Fund (EMF) and an Environmental Guarantee Fund (EGF), under a Memorandum of Agreement, depending on the nature and scale of impacts and risks. All other government approvals secured, the project is implemented together with the mitigating measures.

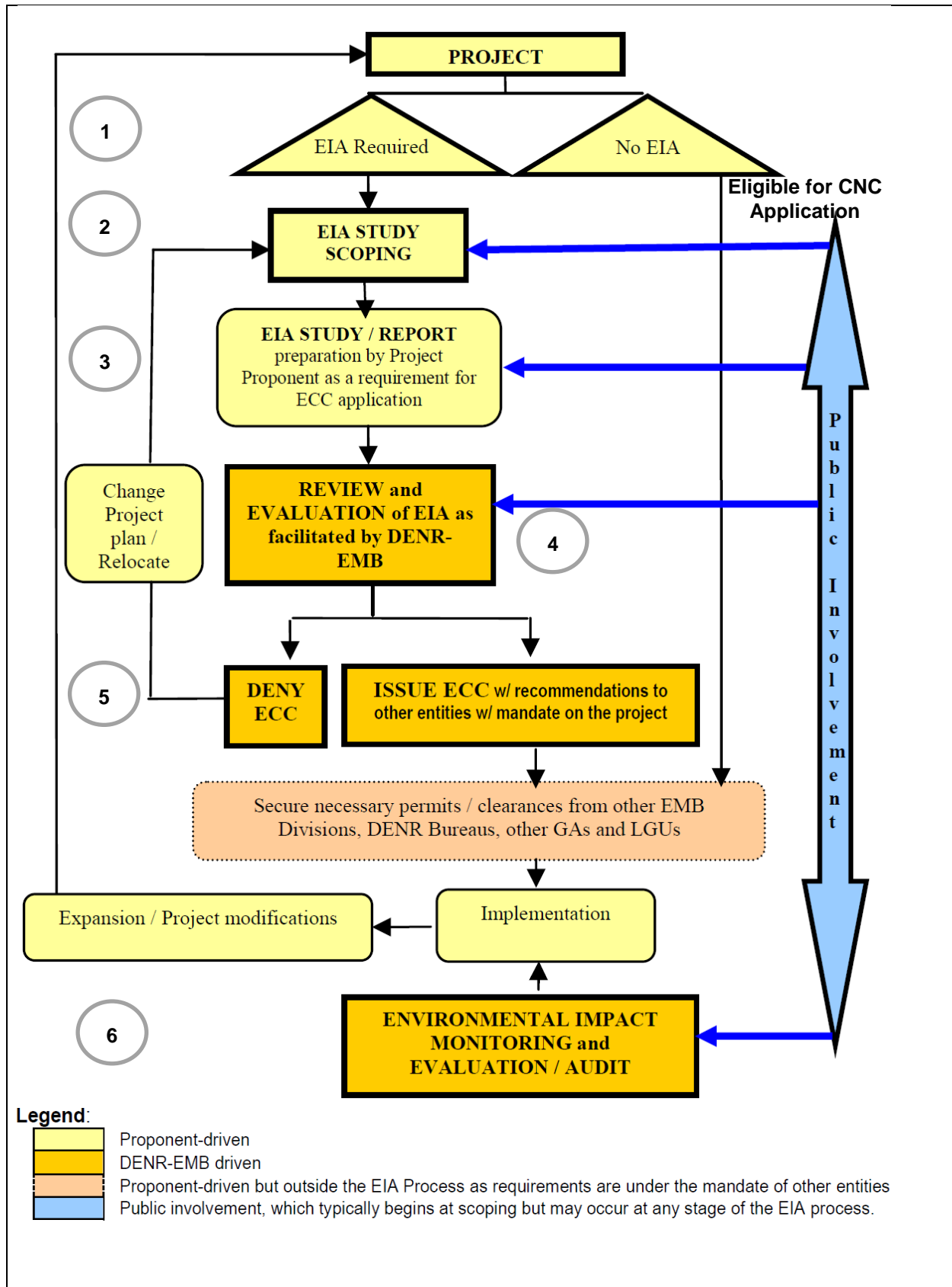


FIGURE 1. SUMMARY FLOWCHART OF THE PHILIPPINE EIA PROCESS

Adapted from: EMB Memorandum Circular No. 002 Series 2007. Revised Procedural Manual for DENR Administrative Order No. 30 Series of 2003

In case an existing project will be modified, it will be subjected to the guidelines provided in Annex B of EMB MC 2014-005. The ECC for that project may be amended. There are criteria set to determine

what EIA document will be submitted and procedure to follow. The document may be an Environmental Performance Report and Management Plan or a Project Description. Another EIA process may be undertaken, depending on the nature of expansion or modification.

For projects that are not required an ECC, EMB may issue a Certificate of Non-Coverage (CNC) upon request. DPWH though opts to secure such certificate. The required document is a Project Description or Fact Sheet consisting of Project Information and Proponent Information. While not required, the project will have to have an Environmental Management Plan (EMP) for implementation, incorporating the requirements of construction and operational environmental permits.

DMC 2010-14 Section 6.2 provides for the timeline of processing of applications: 40 working days for ECPs and 20 working days for NECPs. An internet online facility has been created for CNC application under EMB MC 2015-003, and another for IEE-based ECC application under EMB MC 2015-008.

Figure 2 situates the EIA stages in the project cycle. This is applicable to all projects whether the project is required an ECC or eligible for a Certificate of Non-Coverage. The diagram depicts the best practice of screening the nature and scale of environmental and social of potential impacts and risks at the identification and conception stage of a project. Screening may be regarded as the start of environmental planning. The result of the exercise is usable for project development siting alternatives, plan improvements, prioritization, and approval.

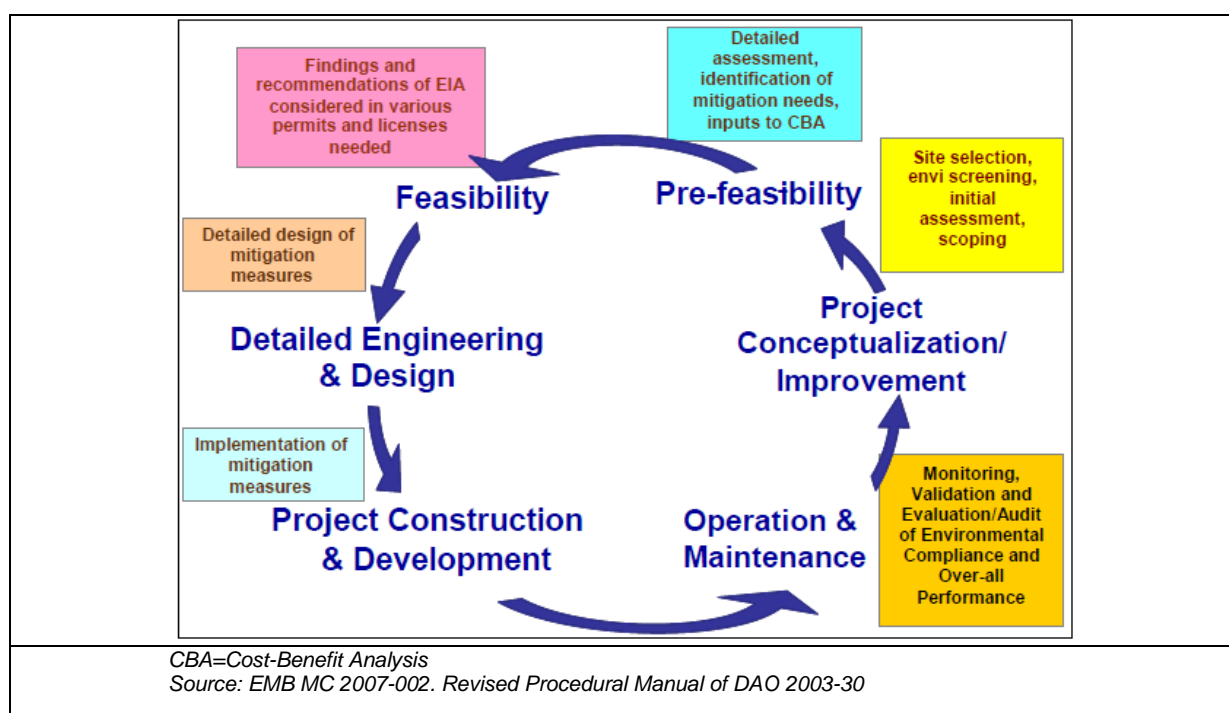


FIGURE 2. EIA PROCESS WITHIN THE PROJECT CYCLE

The screening exercise includes an assessment of the coverage of the project to different environmental and social safeguards laws, rules and regulations such as Philippine Environmental

Impact Statement System of PD 1586. The nature, scale, timing, list of regulatory environmental and social safeguards and associated cost are initially identified and may be documented as an Initial Environmental Social Safeguards Plan. Such plan may include alerts in potential delays in project implementation such as encroachment in environmentally critical areas and the cost for Right-of-Way and Involuntary Resettlement.

Under AO 42, project proponents are directed to simultaneously conduct an environmental impact study (as required for ECC application) and the feasibility study of the proposed project. However, it is ideal that a non-regulatory EIA be conducted as an iterative process for input to the Project Feasibility Study. Problems arise later when project funding is committed in the Feasibility without the environmental cost component. When project scenarios and options have become more concrete, then that is time when the regulatory EIA is conducted.

The detailed environmental measures are prepared, and additional environmental baseline data are gathered during the Detailed Engineering Design (DED) stage. At the project implementation stage, mitigation measures and environmental monitoring plans are also implemented with reference to performance standards and commitments. The lessons learned are fed back into the project cycle for continual improvement or any project modification.

1.3.2 ENVIRONMENT SECTOR-SPECIFIC LAWS

The practice of EIA inherently takes into account compliance with other environmental laws enforced by various offices. Such laws take into consideration international commitments of the country and international best practices. Among these laws are the following:

RA 6969	Substances and Hazardous and Nuclear Wastes Control Act of 1990
RA 8371	The Indigenous Peoples Rights Act of 1997
RA 8749	Philippine Clean Air Act of 1999
RA 9003	National Solid Waste Management Act of 2001
RA 9147	Wildlife Resources Conservation and Protection Act
RA 9275	Philippine Clean Water Act of 2004
RA 10752	An Act to Facilitate the Acquisition of Right-of-Way Site or Location for National Government Infrastructure Projects and for Other Purposes (2016)
RA 6685	An Act Requiring Private Contractors to whom National, Provincial, City and Municipal Public Works Projects have been Awarded Under Contract To Hire At Least Fifty Percent of the Unskilled and at least Thirty Percent of the Skilled Labor Requirements to be taken from the Available Bona Fide Residents in the Province, City or Municipality in which the Projects are to be Undertaken, and Penalizing those who fail to do so.

PD 1096 National Building Code of the Philippines

1.4 DPWH ENVIRONMENTAL AND SOCIAL SAFEGUARD POLICIES

1.4.1 DPWH ISSUANCES

The DPWH has integrated in its development operations various environmental and social laws, including international good practices through issuances of Department Orders, for example:

Central Environmental Unit

DPWH Memo to all Project Directors/ Managers and PMOs	1996 Jan 16	Organization of Specialized Environmental Impact Assessment (EIA) Group as part of the Program on Strengthening the EIA Capability of the DPWH.
DPWH DO-93 s. 1999	1999 Apr 30	Retention of all Personnel Detailed at the Environmental Impact Assessment Project Office, (EIAPO) Planning Service
DPWH DO-220 s. 1999	1999 Nov 09	Strengthening the Environmental Impact Assessment Project Office (EIAPO)
DPWH DO-58 s. 2004	2004 May 21	The Environmental Impact Assessment Project Office (EIAPO) is hereby renamed to the Environmental and Social Services Office (ESSO) and shall report directly to the Director of Planning Service.
DPWH DO-02 s. 2014	2014 Jan 13	Renaming of Environmental and Social Services Office to Environmental and Social Safeguards Division

Regional EIA

DPWH DO-224 s. 2003	2003 Aug 18	Creation of Regional Environmental Impact Assessment Offices (REIAOs)
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SEMEC

DPWH DO-268 s. 2003	2003 Oct 13	Creation of the Social and Environmental Management Executive Committee (SEMEC)
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Representation to Civil Society Organizations

DPWH DO 25 s. 2011	2011 Apr 30	Creation of the Civil Society Organizations Partnership Committee
DPWH SO 63 s. 2012	2012 Sep 24	Designation of Regional Representatives to the DPWH Civil Society Organizations Partnership Committee

Environment/Social

DPWH DO-245 s. 2003	2003 Sep 15	Implementation of the Social and Environmental Management System Operations Manual
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Environmental Safeguard

DPWH DO 57 s. 2009	2009 Nov 20	DPWH Solid Waste Management Policy
DPWH DO 68 s. 2012	2012 Sep 20	Prescribing Guidelines on the Design of Slope Protection Works
DPWH DO 58 s. 2015	2015 Apr 08	Guidelines and Procedure for the Implementation of DO 57 s. 2009 "Solids Waste Management Policy"
DPWH DO-57 s. 2016	2016 Mar 01	EIA for DPWH Projects and Tree Cutting Permit Application
DPWH DO-012 s. 2016	2016 Jan 13	Disposal and Stockpiling of Materials Including Parking of Equipment Within the Construction Limits or Vicinity of All DPWH On-going Projects

Social Safeguard

DPWH DO 51 s. 1990	Feb 27 1990	Committing to a hiring of minimum 50 percent and 30 percent of unskilled and skilled, respectively, from host locality, pursuant to Section 7 of R.A. 6685,
	1999	Land Acquisition, Resettlement and Rehabilitation (LARR) Policy to avoid, mitigate or compensate for adverse social impacts of infrastructure projects
Memorandum Circular No. 55 s. 2001	2001	Disseminates RA 8974 requiring the DPWH to ensure rapid processing of all applications for compensation for Rights-of-Way. [Superseded by RA 10752 (2016)]
		This rule is however just one of a series of memoranda and Department orders related to providing just compensation for assets and lands acquired or displaced by DPWH projects
DPWH DO 5 s. 2003	2003 Jan 23	Creation of the Infrastructure Right-of-Way and Resettlement Project Management Office (PMO) and the Implementation of the Improved IROW Process
DPWH DO 327 s. 2003	2003 Dec 30	Guidelines for Land Acquisition and Resettlement Action Plans (LAPRAPs) for Infrastructure Projects
	2007 Feb	Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples' (LARRIP) Policy
DPWH DO 34 s. 2007	2007 May 29	Simplified Guidelines for the Validation and Evaluation of Infrastructure Right-of-Way Claims
DPWH DO 73 s. 2014	2014 July 7	Prohibited Uses Within the Right-of-Way of National Roads
DPWH DO 203 s. 2016	2016 Oct 14	Creation of Unified Project Management Office Right-of-Way (UPMO-ROW) Task Force

Project Monitoring

DPWH 156 s. 2015	2015 Oct 12	Implementation of Document Tracking System (DOTS) for Civil Works
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Responsibilities

DPWH DO 164 s. 2016	2016 Aug 16	Road and Bridge Projects Policies, Responsibilities and Accountabilities In terms of responsibilities and accountabilities, the planning, design and implementation of locally-funded road (including its drainage facilities) and bridge projects, shall be carried out by the Regional and District Engineering Offices concerned in accordance with the limits of responsibilities, authorities and other applicable policies and procedures set by this Department.
DPWH DO-123 s. 2016	2016 Jun 16	Creating the Regional Project Management Office (RPMO) in All Regional Offices
DPWH DO-89 s. 2016	2016 Apr 18	Full Institutionalization of Multi-year Planning
DPWH DO-087 s. 2016	2016 Apr 22	Defining the Responsibilities and Authorities of the Unified Project Management Office (UPMO) of its Specialized Clusters and the Oversight Functions of the Undersecretary for UPMO Operations and Undersecretary for Regional Operations of the Flood Control Management Cluster (FCMC)
DPWH DO 062 s. 2015	2015 Apr 29	Revised Guidelines for the Implementation of DPWH Projects by LGU

In 2003, the DPWH issued Department Order 245 for the implementation of the SEMS Operation Manual, outlining the EIA-led social and environmental management policies, which is as follows:

- i. The SEMS Operations Manual shall be applied in all infrastructure projects, particularly those covered by the Philippine EIS System (PD 1586). Whenever possible, other projects not covered by the EIS System shall still be implemented in a manner compliant with the environmental management plan recommended in the SEMS Operations Manual.
- ii. The Implementing Office concerned shall ensure that the costs of implementing the environmental compliance and monitoring activities, as indicated in the SEMS Operations Manual, are included in the project budget. The required SEMS-related activities shall be determined during the preparation of the feasibility study for a project.
- iii. The Implementing Office shall prepare an annual budget incorporating the costs of implementing the activities in the SEMS Operations Manual such as the monitoring and the conduct of environmental studies.
- iv. A SEMS Committee shall be created to conduct an annual review of the SEMS Operations Manual and suggest possible amendments and/or revisions. The committee shall be headed by the Planning Service Director, with members from concerned offices, namely: Monitoring and Information Service (MIS), Environmental and Social Safeguards Division (ESSD)³, Project Preparation Division (PPD),⁴ and other offices to be determined by the Undersecretary for Planning. A revised version of the Manual may be released as often as necessary.
- v. All Environmental Impact Statements (EIS) for projects of the DPWH must be reviewed and recommended for approval by the ESSD. Initial Environmental Examination (IEE) Reports and IEE checklists and [applications for Certificates of] Non-Coverage (CNCs) must be reviewed and recommended for approval by the REIAO [now ESROW] of the region concerned.
- vi. All EISs, IEEs, IEE checklists and [applications for] CNCs must be approved by the implementing office concerned wherein the documents were prepared, before they are released.
- vii. Compliance to the conditions of the Environmental Compliance Certificates (ECCs), and implementation of the mitigating measures as contained in the Environmental Management Plans (EMPs), including the implementation of the Environmental Monitoring Plan (EMoPs) shall be the responsibility of the Implementing Office, to be monitored by ESSD.
- viii. To ensure compliance to these above-mentioned conditions and mitigating measures, the tender documents for infrastructure projects subject for bidding will be included in the contractor's contract which will include special provisions for such environmental measures under "Environmental Clauses."

³ Originally the EIAPO

⁴ Originally the Project Management Office (PMO)

- ix. The cost of implementing these conditions and mitigating measures in the ECCs and EMPs/EMoPs shall be included in the project budget of the Implementing Office concerned.

DPWH DO 57 s. 2016 Environmental Impact Assessment (EIA) for DPWH Infrastructure Projects and Tree Cutting Permit Application, further provides instructions on EIA-related matters

- i. Proponent shall secure CNC, and shall prepare Project Description Report. For projects that falls under Environmental Enhancement Projects (intended to directly enhance the quality of the environment or directly address existing environmental problems) is classified under Category C.
- ii. Project that will fall under Category A or B requires the application of an ECC. First level scoping shall be conducted together with the DENR-EMB and some members of the EIA Review Committee to determine the scope of work to be undertaken in the Environmental Impact Statement (EIS).
- iii. All Project Proponent (UPMOs, Bureaus, Services, Regional and District Engineering Offices) shall conduct environmental assessment, prepare the necessary environmental document and secure the corresponding environmental clearance whether ECC or CNC prior to project implementation.
- iv. The Project Proponent is directed to comply with the provisions of DO No.5, series of 2003, Item NO.7 which states that "the ECC shall be secured before the detailed design for all projects".
- v. Cost incurred and tasks perform for the preparation of these documents shall be charged against fund of the respective project.
- vi. The Program of Work of such projects shall include such EIA-related activities and be included in Regional and District Engineering Annual Budget (refer to DO 224 series of 2003: Creation of Regional Environmental Impact Assessment Office-Budget).
- vii. The Environmental and Social Safeguards Division, Planning Service shall assist the project proponent in the online submission to the DENR-EMB concerned.

The lead environmental unit of DPWH was the EIA Project Office (EIAPO) formed in 1996, renamed in 2004 as Environment and Social Safeguards Office (ESSO), and in 2014, renamed under the Planning Service as the Environmental and Social Safeguards Division (ESSD), which is the lead group with regards to compliance of projects with the requirements of Philippine EIS System (PD 1586). Currently, DPWH is guided by the 2007 Revised Procedural Manual of DAO 2003-30 which replaced DAO 37 series of 1996.

Under DPWH DO-220 s. 1999 (Strengthening the EIAPO), the ESSD shall act as the environmental service arm of the DPWH and shall provide environmental and social assessment support for foreign and locally funded projects being implemented by the Project Proponents of this Department, i.e. Bureaus, Project Management Offices and Regional/District Offices. In particular, the ESSD shall

have the responsibility of overseeing the preparation, and once approved, the application of the DPWH environment policy. The role of the ESSD shall cover project planning, preparation, design, implementation, monitoring and post implementation evaluation. The ESSD shall coordinate closely with the other concerned offices of the DPWH to enable it to provide assistance during various stages of project planning and implementation.

The functions of the ESSD are as follows:

- a) Conduct assessments for environmental, social impact and land acquisition.
- b) Prepare relevant reports such as Initial Environmental Examinations (IEE), Environmental Impact Statements (EIS), Environmental Management Plans (EMP), Resettlement Action Plans (RAP) and other necessary documents.
- c) Facilitate consultation and information dissemination to project affected persons and other relevant stakeholders.
- d) Conduct environmental monitoring; Monitor RAP implementation and conduct post implementation evaluation.
- e) Provide guidance to regional and district level DPWH staff and local authorities in carrying out the above studies, preparation of documents and RAP implementation.
- f) Provide training at regional, district and local level for consultation/participation, RAP implementation, environmental management planning, environmental monitoring, EIA tools and other new techniques.
- g) Maintain and update the existing data bank and Geographical Information System (GIS).
- h) Coordinate environmental concerns with other DPWH offices, Government Agencies, Local Government Units and Non-Governmental Organizations.

The roles of ESSD have been extended beyond EIA compliance to include the design and implementation of Resettlement Action Plans (RAPs), public consultation and information dissemination, and providing guidance and training to all DPWH offices. In 1999, the DPWH adopted the Land Acquisition, Resettlement and Rehabilitation (LARR) Policy to avoid, mitigate or compensate for adverse social impacts of infrastructure projects. This was upgraded in 2007 to Land Acquisition, Resettlement, Rehabilitation Policy and Indigenous Peoples (LARRIP) Policy to integrate issues pertaining to Indigenous Peoples under the mandate of the National Commission on Indigenous Peoples (NCIP). The applicability of the LARRIP rests on the results of social impact assessment. Gender responsive planning is also undertaken.

DPWH DO 224 s. 2003 Creation of Regional Environmental Impact Assessment Offices (REIAOs)

The creation of the REIAOs aims to strengthen the capability of the regional offices in carrying out the Department's environmental and social commitments. The REIAOs shall be responsible for implementing the DPWH social and environmental policies in the regional offices, in coordination with

the ESSD in the Central Office and under the direct supervision of the Chief, Planning and Design Division, Regional Office.

Functions of the REIAOs:

- 1 Conduct assessments for environmental and social impact.
- 2 Prepare Initial Environmental Examinations (IEEs), including Environmental Management Plans and Environmental Monitoring Plans.
- 3 Assist the EIAPD in the preparation of Environmental Impact Statements and other similar reports.
- 4 Conduct consultations and information dissemination programs to project affected persons (PAPs) and other stakeholders.
- 5 Conduct environmental monitoring and post-implementation evaluation, and monitor Resettlement Action Plan (RAP) implementation.
- 6 Coordinate with Regional DENR-EMB offices regarding the issuance of Environmental Compliance Certificates (ECCs) and compliance with ECC provisions.
- 7 Initiate the creation of Multipartite Monitoring Teams (MMTs) in coordination with the Implementing Office and the Municipal RAP Implementation Committees (MRICs).
- 8 Act as Coordinator of MRICs.
- 9 Represent the Regional Office in the MMTs and participate in their activities.
- 10 Act as liaison between the Central Office and District Offices regarding Land Acquisition Plan and Resettlement Action Plans (LAPRAPs).
- 11 Provide guidance to DPWH staff at the Regional and District levels and coordinate with local government units in carrying out the above studies by preparing required reports and documents, and LAPRAP implementation.
- 12 Maintain a collection of reports, books, publications, maps and other reference materials related to Environmental Impact Assessment (EIA).
- 13 Enhance regional capacity in EIA through participation in social and environmental training programs of the Department and other agencies.
- 14 Coordinate with other DPWH offices, government agencies, local government units, and non-government organizations regarding environmental and social concerns in the region.

The REIAO shall be directly under the supervision of the Chief of the Planning and Design Division of the Regional Office. The existing staff organized for the purpose prior to this Order shall remain within the REIAO. Any required additional staff shall be selected from among those personnel within the region who have undertaken appropriate training or possess relevant background for environmental and social assessment.

The REIAO shall prepare an annual budget based on its projected operating expenses⁵, to be included in the overall budget of the Regional Office. In addition, funds needed to perform tasks for specific projects shall be charged against funds of the respective projects. The Programs of Work for such project shall include such EIA-related activities that may be necessary and the corresponding funds needed to carry out the tasks.

DPWH DO 42 s. 2012⁶ provides the role of Regional and District Engineering Offices in the PMO Implemented Projects.

To achieve a more transparent, effective and efficient implementation of PMO projects, the DPWH Regional Director/s and District Engineers are hereby designated as Special Project Monitoring Supervisors for all PMO projects in their respective area of jurisdiction. As such the following responsibilities are hereby spelled out in detail:

- 1) All foreign-assisted projects being undertaken by Project Management Offices (PMOs) shall be monitored by the Regional Director (RD) and District Engineer (DE) in their area of jurisdiction.
- 2) Regional Directors and District Engineers must be consulted and involved in the entire project development cycle from planning to implementation stage, and shall be furnished with the Program of Works (POW), Plans, Contract and Technical Specifications/documentations of the project before the start of implementation.
- 3) The Regional and District Offices shall be furnished with Monthly Progress Accomplishment Status Reports by PMOs concerned. They shall invite the respective Project Directors to attend the Regional Staff Meetings.
- 4) The District Engineer/s concerned shall be one of the signatories in the final inspection of the project prior to final payment.
- 5) The District Engineer/s concerned likewise shall be one of the signatories in the inspection prior to the issuance of final acceptance certificate.
- 6) The Bureau of Construction (BOC) and the Central Procurement Office (CPO) shall be furnished copies of inspection report and final acceptance certificate.

⁵ The cost of EIA in World Bank projects typically vary from 0.06 percent to 0.10 per cent of total project costs or from a few thousand dollars for a very small project, to over a million dollars for a large and complex project, which has a significant environmental impact and requires extensive data collection and analysis. Source: Environmental Impact Assessment, Open Educational Resource. United Nations University, RMIT University, and the United Nations Environment Programme (UNEP).
http://eia.unu.edu/course/index.html%3Fpage_id=102.html

⁶ This order shall be harmonized in the pertinent provisions of D.O. NO.9 dated 21 February 2011, "Conduct of Pre-Procurement, Procurement and Implementation Activities for DPWH Foreign-Assisted Civil Works Projects" and supersedes Memorandum dated 14 November 1996, "Designation of Regional Directors as Special Project Supervisors for Foreign Assisted Projects in the Region" and shall take effect immediately.

The functions of the Planning Service are defined in Section 2 of the Planning Service Handbook revision 3.0 issued last January 12, 2015. The Planning Service under its Director shall be directly under the Undersecretary for Planning and Related Services.

1. Planning Services Functions

- Advise the management on all matters relating to infrastructure planning and development;
- Formulate and update policies, strategies, guidelines, standards, criteria for road and bridge asset preservation and network development programs;
- Manage the conduct of master plan and feasibility/pre-feasibility studies on infrastructure projects using preliminary engineering and economic evaluation procedure and practices;
- Manage the conduct of post-completion and monitoring and evaluation studies on selected infrastructure projects in support to the department continuing infrastructure development;
- Formulate long and medium term infrastructure development plans and programs of the Department, integrating road and bridge asset preservation and network development project consistent with national policies and objectives, using planning applications BMS, PMS and MYPS;
- Prepare annual infrastructure program;
- Manage and maintain the road and bridge database (RBIA) and the Locational Referencing Systems (LRS) and Geographic Information (GI);
- Provide technical assistance and support and maintains close coordination with other offices and agencies on matters relating to infrastructure planning project preparation and programming; Manage the conduct assessment for environmental, social and land acquisition and prepares the necessary documents such as EIS, IEE, EMP, SIA, RAP, IPDP and Gender Development Plan;
- Act as Secretariat on National Sewage and Septage Management Information Center of the NSSMP and services as a link of the Department to various Inter-agency Committees such as National Solid Waste Management, Climate Change, National Land Use, Population, Health Impact Assessment, etc.;
- Manage the implementation of social responsibility of the Department and Environmental Management Programs such as Water Conservations, Energy Conservation, Solid Waste Management, Gender Development, Project Affected Persons, Indigenous Peoples Development Plan; and
- Perform other duties and responsibilities as may be assigned.

1.1 Development Planning Division Functions

- Formulate/update policies, guidelines, standards, criteria, methodology and strategies for asset preservation and network development planning consistent with national development policies and objectives using the planning applications (PMS/HDM-4, BMS and MYPS);

- Formulate long and medium-term infrastructure development plans and programs of the Department; identifying the preferable future highway network scenarios through optimized strategies determined under alternative budget constraints integrating asset preservation and network development projects;
- Prepare needs-based road and bridge master plans, setting targets for asset preservation and network development projects in an optimum manner using the Pavement Management System/Highway Development and Management (PMS/HDM-4), Bridge Management System (BMS) and Multi-Year Programming and Scheduling (MYPS) as planning tools;
- Conduct post-evaluation of selected projects to determine their actual development impacts in the project area and determine lessons learned as an input to improve planning procedures and guidelines;
- Maintain and update the planning applications for enhancement and sustainability;
- Prepare an annual road slope disaster and management plan/projects for all national road using Road Slope Management (RSM);
- Maintain close coordination with other divisions of the Planning Services and the Regional District Offices and Project Management Offices including conduct of trainings on various planning systems/applications; and
- Perform other duties and responsibilities as may be assigned.

1.1.1 Infrastructure and Development Section

- Formulate, prepare, consolidate and update the DPWH Public Investment Program and Comprehensive Infrastructure Investment Program (CIIP) in accordance with the Philippine Development Plan;
- Prepare and consolidate documents, and coordinate with the PPD, other government agencies (NEDA, DBM and DOF) and foreign lending institutions (World Bank, ADB, JICA, KEDCF, etc.) for the evaluation and approval of project proposals (i.e. roads, bridges and flood control and Sabo Projects) for foreign-assistance. Including project proposals which can be funded from grants;
- Review project proposals and participate in project packaging of foreign-assisted projects (i.e. roads, bridges and flood control and Sabo Projects), for inclusion in the PIP;
- Update policies, targets, investments and other socio-economic data for the updating of the Philippine Development Plan for Transport and Water Sector;
- Consolidate the national road and bridge programs generated by the PMS/HDM-4, BMS, RSM and other infrastructure for local and foreign funding using the Multi-Year Programming and Scheduling (MYPS) application to output the multi-year plan in the PIP and annual infrastructure program in the MYPS-GAA managed by PD;
- Prepare multi-year program and annual funding for network development project such as missing gaps and bypasses;
- Perform other duties and responsibilities as may be assigned.

1.1.2 Roads and Bridges Planning Section

- Prepare needs-based road targets and program for asset preservation (Preventive Maintenance and Rehabilitation of Damaged Pavement Sections) in an optimum manner using the Pavement Management System/Highway Development Management-4 (PMS/HDM-4) model and construction/upgrading/rehabilitation of drainage along national roads for inclusion in the Annual Infrastructure Program;
- Prepare needs-based road targets and program for network development projects such as road upgrading of unpaved roads, road widening and off-carriageway improvement for inclusion in the Annual Infrastructure Program;
- Conduct analysis and prioritization of asset preservation and network development programs to address needs of bridges (major maintenance, rehabilitation, retrofitting, strengthening, upgrading and replacement) based on annual bridge inventory and current condition inspection survey of all national bridges nationwide using the Bridge Management System (BMS), for inclusion in the Annual Infrastructure Program;
- Prepare candidate asset preservation projects that could be lined up for foreign financing (i.e. NRIMP 2, ADB and RUPP);
- Update and maintain configuration of the planning applications (PMS/HDM-4 and BMS);
- Supervise and provide technical assistance to Regional and District PMS and BMS coordinators including conduct of trainings;
- Perform other duties and responsibilities as may be assigned.

1.1.3 Other Infrastructure Planning Section

- Formulate guidelines, policies, criteria and procedures for the conduct of post evaluation and results monitoring of completed projects, using measurable key performance indicators (KPI);
- Conduct Post Evaluation of completed major road projects to determine the achievement of project development goals and objectives based on the identified measurable Key Performance Indicators (KPI);
- Prepare Post Evaluation Report which includes the comparison of with and without the project situation in the project influence area;
- Identify lessons learned in the implementation of the project as an input to improved planning guidelines and procedures through a feedback mechanism and recommendations from Post Evaluation Report;
- Prepare an annual road slope program/projects for national roads based on the Road Slope Management (RSM) for inclusion in the multi-year and annual funding;
- Supervise and provide technical assistance and orientation to Regional and District Offices in conducting surveys for post evaluation and road slope management;
- Perform other duties and responsibilities as may be assigned.

1.2 Environmental and Social Safeguards Division Functions

- Prepare/Review environmental documents (e.g. EIS, IEER, PD), social documents e.g. Resettlement Action Plan (RAP) as requested by Project Proponent;
- Assist Project Proponent in the conduct of the following activities:
 - Environmental Assessment, including scoping (1st and 2nd level scoping)
 - Road acquisition assessment to determine affected land assets and structures/improvement to be affected by the project.
 - Information campaign on National Sewerage and Septage Management Program (NSSMP).
- Review/evaluate submitted NSSMP proposal from LGUs for possible funding/listings.
- Conduct monitoring activities on:
 - Effects and compliance monitoring for environmental aspects.
 - Internal monitoring for social aspects as DPWH Internal Monitoring Agent (IMA).
 - Compliance monitoring for NSSMP implementation.
 - Monitor implementation of Solid Waste Management as per D.O. 57.
- Manage Climate Change issues and other concerns such Rain Water Collection System (RWCS), cleaning/clearing of estero and waterways and Manila Bay Sustainable Development as per Supreme Court decision on the continuing mandamus.
- Oversee compliance of social safeguards and other safeguards as required by lending institutions.
- Assist and guide Regional and District offices and other Project Proponent in the RAP Implementation especially during disclosure proceedings and public hearings/consultations.
- Assist in the follow-up of ECC issuances and other requirements (e.g. tree cutting permit)
- Attends to other non-structure activities such as, Manila Bay Clean-up, Coastal Clean-up, Arbor Day, Climate Change Consciousness Week, etc.
- To develop Gender and Development (GAD) Plans and Programs and oversee its implementation and integration in the entire project cycle.
- Assist in the conduct of Water, Air and Noise Samplings and Testing in coordination with the DENR-EMB Office concerned.
- Continuous training and capacity building for the DPWH Regional, DEO's, Bureaus, Services and Unified PMO's on the following topics on Environmental Impact Assessment(EIA), NSSMP, Solid Waste Management, LAPRAP, SIA and GAD.
- Capacity development for pre-construction activities and actual construction of water supply projects.
- Review, evaluate and record Water supply Level III Project for funding of waterless communities and tourism destination areas.

- Coordinate with government agencies on the implementation of water supply projects including monitoring of the physical and financial accomplishment of implemented water supply projects.

1.2.1 Environmental Safeguard Section

- Prepare/review documents such as Environmental Impact Statement (EIS), Initial Environmental Examination Report (IEER), Project Descriptions (PD) and Environmental Management Plan (EMP)
- Assist project Proponent in the conduct of Environmental Assessment/Screening, first and second level scoping and formulation of the EMP for the preparation of the EIS, IEER and PD.
- Assist in the follow up of issuances of ECC and other requirements (e.g. tree cutting permit)
- Conduct Environmental Monitoring both Effects and Compliance Monitoring
- Manage Climate Change issues and concerns (e.g. RWCS, Cleaning/Clearing of Esteros and waterways, Sustainable Development of Manila Bay)
- Assist Project Proponent in the conduct of Public Consultation and Hearing prior to the preparation of environmental studies.
- Coordination with the DENR-EMB and other Government Agencies with regards to environmental concerns for infra project.
- Attends to other Non-Structural Activities (e.g. Manila Bay, Climate Change Consciousness Week, etc.)
- Assist in the Conduct of Water, Air and Noise Sampling and Testing in coordination with the DENR-EMB Office concerned.
- Assist in the conduct of EGGAR.
- Continuous Training/Capacity Building on EIA for the Regional, DEO's, Bureau's, Services and the Unified PMO
- Formulate policies, plans and guidelines with regards to environmental safeguards.
- Review, evaluate and recommend Water Supply Level III Projects for funding waterless communities and tourism destination areas.
- Coordinate with government agencies concerning water supply project.
- Monitor the physical/financial accomplishment of water supply projects being implemented.

1.2.2 Social Safeguard and Right-of-Way Section

- Prepare/review Resettlement Action Plan (RAP) documents submitted by Project Proponent (e.g. Regional Offices, DEO's, PMO's, Bureau's and Services).
- Assist in the conduct of land acquisition to determine affected land assets and other structure/improvement to be affected.

- Prepare Social Safeguards Monitoring Report (as Internal Monitoring Agent (IMA)).
- Assist and guide the Regional and District Offices in the implementation of the RAP especially during disclosure proceeding and public consultations/hearings.
- Oversee compliance of social safeguard and other safeguards as required by lending institutions.
- Assist in the conduct of Social Impact Assessment for the preparation of IPDP Report for IP's and Gender Development Plan.
- To develop GAD Plans and Programs and oversee its implementation.
- Oversee the integration of GAD concerns/principle in infrastructure projects.
- Continuous training and capability building on the LAPRAP/SIA and GAD.

1.2.3 National Sewerage and Septage Management Program Section

- Conduct information campaign on National Septage and Sewerage Management Plan.
- Update and gather sewerage and septage data as per Clean Water Act and as mandated under the NSSMP and coordination with other stakeholders involved in the NSSMP.
- Review submitted NSSMP proposals for possible funding/listing.
- Monitor implementation and compliance of the NSSM Program e.g. monitor of septage management and sewerage activities of the LGU's as mandated under the NSSMP.
- Monitor implementation of the Solid Waste Management Act RA 9003, and in compliance to D.O. 57
- Conduct information and Education Campaign on Solid Waste Management and other related topics.
- Formulate policies plans and guidelines with regards to the implementation and monitoring of the NSSMP and Solid Waste Management.

1.3 Programming Division Functions

- Incorporate and disseminate policies, guidelines, criteria and methodologies for preparation of the Department's Annual Infrastructure Program (AIP).
- Review, analyze and consolidate list of projects generated by planning tools/applications (PMS/HDM-4, BMS, etc.) and other priority projects to be included in the AIP;
- Conduct coordination meetings with the implementing offices and review/analyze pre-construction activities, physical and financial status including project timelines/highlights as basis in determining projects to be included in the AIP including the amount to be appropriated/ allocated for the project.
- Consolidate/review proposed allocation for Feasibility/Preliminary Detail Engineering, Payments of ROW/Contractual Obligations/Public-Private Partnership Support Funds;

- Generate the Department's AIP (Nationwide) based on the final list of Foreign Assisted Projects (FAPs) and Locally Funded Projects (LFPs) to be submitted to DBM through Online Submission of Budget Proposal (OSBP) for review and approval.
- Prepare and submit supporting documents (BEDS forms, BP forms, PIP, PIB, etc.) to DBM and other oversight agencies.
- Maintain/manage the Project Identification and Programming System (PIPS).
- Review and process requests for realignment of funds/modification of projects; and
- Consolidate budget requirement of the department for inclusion in the DPWH budget proposal.

1.4 Project Preparation Division Functions

- Conduct master plan, pre-feasibility and feasibility studies inclusive of technical, economic and traffic aspects of infrastructure projects such as roads, bridges, flyovers, interchanges, bypasses projects utilizing preliminary engineering and economic evaluation procedures and practices to determine their technical and economic viability in support of plans and programs of DPWH;
- Gather social, economic, technical, traffic, hydraulic and hydrological and related data to support infrastructure project preparation activities, feasibility and project studies, as required;
- Recommend priorities indicating optimum timeframes for proposed development investment projects based on the findings from master plan and feasibility studies;
- When warranted, engage and supervise, if necessary, the services of consultants/experts to assist DPWH in the conduct of project preparation, feasibility studies, master plans and technical studies and, provide coordination between DPWH and these consultants/experts;
- Provide as maybe necessary technical counterpart staff in undertaking master plan, project preparation, pre-feasibility and feasibility studies and other technical/economic studies;
- Coordinate with concerned DPWH offices and concerned Government agencies, private sector, lending and donor agencies and private stockholders on project preparation and investment requirements of viable projects for local and external financing; and
- Perform other duties and responsibilities as maybe assigned.

1.4.1 Engineering and Traffic Section

- Identify, prepare and formulate project proposals and concept papers of road, bridge and road slope protection projects;
- Conduct field reconnaissance and data gathering/surveys e.g. traffic, alignment, unit cost per item, etc. of road, bridge and slope protection projects;
- Conduct technical and traffic assessment and evaluation of proposed road, bridge and slope protection projects;

- Conduct instructional seminar/workshops on Feasibility Study Preparation for DPWH Regional and District Engineering Offices;
- Extend technical assistance to other agencies and offices (e.g. LGUs, Regional Offices, District Engineering Offices, PMOs);
- Prepare Terms of Reference (TOR) for the proposed priority projects (road, bridges and slope protection) that will be subjected to Master Plan and Feasibility Studies (MP/FS) either by local or foreign consultants;
- Review project proposals/studies (technical and traffic aspects) prepared by local and foreign consultants;
- Conduct feasibility studies on road, bridge and slope protection projects as per instruction from the management; and
- Perform other duties that maybe assigned from time to time.

1.4.2 Economic Evaluation Section

- Identify, prepare and formulate project proposals and concept papers of roads, bridge and road slope protection projects;
- Conduct field reconnaissance and data gathering/surveys e.g. socio-economic, development plans and other transport generating sources, etc. of road, bridge and slope protection projects;
- Conduct socio-economic assessment and projections and economic evaluation of proposed road, bridge and slope protection projects;
- Conduct instructional seminars/workshops on Feasibility Study preparation for DPWH Regional and District Engineering Offices;
- Extend technical assistance to other agencies and offices (e.g. LGUs, Regional Offices, District Engineering Offices, PMOs);
- Prepare Terms of Reference (TOR) for the proposed priority projects (road, bridges and slope protection) that will be subjected to Master Plan and Feasibility Studies (MP/FS) either by local or foreign consultants;
- Prepare ICC-PE forms to be submitted to NEDA for evaluation;
- Evaluate the technical proposals on Master Plan or Feasibility Study prepared/submitted by the consultants;
- Review project proposal/studies (economic and financial aspects) prepared by local and foreign consultants;
- Conduct feasibility studies on road, bridge and slope protection projects as per instruction from the management; and
- Perform other duties that maybe assigned from time to time.

1.5 Statistics Division

- Manage the Road and Bridge Information Application System (RBIA), Locational Referencing System (LRS) and Geographical Information System (GIS);
- Conduct centerline survey on newly converted national roads including new alignment integrated on existing national road;
- Conduct actual site validation and quality control on visual road condition;
- Update maps reflecting the current national highways network and other relevant data using the GIS;
- Maintain all electronic data including spatial (geographic) data as an input to the production of digital maps;
- Provide annual report on road condition data to meet user's needs;
- Conduct training on RBIA and GIS;
- Conduct researches, inquiries and statistical data gathering on matters relevant to infrastructure planning;
- Conduct inspections, evaluations, and provide recommendations on request related to road conversion;
- Evaluate/Review the creation and classification of new/additional District Engineering Offices (DEOs);
- Prepare the yearly Infrastructure Atlas; and
- Perform other duties and responsibilities as maybe assigned.

1.5.1 Road & Bridge Information Administration Section

- Manage the Road and Bridge Information Application System (RBIA) and Locational Referencing System (LRS);
- Update the Locational Referencing System (LRS);
- Oversee/monitor the Regional RBIA and District Coordinators in conducting road inventory and condition surveys;
- Conduct field validation/spot-checking of road inventory data and LRS surveys using Geographical Positioning System (GPS);
- Conduct random site quality assurance on visual road condition assessment against condition data submitted by the ROs/DEOs to ensure the accuracy and timelessness of data;
- Conduct random site quality assurance on visual road and bridge condition data prior to uploading into the RBIA;
- Provide annual reports on road condition data to meet user's needs;
- Prepare reports on road condition by pavement type, functional classification, congressional district, bridges, etc.
- Perform other duties and responsibilities as may be assigned.

1.5.2 Geographic Information Administration Section

- Maintain all planning spatial (geographic) data.
- Review and update Metadata.
- Prepare frequently asked quality spatial data (Maps)
- Prepare templates (mxd files) for GI users.
- Coordinate with the GIA Unit-IMS on the publication of data sets.
- Assist in conducting trainings on GI;
- Assist in the conducting GPS survey;
- Process the conducted GPS survey;
- Perform other duties and responsibilities as may be assigned.

1.5.3 Road Conversion and Statistics Section (RCSS)

- Evaluate and validate request for road conversion by ROs, DEOs, LGUs, Congress, Senate and other concerned agencies;
- Prepare evaluation reports, recommendations on validated/evaluated proposed roads for conversion to the concerned ROs, DEOs, LGUs and other concerned agencies;
- Review and recommend classification of DEOs and evaluate request for the additional DEOs;
- Gather, consolidate and prepare summary in tabular form on socio-economic data;
- Conduct surveys and coordination with private and public entities in gathering economic unit cost and vehicle characteristics data as input in the HDM4 for the analysis of Vehicle Operating Cost (VOC);
- Prepare and update list of national road and bridges;
- Prepare and update the DPWH Atlas annually;
- Provide data to GI Section; and
- Perform other duties and responsibilities as may be assigned

For its efficient and consistent implementation of environmental and social safeguards policies, the DPWH uses the manuals, forms and templates available from the different environmental regulatory agencies. The DPWH has also developed its own documentary tools such as the following:

- i. Social and Environmental Management System (SEMS) Operation Manual
- ii. Infrastructure Right-of-Way (IROW) Procedural Manual
- iii. Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples (LARRIPP) Policy Document
- iv. Citizens Charter
- v. Road Safety Design Manual
- vi. Road Signs and Pavement Marking Manuals

1.4.2 SOCIAL SAFEGUARDS

DPWH recognizes the importance of incorporating the social safeguards in the planning of infrastructure projects. Foremost is the identification of the stakeholders which have jurisdiction over the project or affected by the project. Among them are the project proponent, government agencies, project-affected persons, host communities, neighboring communities, and public and private organizations. There are terms such as stakeholder identification, stakeholder analysis, stakeholder preparation, and stakeholder engagement. Systematic and methodical approaches are necessary for a lot of coordination works especially for large (Category A) projects. Projects not-required an ECC may just be limited to the site, boundary side neighbors, and LGUs.

The activities involved in carrying out a so-called Social Impact Assessment, in consultation with the project proponent and other modular experts in an EIA undertaking include:

- i. Conduct consultation with local residents
- ii. Gather primary and secondary data
 - a. Conduct survey of relevant features of the area (population trend, labor and employment, income profile, health indicators, sanitation)
 - b. Collect information and file data to establish baseline conditions
- iii. Quantify and characterize data collection
- iv. Analyze data
- v. Examine probable impacts (ex. displacement, health related issues, resettlement,)
- vi. Prepare recommended mitigation measures
- vii. Prepare social development plan, RAP and Gender Action Plan
- viii. List the parameters to be monitored
- ix. Prepare monitoring plan

TABLE 1: SOCIAL IMPACT ASSESSMENT PROCESS AND ACTIVITIES

Activities	OUTPUTS	Section Reference/Annex
1. Social preparation - IEC Conduct of consultation, project orientation and screening	Raised public awareness, views and feedback obtained regarding the project	Section 2.9.1
	Projects are screened and potential impacts initially identified	Annex 2: Screening Table for Project Environmental and Social Impact
2. Identification of stakeholders	Listings of stakeholder	Annex 6: Sample Matrix for the Listing of Stakeholders
3. Data gathering	Primary/secondary data obtained	Section 2.9.4
- Review of Secondary data (policies, other studies)	Policies reviewed	LARRIP, R.A. 10752, other relevant

Activities	OUTPUTS	Section Reference/Annex
		policies and existing studies, LAP/RAP
- Conduct of perception survey/FGD	Views, issues/feedback, recommendations obtained	Section 2.9.5 Perception survey; Annex 26 Section 2.9.6 Focus Group Discussion Annex 26: Perception Survey Protocol
- Conduct of inventory of losses of PAFs	Baseline information of PAFs, Profile of PAPs/views obtained Estimates on compensation	Annex 28: Socioeconomic Survey Inventory Survey Instrument,
4. Data Encoding and Analysis	Baseline information established Benefits and impacts identified and analyzed	Annex 2: Screening Table for Project Environmental and Social Impact Annex 11: Initial Environmental Examination (The People) Annex 26: Perception Survey Protocol (Result) Annex 28: Socioeconomic Survey and Inventory Form (Result) Annex 29: Criteria for Review of Social Aspects Annex 30: Checklist of Project Affected Persons and Assets
5. Prepare Safeguard Documents	RAP/IP Plan	Section 2.9.10 Mitigating Social Impact Section 6 LARRIP, Annex 30: Checklist of Project Affected Persons and Assets Annex 27 Simplified Land Acquisition and Resettlement Procedures
	Gender Action Plan (if applicable)	Annex 20 Social Development Plan Framework (applicable for Gender Plan)
	Social Development Framework (if applicable)	Annex 20- Social Development Plan Framework
9. Conduct of Public Hearing	Disclosure of the project study	Section 2.9.13 Public hearing
10. Endorsement	Project is officially endorsed and signed by EMB/DENR	Section 2.9.14. Endorsement and Decision Making

Activities	OUTPUTS	Section Reference/Annex
11. Monitoring	Internal and external monitoring conducted	Annex 31: Indicators for Gender LARRIP: Section G. Monitoring Indicators for IMA/EMA

There are many topics under social safeguards and few more relevant for infrastructure projects are briefly introduced here, as follows (i) Public Participation in the project planning; (ii) Gender Responsive Planning; (iii) Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples (LARRIP) Policy; (iv) Indigenous Peoples; and (v) Social Safeguards Plans. They are introduced into the project at levels commensurate to the potential impacts and risks of the projects.

Public participation is a key feature of DPWH performance requirements and a major component in project planning which establishes the socio-economic conditions of the people within, and surrounding the project areas, and identifies the impacts, risks and mitigation measures, benefits and opportunities. Prior to the regulatory EIA process, project proponents are encouraged to conduct social preparation thru public Information, Education, and Communication (IEC). The public is again called during the Public Scoping, Preparation of Social Development Plan, EIS review, and formation of the Multipartite Monitoring Team (MMT). The approach involves consultations which are open and participatory activities designed to provide opportunities for communities and affected persons to give feedback on Project risks, impacts and mitigation measures. Such consultations are based on inclusive and culturally appropriate processes to effectively engage and facilitate inclusion of impacted groups.

Gender Responsive Planning. The DPWH incorporated gender and development into the major phases of road infrastructure project from planning design, pre-construction, construction and maintenance. The “DPWH Gender Toolkit for Making Road Infrastructure Projects Gender Responsive” (2011) was developed using the Harmonized Gender and Development Guidelines for Project Implementation, Monitoring and Evaluation of NEDA. The Toolkit incorporates a framework that promotes equality and empowerment of women in terms of:

Welfare	degree to which social services equally reach women
Access	the condition where women are equally benefitted in terms of labor, employment, land, credit and basic services

Consientization	level of awareness of men and women about their rights and other opportunities
Participation	equal participation and involvement in decision making process
Control	equal opportunity and benefits over resources.

The LARRIP Policy. The Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples (LARRIP) Policy which was approved in February 2007. The LARRIP Policy is based on RA 10752, an Act to Facilitate Acquisition of the Right-of-Way, Site or Location for National Government Infrastructure Projects. The *Infrastructure Right-of-Way (IROW) Procedural Manual* was extracted from the LARRIP Policy, which is specifically designed for projects involving involuntary resettlement. The LARRIP Policy spells out the legal framework and donors' policies governing instances when infrastructure projects implemented by the DPWH cause the involuntary taking of land, structures, crops, and other assets resulting in some cases in the displacement and resettlement of affected persons. The LARRIP enumerates the entitlements and benefits that Project-Affected Families (PAFs) or Persons (PAPs) should rightfully receive under the law based on the Project's adverse impacts on their assets, livelihood, and lives. It expounds on safeguards to be followed based on Philippine law when these affected persons are Indigenous Peoples, living inside and outside an officially declared ancestral domain. Finally, the LARRIP Policy delineates the institutional framework for the implementation of the policy and provides mechanisms, both internal and external to the DPWH, for monitoring and evaluating the impact of safeguard measures, e.g. resettlement plan, indigenous peoples' action plan.

Indigenous Peoples. The SEMS Policy Framework incorporates the procedures that the National Commission on Indigenous Peoples (NCIP) has issued concerning the formulation of the Indigenous Peoples Action Plan and obtaining the Free and Prior, Informed Consent (FPIC) of Indigenous Peoples. It also relates the requirements demanded by the NCIP with the requirements of multilateral lending agencies.

The rights of Indigenous Peoples are well-established in Philippine laws and jurisprudence. The Philippine Constitution acknowledges and promotes the rights of indigenous cultural communities to their ancestral domains and recognizes the applicability of customary laws in determining the ownership and extent of these ancestral domains. (Section 22, Article II; Section 5, Article XII). It directs the State to protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions and to consider these rights in the formulation of national plans and policies. (Section 17, Article XIV). Following the directive of the Constitution, Congress passed the

Indigenous Peoples' Rights Act (IPRA) in 1997. The IPRA sets conditions, requirements, and safeguards for plans, programs, and projects affecting Indigenous Peoples. It spells out and protects the rights of Indigenous Peoples.

The IPRA also created the National Commission on Indigenous Peoples (NCIP) to carry out the policies set forth in the IPRA. The NCIP has issued a number of orders that puts into operation the provisions of the IPRA, the most important for the purposes of this policy is NCIP Administrative Order No. 3 s. 2012 or the *Free and Prior Informed Consent (FPIC) Guidelines of 2012*.

Social Safeguards Plans. From the above social policies, four (4) plans may be integrated in the EIS, as applicable, in addressing social concerns of projects, as follows: (i) Social Development Plan (SDP), (ii) Resettlement Action Plan, (iii) Gender Action Plan (GAP), and (iv) Indigenous Peoples Action Plan (IPAP):

- i. Social Development Plan (SDP). The main objective of the SDP is to undertake sustainable development initiatives beyond the project life. The full benefits of the project should be able to reach the most disadvantaged and vulnerable sectors which include the vulnerable groups that are residing within the immediate vicinity of the project area. The SDP should also be able to complement the existing development plan of the local government so that there will be joint efforts complementing each other's resources.
- ii. Resettlement Action Plan (RAP). This document provides a framework for addressing resettlement issues and concerns. The LARRIP Policy provides guidance in the preparation of the RAP. Reference will also be made on the DPWH document entitled "Citizen's Charter" for detailed guide in implementing the IROW.
- iii. Gender Action Plan (GAP). The gender mitigating actions to be developed by the project are designed to accelerate gender equity, improve women's roles in leadership, and especially in areas where local stereotypes and discrimination against women may still exist. The project's gender action plan (GAP) details actions ensuring that women are specifically invited to project consultation meetings, that households headed by women, and that women's representation (Ex. NGOs) are mobilized to participate in all project related activities.
- iv. Indigenous Peoples Action Plan (IPAP). The IPAP is required for all projects with impacts on Indigenous Peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on Indigenous Peoples. The details on the requirement for IPs are also specified within the framework of the LARRIP Policy.

2 PROJECT ENVIRONMENTAL PLANNING AND THE PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT SYSTEM IN OPERATION

This section provides an overview of DPWH Projects and timing of EIA-based safeguards activities. This section also prescribes the internal procedures of DPWH to be undertaken in order to obtain an Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) for an infrastructure project. Such procedures, which should be compliant with administrative laws of the Philippines, and administrative policies, guidelines and procedures of DPWH and other agencies, aim to comply with the regulatory procedure mainly taken from Revised Procedural Manual (RPM) of DAO 2003-30. **Annex 1** show the list of forms, templates with guidance as prescribed in the RPM. Some were adopted in this document for illustration.

2.1 DPWH INFRASTRUCTURE PROJECTS

The first information necessary for the operationalization of any project environmental planning for a specific project is a description of the project itself. Pursuant to Executive Order No. 124 dated January 30 1987, the Department of Public Works and Highways (DPWH) is mandated to undertake planning, design, construction and maintenance of infrastructure projects such as national roads and bridges, flood control systems, water resource development projects and other public works in accordance with national objectives. As the primary engineering and construction arm of the Government, the DPWH tasked to continuously develop its technology for the purpose of ensuring the safety of all infrastructure facilities and securing for all public works and highways, the highest efficiency and quality in construction

Infrastructure projects are classified as development, rehabilitation, reconstruction and improvement. Development refers to the construction of a new productive unit. Rehabilitation refers to the restoration of an existing unit to essentially the same condition as when it was first constructed. Reconstruction refers to the construction involving major modifications to the existing unit in terms of design, magnitude and efficiency. Improvement refers to the restoration of an existing unit to a condition better than that of the present.

Each infrastructure project follows a cycle of projects identification, project preparation, project implementation, and project operation and evaluation. These are described in Table 2.

TABLE 2: INFRASTRUCTURE PROJECT CYCLE

Project Phase	Description
1. PROJECT IDENTIFICATION	The process of collecting and identifying potential projects with expected return of investments, including the preparation of a master plant
2. PROJECT PREPARATION	
a. Project Feasibility Study	The feasibility study consists of various investigations and tests necessary to determine whether the project can and should be carried out and if, so, how and when?
b. Inclusion in the Public Investment Program ⁷	If the project meets the above feasibility criteria, it is considered for inclusion in the Public Investment Program for the period of six years
c. Fund Appropriation	Based on the medium-term infrastructure program, appropriations for the projects are authorized through legislation.
d. Detailed Engineering	Detailed engineering of a project under the medium term program is undertaken in preparation for actual implementation under the annual infrastructure programs.
e. Inclusion of Project in Annual Program	Projects proposed for inclusion in the annual infrastructure program are a) those that rank high in priority within the medium-term program, and b) those that are technically ready for actual implementation during the year (i.e. with substantially completed detailed engineering).
3. PROJECT IMPLEMENTATION	
a. Fund Releases	Immediately after the National Economic Development Authority (NEDA) Board approves the annual infrastructure program in early November, the DBM issues the Advice's of Allotment (AAs) for the projects in the program on a comprehensive basis.
b. Right-Of-Way Acquisition	The right-of-way of any infrastructure project shall be acquired ahead of construction in order not to impede the work.
c. Bidding and Contracting	In line with the policy of the government to rely on the private sector as the main engine of economic development,

⁷ Public Investment Program (PIP) refers to the six (6) years program which contains the rolling list of on-going and proposed projects, activities and programs (PAPs) implemented by DPWH in support to the policy and strategies of the PDP. The Philippine Development Plan (PDP) refers to the plan which serves as a guide to the Department in formulating policies and implementing development program for the medium-term plan that is aligned to the goals and objectives of the present administration.

Project Phase	Description
	infrastructure projects are generally undertaken by contract after public bidding.
d. Construction	Actual construction work is carried out through the Unified Project Management Office (UPMO) and the Regional/District Offices.
e. Completion and Acceptance	Project completion is the transition from the development to the Operation stage. Completion reports and as-built plans are prepared by contractor for the submission to the implementing office heads, to management, and to funding institutions.
f. Payment	Due and demandable claims are processed by the DPWH either at the Central, Regional or District level, in accordance with existing government budgeting, accounting and auditing rules
4. PROJECT OPERATION AND EVALUATION	
a. Operation and Maintenance	National roads and bridges, major flood control structures, and related facilities of national importance remain under the responsibility of the DPWH during the Operation phase. The Regional and District Offices undertake the maintenance of the facilities generally by administration.
b. Impact Evaluation	Impact evaluation or post-project appraisal is an attempt to assess the results of a project and, as a function of the results, of the means employed to achieve them

The corresponding safeguard activities are presented in **Table 2**

TABLE 2: SAFEGUARD ACTIVITIES IN INFRASTRUCTURE PROJECT CYCLE

Project Stage	Safeguard Activity
1. PROJECT IDENTIFICATION	Initial identification the nature and scale of environmental impacts, risk and measures and requirements under PD 1586 and other environmental and social laws rules and regulations as input to project selection, alternatives and prioritization, and avoid delays in project implementation
	Thorough environmental and social impact assessment and acquisition of Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC). Development of environmental and social management plans containing the relevant environmental and social safeguards, measures, safeguard

Project Stage	Safeguard Activity
	implementation cost and responsibilities
2. PROJECT PREPARATION	
a. Project Feasibility Study	Integration of results of environmental baseline data and environmental and social management measures
b. Inclusion of project in the PIP	
c. Fund Appropriation	Inclusion of environmental budget (Social Preparations, EIA related certifications, sector environmental permits, cost of environmental management measures, environmental monitoring fund, environmental guarantee fund, capacity building, Right-of-Way, involuntary resettlement)
d. Detailed Engineering e. Right-of-Way Acquisition	Inclusion of environmental and social safeguards into project design; iROW
f. Inclusion of Project in Annual Program: Programming	
3. PROJECT IMPLEMENTATION	Implementation of Environmental and Social Management Plans
a. Fund Releases	
b. Bidding and Contracting	
c. Construction	
d. Completion and Acceptance	
e. Payment	
4. PROJECT OPERATION AND EVALUATION	Environmental and Social Performance Monitoring and Evaluation
a. Operation and Maintenance	
b. Impact Evaluation	

The following are the guidelines in the application of EIA, given the infrastructure life cycle, policies under *DO 245 series 2003*, and best practices:

- i. At the Project Identification Stage, an internal screening of project impacts will be undertaken for the candidate projects to ensure project alternatives are identified to avoid significant environmental cost and delay in project implementation.
- ii. At the Project Preparation Stage, a detailed environmental and social impact and risk assessment will be undertaken as input to feasibility study and detailed engineering design, acquisition of environmental approvals (such as ECC, CNC and other environmental permits), and stakeholders engagement protocols.

- iii. Projects not required an ECC or granted a CNC shall have a social and environmental management and monitoring plans, as a self-imposed requirement.
- iv. At the Project Implementation Phase, the implementing Office shall implement environmental management plan, environmental monitoring plan, social develop plans, other plans, ECC conditions.
- v. At the turnover, the Project Environmental Records will also be turned over.

2.2 ROLES AND RESPONSIBILITIES

The planning of implementation of environmental safeguards involves various groups such as the Project Implementing Unit (as Project Proponent), REIAO and ESSD. A partial list of responsibilities based on Department Orders is compiled in **Table 3**.

TABLE 3: ROLES AND RESPONSIBILITIES BASED ON DEPARTMENT ORDERS

Topic	Provision	Department Order
1.0 General Safeguards Activities		
1.1 ESSD	<p>The ESSD⁸, shall act as the environmental service arm of the DPWH and shall provide environmental and social assessment support for foreign and locally funded projects being implemented by the Project Proponents of this Department, i.e. Bureaus, Project Management Offices and Regional/District Offices.</p> <p>In particular, the ESSD shall have the responsibility of overseeing the preparation, and once approved, the application of the DPWH environment policy.</p> <p>The role of the ESSD shall cover project planning, preparation, design, implementation, monitoring and post implementation evaluation.</p> <p>The ESSD shall coordinate closely with the other concerned offices of the DPWH to enable it to provide assistance during various stages of project planning and implementation.</p>	DO 220 1999
1.2 REIAO	<p>The creation of the REIAOs aims to strengthen the capability of the regional offices in carrying out the Department's environmental and social commitments.</p> <p>The REIAOs shall be responsible for implementing the DPWH social and environmental policies in the regional offices, in coordination with the ESSD in the Central Office</p>	DO 224 2003 ⁹

⁸ Originally the EIAPO

⁹ Operationalized in the Planning Service Handbook revision 3.0 issued last January 12, 2015

Topic	Provision	Department Order
	and under the direct supervision of the Chief, Planning and Design Division, Regional Office.	
	Regional Directors and District Engineers must be consulted and involved in the entire project development cycle from planning to implementation stage, and shall be furnished with the Program of Works (POW), Plans, Contract and Technical Specifications/documentations of the project before the start of implementation.	DO 224 2003
	The REIAO shall be directly under the supervision of the Chief of the Planning and Design Division of the Regional Office. The existing staff organized for the purpose prior to this Order shall remain within the REIAO.	DO 224 2003
2.0 Environmental Program of Work and Budget		
2.1 Cost Center	Cost incurred and tasks perform for the preparation of these [EIA] documents shall be charged against fund of the respective project.	DO 57 2016
2.2 Regional Offices	The Program of Work of such projects shall include such EIA-related activities and be included in Regional and District Engineering Annual Budget (refer to DO 224 series of 2003: Creation of Regional Environmental Impact Assessment Office-Budget).	DO 57 2016
	<p>The REIAO shall prepare an annual budget based on its projected operating expenses, to be included in the overall budget of the Regional Office.</p> <p>In addition, funds needed to perform tasks for specific projects shall be charged against funds of the respective projects.</p> <p>The Programs of Work for such project shall include such EIA-related activities that may be necessary and the corresponding funds needed to carry out the tasks.</p>	DO 224 2003
2.3 Implementing Office	The Implementing Office concerned shall ensure that the costs of implementing the environmental compliance and monitoring activities, as indicated in the SEMS Operations Manual, are included in the project budget. The required SEMS-related activities shall be determined during the preparation of the feasibility study for a project.	DO 245 2003
	The Implementing Office shall prepare an annual budget incorporating the costs of implementing the activities in the SEMS Operations Manual such as the monitoring and the conduct of environmental studies.	DO 245 2003
	The cost of implementing these [ECC] conditions and mitigating measures in the ECCs and EMPs/EMoPs shall be included in the project budget of the Implementing Office concerned.	DO 245 2003
	The Implementing Office (IO) shall ensure that IROW costs are always included in project budgets.	DO 05 2003
3.0 Environmental Certification		
3.1 Timing of ECC acquisition	The Project Proponent is directed to comply with the provisions of DO No.5, series of 2003, Item NO.7 which	DO 57 2016

Topic	Provision	Department Order
	states that "the ECC shall be secured before the detailed design for all projects".	
	Projects costing over P300 million, the ECC shall be secured before National Economic and Development Authority (NEDA) / Infrastructure (ICC) approval.	DO 05 2003
3.2 Preparation of EIA Report		DO 224 2003
3.2.1 Project Proponents	All Project Proponent (UPMOs, Bureaus, Services, Regional and District Engineering Offices) shall conduct environmental assessment, prepare the necessary environmental document and secure the corresponding environmental clearance whether ECC or CNC prior to project implementation.	DO 57 2016
3.2.1 REIAO	Conduct assessments for environmental and social impact.	
	Prepare Initial Environmental Examinations (IEEs), including Environmental Management Plans and Environmental Monitoring Plans.	DO 224 2003
	Assist the ESSD in the preparation of Environmental Impact Statements and other similar reports.	DO 224 2003
	Coordinate with Regional DENR-EMB offices regarding the issuance of Environmental Compliance Certificates (ECCs).	DO 224 2003
3.2.2 ESSD	Conduct assessments for environmental, social impact and land acquisition.	DO 220 1999
	Prepare relevant reports such as Initial Environmental Examinations (IEE), Environmental Impact Statements (EIS), Environmental Management Plans (EMP), Resettlement Action Plans (RAP) and other necessary documents.	DO 220 1999
3.2 EIA Document Review	All Environmental Impact Statements (EIS) for projects of the DPWH must be reviewed and recommended for approval by the ESSD. Initial Environmental Examination (IEE) Reports and IEE checklists and [applications for Certificates of] Non-Coverage (CNCs) must be reviewed and recommended for approval by the REIAO [now ESROW] of the region concerned.	DO 245 2003
3.3 Approval of EIA Report	All EISs, IEEs, IEE checklists and [applications for] CNCs must be approved by the implementing office concerned wherein the documents were prepared, before they are released.	DO 245 2003
3.4 CNC Acquisition	Proponent shall secure CNC, and shall prepare Project Description Report.	DO 57 2016
	The Environmental and Social Safeguards Division, Planning Service shall assist the project proponent in the online submission to the DENR-EMB concerned.	DO 57 2016
4.0 Stakeholder Engagement		
4.1 REIAO	REIAOs Coordinate with other DPWH offices, government agencies, local government units, and non-government organizations regarding environmental and social concerns in the region.	DO 224 2003
	REIAOs Conduct consultations and information dissemination programs to project affected persons (PAPs) and other stakeholders.	DO 224 2003
	REIAOs Provide guidance to DPWH staff at the Regional	DO 224 2003

Topic	Provision	Department Order
	and District levels and coordinate with local government units in carrying out the above studies by preparing required reports and documents, and LAPRAP implementation.	
	REIAOs Act as Coordinator of MRICs.	DO 224 2003
4.2 ESSD	Facilitate consultation and information dissemination to project affected persons and other relevant stakeholders.	DO 220 1999
	Coordinate environmental concerns with other DPWH offices, Government Agencies, Local Government Units and Non-Governmental Organizations.	DO 220 1999
5.0 EMP Implementation		
5.1 Implementing Office	Compliance to the conditions of the Environmental Compliance Certificates (ECCs), and implementation of the mitigating measures as contained in the Environmental Management Plans (EMPs), including the implementation of the Environmental Monitoring Plan (EMoPs) shall be the responsibility of the Implementing Office, to be monitored by ESSD.	DO 245 2003
	To ensure compliance to these above-mentioned conditions and mitigating measures, the tender documents for infrastructure projects subject for bidding will be included in the contractor's contract which will include special provisions for such environmental measures under "Environmental Clauses."	DO 245 2003
5.1 REIAO	Coordinate with Regional DENR-EMB offices regarding the compliance with ECC provisions Act as liaison between the Central Office and District Offices regarding Land Acquisition Plan and Resettlement Action Plans (LAPRAPs)	DO 224 2003
6.0 Project Monitoring		
6.1 Implementing Office	The implementation of the Environmental Monitoring Plan (EMoPs) shall be the responsibility of the Implementing Office, to be monitored by ESSD.	DO 245 2003
6.2 REIAO	Conduct environmental monitoring and post-implementation evaluation, and monitor Resettlement Action Plan (RAP) implementation.	DO 224 2003
	Initiate the creation of Multipartite Monitoring Teams (MMTs) in coordination with the Implementing Office and the Municipal RAP Implementation Committees (MRICs).	DO 224 2003
	Represent the Regional Office in the MMTs and participate in their activities.	DO 224 2003
6.3 Regional Directors/ District Engineers	To achieve a more transparent, effective and efficient implementation of PMO projects, the DPWH Regional Director/s and District Engineers are hereby designated as Special Project Monitoring Supervisors for all PMO projects in their respective area of jurisdiction.	DO 224 2003
	All foreign-assisted projects being undertaken by Project Management Offices (PMOs) shall be monitored by the Regional Director (RD) and District Engineer (DE) in their area of jurisdiction.	DO 224 2003

Topic	Provision	Department Order
	<p>The Regional and District Offices shall be furnished with Monthly Progress Accomplishment Status Reports by PMOs concerned.</p> <p>They shall invite the respective Project Directors to attend the Regional Staff Meetings.</p>	DO 224 2003
	The District Engineer/s concerned shall be one of the signatories in the final inspection of the project prior to final payment.	DO 224 2003
	The District Engineer/s concerned likewise shall be one of the signatories in the inspection prior to the issuance of final acceptance certificate.	DO 224 2003
	The Bureau of Construction (BOC) and the Central Procurement Office (CPO) shall be furnished copies of inspection report and final acceptance certificate.	DO 224 2003
6.3 ESSD	Conduct environmental monitoring; Monitor RAP implementation and conduct post implementation evaluation.	DO 220 1999
7.0 Capacity Building		
7.1 REIAO	Enhance regional capacity in EIA through participation in social and environmental training programs of the Department and other agencies.	DO 224 2003
	Maintain a collection of reports, books, publications, maps and other reference materials related to Environmental Impact Assessment (EIA).	DO 224 2003
7.2 ESSD	Provide guidance to regional and district level DPWH staff and local authorities in carrying out the above studies, preparation of documents and RAP implementation.	DO 220 1999
	Provide training at regional, district and local level for consultation/participation, RAP implementation, environmental management planning, environmental monitoring, EIA tools and other new techniques.	DO 220 1999
	Maintain and update the existing data bank and Geographical Information System (GIS).	DO 220 1999

2.3 PROJECT SCREENING FOR ENVIRONMENTAL AND SOCIAL IMPACTS AND SAFEGUARDS AT PROJECT IDENTIFICATION STAGE

Objective	Initial identification the nature and scale of environmental impacts, risk and measures and requirements under PD 1586 and other environmental and social laws rules and regulations as input to project selection, alternatives, prioritization, feasibility study and development of Environmental Program of Work; and to avoid delays in project implementation.
Timing	Project Identification Stage, prior to the regulatory EIA process under PD 1586
Deliverable	Filled out Screening Checklist Project Environmental and Social Impacts (See Annex 2) Project Category, Type Environmental Certificate, EIA Report, Application Office
Lead Group	Project Proponent/Proposing Group (UPMOs, Bureaus, Services, Regional and District Engineering Offices (DPWH DO 57 s. 2016))
Support Group	ESSD, REIAO (environmental groups)
Activities	<ol style="list-style-type: none"> 1. The Lead Group, with any requested assistance from the Support Group, shall fill out an internal Screening Table for Project Environmental and Social Impact (Annex 2), attaching relevant clear location maps such as NAMRIA topographic map, road map, satellite image, and cadastral surveys, land use map from the local Comprehensive Land Use Plan. The activity may include reference to: Technical Definition of Environmentally Critical Areas and Corresponding Operationalization Guide (Annex 3). Supporting documents include photographs or videos of the proposed location and neighboring lands to show vegetation, rivers, built up structure and important sites. 2. The Lead Group identifies the requirements under PD 1586 (Philippine EIS System), such as Project Category, type of certification (ECC or CNC), EIA certification report type (EIS, IEE, EPRMP) with reference to Annex 4: Project Thresholds for Coverage Screening and Categorization. The requirements for project modifications are found in Annex B of EMB MC 20014-005 or the Revised Guidelines for Coverage and Screening and Standardized Requirements

	<ol style="list-style-type: none"> 1. Lead group shall also make a list of other possible environmental approvals such as permits, certification, and endorsements. 2. The results will form part of Project Preparation Documents
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2.4 PREPARATION OF PROJECT ENVIRONMENTAL PROGRAM OF WORK

When the project has been identified, the Project Implementing Office prepares an Initial Environmental Program of Work as input to project feasibility study, consisting of a list of environmental activities per succeeding project phase, responsible groups and positions, and indicative scale of cost. The nature and scale of activities is commensurate to the nature and scale of potential environmental and social impacts and risks. The inputs to these activities would come from the experience in earlier projects.

Among the major items are as follows:

- Organization
- Project Notifications to Stakeholders (Public, LGU, national agencies, NGOs, POs, interest groups, utility companies)
- Public Consultation, (direct and indirect impact areas)
- Baseline environmental characterization (land, water, air, people)
- Environmental Impact assessment
- Environmental Certification (ECC or CNC)
- Right-of-Way, as applicable
- Tree-Cutting Permit, as applicable
- IP FPIC Process, as applicable
- Involuntary Resettlement, as applicable
- Engineering measures
- Environmental Monitoring
- Budget

An Annual Environmental Program of Work which outline more detailed tasks is prepared when the project proceeds into the safeguards implementation stage, as in the initial stakeholder engagement (project announcement, IEC, coordination with various agencies or organizations) and securing environmental certificate (ECC or CNC), permits and endorsements.

2.5 ORGANIZING THE PROJECT ENVIRONMENTAL AND SOCIAL SAFEGUARDS TEAM

Referring to the result of the Project Screening, the Project Implementing Office will identify specific DPWH units, positions and persons, as composite teams who will be involved in the planning,

implementing and evaluation of environmental and social safeguards. This shall include the lead group and support group for specific tasks.

2.6 PROJECT STAKEHOLDER IDENTIFICATION, ANALYSIS AND PREPARATION

As early as the screening stage of every simple or complex project (ECC required or CNC eligible), the project stakeholders especially the project-affected communities are identified and analyzed for engagement. They are informed and consulted on the project at the earliest stage of the project, as a general rule of courtesy. This ensures a timely, well-informed public participation of potentially-affected communities, organizations and other government agencies. Consultations should be based on inclusive and culturally appropriate processes to effectively engage and facilitate inclusion of impacted groups, disadvantaged and vulnerable groups, including women. Consult with local residents, professional and experts on their views both positive and negative impacts about the project and solicit recommendations to mitigate any identified adverse impact. This can be done through key informants' interview (KII) focus group discussions with household, sectoral groups and other sectoral groups Include women in the discussion.

Objective	To identify, analyze and prepare the legitimate stakeholders for the proposed project.
Timing	Project Identification, Feasibility and Detailed Engineering Design
Deliverable	List of legitimate stakeholder (Annex 7) IEC Report
Lead Group	Project Implementation Office
Support	ESSD / REIAO
References	DENR Memorandum Circular 2010-14 Standardization of Requirements and Enhancement of Public Participation in the Streamlined Implementation of the Philippine EIS System RPM Annex 2-3 Pro-Forma Stakeholder Identification Matrix (Annex 6) RPM Annex 2-19 Template For Information, Education and Communication (IEC) Plan/Framework (Annex 8) RPM Annex 2-4 Summary List of Pre-Scoping IEC Activities and Issues (Annex 9)

Activities:

1. At the Project Identification Stage, initially identify the direct impact areas which are the footprint of the project and potential locations of support facilities, using the large scale project site and vicinity map. NAMRIA topographic map, satellite image and

land use map. Plot any identified environmentally critical areas, built up areas and other areas of interest. Refer to **Annex 5** (Annex 3 of DMC 2010-14) on the guidelines for determining direct and indirect impact areas, and **Annex 7** (Annex 4 of DMC 2010-14) on the guidelines for stakeholder identification.

2. Fill out Annex 6 (RPM Annex 2-3) Sample Matrix for the initial list of stakeholders general with reference to guidelines in stakeholder identification in **Annex 7** (Annex 4 of DMC 2010-14), under the following clusters
 - i. Individuals/households/communities within the smallest local government unit where the project is located.
 - ii. Household deriving their primary income from the direct impact area
 - iii. Organizations/sectors who are locally active in the direct impact area
 - iv. Agencies who have mandates or exercise authority over the project
 - v. Entities who may have identified as having legitimate interest in the project as validated by EIA study findings
3. Plot on the map the indirect impact areas located at the neighborhood of the project footprint and support facilities. These areas include those that may be affected by noise and dust emissions (around 300 meters); water ways which may be affected by siltation; biologically sensitive areas; and important structures such as cultural properties which may be affected by induced encroachment and aesthetics (about 1 km radius).
4. Label on the map (by pointer or numbered areas) the list of stakeholders.
5. Maintain a list of contact persons, and contact details, interest over the project site.
6. Notify the stakeholders thru an IEC of the proposed project once the project is included in the Philippine Investment Plan. Project notification includes the Barangay, Municipal or City, and Provincial officials and its planning groups.
- 6.1 Organize an IEC Team which may include locally-based Communication or Language Teachers or Community Organizers in planning, implementing, assessing and documenting the conduct of IEC
- 6.2 Prepare a tabular IEC Plan using Annex 8 (RPM Annex 2-19) with such heading as target sector identified as needing project IEC, major topic/s of concern in relation to the project, IEC scheme / strategy / methods, information medium, indicative timelines and frequency, indicative cost. Ensure the level of effort is commensurate to the potential impact and risks of the project or by Project Category.
- 6.2 Select and prepare for appropriate IEC methods
 - a. Individual methods, e.g. home visits, personal letters, focus interviews

- b. Group methods, e.g. meetings, study tours, group workshops, Focus Group Discussions
 - c. Multi- media, e.g. newspaper publication, radio broadcast, web posting
- 6.3 Use different kinds of information materials such as flyers, pamphlets, comics, posters, newspapers, banners) or in other forms, such as video, film, and sound slides.
- 6.4 In conducting an IEC for a specific group:
 - i. Make arrangement for venue that is a neutral ground, readily accessible to the public, enough to accommodate the participants, free of distractions, with good lighting, audible clear sound system conducive for free expression.
 - ii. Prepare the Program for two-hour IEC.
 - iii. From the list of stakeholders identified, prepare list of invitees and send them invitation letters, with a brief project information and purpose of the
 - iv. Prepare materials for presentation and distribution including copies of the Project Description for Scoping,
 - v. Conduct the IEC proper, with process documentation.
 - a. Provide an overview of the project objectives, expected benefits and timing of the study period. Obtain and document initial feedback from key informants.
 - b. Use the screening form (**Annex 2**) for the initial observation and assessment of potential impacts.
 - c. Set schedule for the conduct of perception survey and focus group discussions.
 - vi. Prepare an IEC Report in tabular form, consisting of stakeholder covered, date, venue, list of list issues and concerns, proponent's response. Attach the list of attendees that forms part of the request for scoping with EMB and EIS.
- 6.4 Set-up an announcement billboard or billboards at reasonable distances in viewable areas to inform the local residents of the project title, proponent, vicinity map, inclusive dates of implementation, and contact details.
- 6.5 Prepare the material with balance and complete information and in such a manner and language for easy understanding, as possible in the local dialect.
- 6.6 Include in the materials a description of the proposed project, the proponent, the EIA process, expected outputs and appropriate studies such as evaluation of public health, environment, population, gender, socio-economic, and cultural impacts of the project or undertaking and the appropriate mitigation and enhancement measures
- 6.7 Design the IEC to inculcate value formation by making the members of the community aware of their responsibilities as stakeholders.
- 7. Along with the IEC, consult the stakeholder on the issues about the project.

8. Prepare an IEC Report containing the list of stakeholder, activities and results of substantive matters tackled, attaching the communication documents, materials used, attendance sheets, list of issues and concerns, and photographs and videos of activities. **(Annex 9)** [RPM Annex 2.4]
9. Update the list of stakeholders as the project proceeds to the different project stages.

2.7 APPLICATION FOR CERTIFICATE OF NON-COVERAGE (CNC)

Objective: To confirm the project is not required an ECC

Deliverable Certificate of Non-Coverage

Lead Group: Project Implementing Office

References EMB Memorandum Circular 2015-003, CNC Online User's Manual

Procedure

A. ONLINE Application

1. In preparation for an online application¹⁰, familiarize with EMB Memorandum Circular 2015-003, CNC Online User's Manual
2. Fill out manually a CNC application form **(Annex 10)**
3. Log-on to the EMB-EIA Website (<http://emb.gov.ph/> or <http://119.92.161.13/projectchecker/onlineapplication.aspx>)
4. Click the "Verify coverage of your Project and Submit CNC Application"
5. Supply the information the verification routine
6. Once confirmed that the project is not covered on the page for "Project Coverage Screening Completed", click "Apply for CNC"
7. Supply the required information based on the earlier manually filled out CNC application form. Attach project layout of less than 5 MB
8. Click the "Submit this Application"
9. Click the "Print Order of Payment". Secure a duplicate copy of the Order of Payment for reference. Do not lose the application reference No. (ARN) which is used in

¹⁰ Only projects classified as Category D which are less than or equal to 1 hectare and have not been previously issued an ECC may apply for CNC Online. CNC applications for other types of Category D projects, environmental enhancement projects and for projects established prior to 1982 shall be filed at the EMB Regional office with jurisdiction over the project area by submitting a project description.

Environmental Enhancement (Category C) are projects or undertakings not falling under Environmentally Critical Projects (Category A) or Non-Environmentally Critical Projects (Category B) which are intended to directly enhance the quality of the environment or directly address existing environmental problems. The application should be applied at EMB Regional Office where the project will be located.

updating payment and tracking the status of application

10. Click "Save File" and Ok
11. Pay the processing fee to any LandBank Branch Nationwide
 - i. Proceed to any LandBank branches to fill out the ONCOLL Payment Slip indicating the account reflected in the order of payment and the EMB as the Agency Name. Other fields should be accomplished as follows:

Reference No. 1: Project Name

Reference No. 2: Agency Code

Reference No. 3: Order of Payment Reference No.
 - ii. Present Accomplished ONCOLL Payment Slip together with the Order of Payment printed from EMB's CNC Online System and payment to the Bank Teller
 - iii. Secure Teller's Validation
 - iv. Input payment transaction reference information in the online CNC System on or before (15 days from inputting the project information. Otherwise, the application is automatically removed from the system and project information has been re-encoded to generate a new order of payment. Payment is non-refundable
12. Go back to the Online CNC Application System and click "Update Payment or Track Status of your CNC Application"
13. Enter the Application Reference No. (ARN) indicated in the Order of Payment and click Verify
14. Attach the scanned copy of the GOVERNMENT ID of the owner and BANK RECEIPT
15. To track status of application go back CNC Online System and click "update payment or track status of your application" after seven (7) working days and you can download your approved CNC.

B. Application at Regional Offices (alternative mode)

1. Complete CNC Application Form (**Annex 10**) containing a brief description of the project, and a map of the project site.
2. Prepare a cover letter to formally stating the application for a CNC. The letter must justify why the project is not covered by the EIS system. This justification must cite a specific provision of *DAO 03-30*, *EMB MC 2014-005*, or the *DPWH-DENR MOA*. In addition, it is worth emphasizing in the letter that the impact of project on the

environment is minimal, and that the project site is not considered a critical area.

3. Submit the application for a CNC to the proper EMB Regional Office. Pay the required filing fees, and make sure that a dated proof of acceptance or receiving copy of the application is received from the DENR.

2.8 ECC ACQUISITION FOR IEE CHECKLIST-REQUIRED PROJECT

Objective: To secure and ECC for a Category B infrastructure project

Lead Group: Project Implementing Office

Support Group ESSD / REIAO

References EMB Memorandum Circular 2015-008 [Implementation of Online Processing of Environmental Compliance Certificate (ECC) Applications for Category B projects requiring Initial Environmental Examination (IEE) Checklist Report Forms under the Philippine Environmental Impact Statement System (PEISS)];

ECC Online Application System User Guide for Online ECC Applicants;

IEE Checklist for Roads and Bridges (**Annex 11**)

Procedure for Online Application

1. Fill out the IEE Checklist working document (Sample in **Annex 11**) as source of data for encoding, and the following documentary requirements in pdf file for attachment (maximum of 10 Mb)

Documentary Requirements:

- i. Geo-tagged photographs of proposed project site
- ii. Maps of impact/affected areas (showing at least 1 km from the project boundaries)
- iii. Certification from Local Government Unit (LGU) proving the compatibility of proposed project with existing land use plan
- iv. Site Development plan/ Vicinity map signed by registered professionals
- v. Project/Plant layout signed by registered professions
- vi. Schematic diagram of wastewater treatment facility (if applicable)
- vii. Schematic diagram of air pollution control facility (if applicable)
- viii. Organizational Chart in charge of environmental concerns
- ix. Proof of authority over the project site (e.g. land title, lease contract, deed of absolute sale, etc)
- x. Duly accomplished Project Environmental Monitoring and Audit Prioritization Scheme (PEMAPS) questionnaire

2. Access the Online System (<http://emb.gov.ph/> ; <https://119.92.161.21/live/>)
 - 2.1 Click the 'Continue' button to load the login page. Once directed, security certificate warning may display when using Firefox. Security warning may vary with other browsers.
 - 2.2 Click "Add Exception" and "Confirm Security Exception" to load the login page

3. Register an Account
 - 3.1 Register once to submit one or more applications. To create an account, click 'Sign-up Now'.
 - 3.2 Review the 'Terms and Conditions'
 - 3.3 Tick the checkbox in agreement to 'Terms and Conditions'.
 - 3.4 Click the 'Continue' button. This opens the registration page
 - 3.5 Provide the Business and user information. Use a valid email address, birthdate which is used to recover password in case. Use full name as User Name to log into the system.
 - 3.6 To upload an attachment, click the 'Browse' button to locate the file. Then click the upload icon. Do this for each attachment. Once attached, the file description becomes clickable. The system accepts only file of PDF extension with size not larger than One (1) Megabyte.
 - 3.7 Click the file description such as the government ID to view and to double check the attached file.
 - 3.8 Review the information and click 'Register Now' button, with automatically log in for successful registration.

4. Recover password if needed

In the event forgotten password, follow the steps below. The password is sent to the email address used during the registration.

 - 4.1 From the login page, click 'Can't sign-in to own account' to open the recovery page.
 - 4.2 Provide the Surname, email address and Birth Date used during registration.
 - 4.3 Click 'Recover' button.
 - 4.4 Check account email for the system notification.

5. Changed User Account Security Information, if needed

For security purposes, it is recommended to password right after logging in for the first time and also periodically. The password should be at least 8 characters in length with a combination of alpha and non-alphanumeric characters.

 - 5.1 To change Password

- 5.1.1 Hover the mouse over the Welcome menu located at the right top portion of the page.
- 5.1.2 Click 'Manage Account'.
- 5.1.3 Provide the 'Current' and 'New password'.
- 5.1.4 Click 'Change' Button
- 5.2 To change Password Recovery Information
Email Address and birthdate are used when recovering password. Update account mobile number and email address using the 'manage account' page.

Provide the new information and click the 'Update' button.

6. Logging in and out the system

- 6.1. From the log in page, provide the full name and password used during the registration.
- 6.1. To log out, hover the mouse on the welcome menu located at the top-right portion of the page.

7. Preparing an ECC Application

7.1 Access the Application Routine

Once logged in you can now start drafting an application. You can draft more than one application if you have multiple projects. Reach **Step 6** to save the draft application.

- 7.1.1 From the menu, click 'New Application'
- 7.1.2 In Step 1, answer the question. Note: Project with existing ECC or established prior to 1982 with expansion or modification is not covered by the ECC Online Application System. Personally visit the EMB regional office where the project is located.
- 7.1.3 Click the 'Next' button to go to Step 2 for the project type.
- 7.2 Project Type Coverage.
- 7.2.1 In Step 2, provide the keyword for the major type or component of the proposed project. In this case 'water'. Refer to Annex A of the Revised Guidelines for Coverage Screening and Standardized Requirement under Philippine PEIS System (EMB MC 005-2014).
- 7.2.2 Click the Search icon.
- 7.2.3 From the search result, locate the appropriate type of project.
- 7.2.4 Provide the capacity and click the select icon. Capacity should include numeric and period only. Comma and spaces not allowed.

Proceed to Step 3 for project description if the type and capacity of the proposed project requires an IEE Checklist

7.3 Project Type Description.

In Step 3, provide the description of the proposed project and other details.
Note: Maximum of 4000 characters only including spaces.

7.4 Project Area and Geo-Coordinates

7.4.1 Click 'Next' button to proceed to Step 4 for the geo-coordinates.

7.4.2 In Step 4, for project such as road, click the Line shape, else click the Polygon. Each shape represents a single project area.

7.4.3 Click the OK button to add a line or polygon. The new area will not appear in the dropdown list.

7.4.4 Enter the coordinates then click 'Add Point'. You need a minimum of 2 points for line area and 3 points for polygon. Pad "0" to comply with the number of characters in the longitude and latitude

Coordinates should be entered in sequence from point to point. Double check the coordinates before and after adding the point.

7.4.5 Remove erroneous point by clicking the corresponding delete icon.

7.4.6 To remove the whole area, click 'Remove Area' button. This action permanently removes the selected area and its coordinates.

7.5 Project Area in the Map

7.5.1 View the project area in the google map by clicking the Map Icon. Google map may take some time to completely render in the page. Some browsers also prevents a pop-up window from displaying, as shown below.

7.5.2 Click the 'Options' and select 'Allow pop-ups from...'

7.5.3 Double click the mouse left or right button inside the map to zoom in and out or press the left mouse button while dragging the map to move focus.

7.5.4 Close the map and click 'Next' to forward to Step 5 for the Basic Project Information.

7.6 Basic Project Information

By default, the system retrieves some information provided during the registration specifically the proponent information.

7.6.1 Provide the proponent and project information. Project Area, Footprint Area, No of Employees and Project Cost accept numeric value and point only. Comma and space are not allowed.

7.6.2 Click 'Next' to proceed to Step 6 for IEE Checklist & Other Requirements

7.7 IEE Checklist & Other Requirements

On this step, the system generates the documents for project description, sworn statement, PEMAPS, order of payment and fillable IEE Checklist template that is appropriate for the proposed project.

7.7.1 Click the documents to download and then save the file in the computer. For fillable pdf, download and save the file in the computer to be able to edit and save changes.

7.7.2 Print all documents and fill out the forms for notary.

7.8 Order of Payment – Application Fee

7.8.1 Using the Order of Payment, pay the corresponding application fee in the nearest LandBank branch.

7.8.2 Click 'Next' to proceed to Step 7 for the complete list of ECC application requirements.

7.9 Uploading ECC Application Requirements

In this step, the core ECC application requirements for the proposed project are listed. There may be special requirements unique to the project not included in the list. In this case, additional information is required by the EMB during the application process.

7.9.1 Upload the initial documents such as the notarized IEE Checklist, Bank Receipt and other available documents. Note: The system allows only PDF file not larger than 10MB.

7.9.2 Click the 'browse' button to select the file

7.9.3 Click the corresponding upload icon.

7.9.4 Once document is uploaded, the document description turns into a link where to download the uploaded file for verification purposes. Upload a single PDF file for each requirement. Uploading another file overrides the previous attachment.

7.9.5 To remove attachment, click the delete icon.

For now, sign out the system while preparing the other requirements. All information that was entered on this stage is completely saved in the database which can be retrieved anytime.

7.10 Resuming the Pending ECC Application

All information is retrievable when step 6 is reached during the drafting of the ECC.

7.10.1 Click 'For Action' from the main menu.

7.10.2 Locate the pending application from the For Action Page.

7.10.3 Click the corresponding Select Icon to continue working with the application.

- 7.10.4 Click 'Next' until you reach Step 7 to continue the uploading of documents.
- 7.10.5 Click 'Next' to proceed to the last Step to confirm the submission of the application.
- 7.11 Submitting the ECC Application
 - Take time to review the application before submitting online. Make sure to attach the required documents.
 - 7.11.1 Click 'Next' to open the confirmation window.
 - 7.11.2 Click 'Ok' to confirm the submission.
 - The application is received by the default recipient of the EMB regional office where the project is located.

8. Verifying Status of ECC Application

Once the application is submitted, verify its status and location by clicking the 'ECC Applications' from the menu.

- 8.1 Click 'ECC Applications' from the menu.
- 8.2 Locate the Application from the list to view status and location.
- 8.3 Click the select icon to view routing history.

9. Application for Action / Additional Information Required

There are instances when the application may be for clarification, additional information or for the notarization of ECC. In this case, the application requires appropriate action from the applicant. All returned applications appear in the 'For action' page. This page serves as the applicant's inbox.

- 9.1 Viewing the required action
 - 9.1.1 Click the 'For Action' from the menu.
 - 9.1.2 Locate the application from the list and click the select icon to open the application.
 - 9.1.3 Click the select icon to view details and provide action. This opens the application Action Page as shown below.
 - 9.1.4 Click the status in Recent Activity to view any associated attachments such as evaluation report.
- 9.2 Attaching the required documents
 - When an application is returned for additional information, the required files are added in the list of the required documents. This may include the previous attachment that did not pass during the evaluation.
 - 9.2.1 Select the required document from the list

- 9.2.2 Click 'Browse' to select the corresponding electronic copy of the document.
Note: Only PDF File not larger than 10MBPs is allowed.
- 9.2.3 Click the upload icon. The uploaded documents appears in the list as shown below.
- 9.2.4 Double check the attached documents by clicking the uploaded files.
- 9.2.5 Provide Remarks
- 9.2.6 Click the 'Return' button

- 10 Downloading the Decision Document (ECC/Denial Letter)
Once the ECC Application is approved, it will appear in the applicant's 'For Action' page for downloading and then uploading of the notarized version of the document.
 - 10.1 Click 'For Action' from the menu
 - 10.2 Locate the approved application from the list
 - 10.3 Click the select icon to open the Action Page
 - 10.4 From the action page, click the action required in the 'Recent Activity' to download associated attachment, in this case the signed ECC.
 - 10.5 Print the ECC and affix applicant signature for notary.
 - 10.6 Return to this page to upload the notarized copy of the ECC.

- 11 Uploading of the Notarized ECC
The notarized ECC shall be submitted back to EMB to complete the application process. Upload of the full version (all pages) of the notarized ECC.
 - 11.1 Click 'For Action' from the menu.
 - 11.2 Locate the approved application from the list.
 - 11.3 Click the select icon to open the Action Page.
 - 11.4 Select 'Notarized ECC' from the list of required attachment.
 - 11.5 Click browser to select the scanned copy of the Notarized ECC
 - 11.6 Click the Upload icon.
 - 11.7 Provide the Remarks.
 - 11.8 Click the 'Return' button.

- 12 ECC Publication in EMB Website
The Notarized ECC together with the signed version will become accessible to other agencies and the public from the E-Library of the EMB website.
 - 12.1 Click 'ECC Online Application – ECC Issued. This will direct to the list of issued ECCs.
 - 12.2 Locate the project from the List of Issued ECCs.

12.3 Click 'View Certificate'

For technical concerns, call (02) 920-2232 or send an email to support@emb.gov.ph. Include screenshots of the page before and after you encounter the error to help expedite in resolving the issue.

2.9 ECC ACQUISITION FOR EIS-REQUIRED (CATEGORY A) PROJECTS

Objective Secure an EIS-required ECC for Category A Projects

Deliverable Environmental Compliance Certificate

Lead Group ESSD

Support Group

Timing Pre-Feasibility Study of the Project

Activities

1. Preparatory Works
 - 1.1 Assemble Core and Support Teams through in-house and consultants (technical team leader, administrative team leader, modular experts, EIS integrator, peer reviewer, and support group). Observe DPWH policy and rules on contracting out consultants. Ensure that modular experts are not EMB EIA Reviewers in the same region of the project.
 - 1.2 Prepare a Program of Work (one year)
 - 1.3 Prepare and request for the budget under the project cost/pay center
 - 1.4 Prepare Records Keeping Plan for the consolidation of EIA documents
 - 1.5 Prepare Communications and Coordination Protocol
 - 1.6 Prepare Logistics Plan
 - 1.7 Prepare relevant forms
2. Implement the Program of Work
3. Prepare and Submit Progress Report until the ECC is issued

The Program of Work follows the a full-scale EIS-based process, as outlined in the Revised Procedural Manual (RPM) of DAO 2003-30, as follows

1. Scoping
 - 1.1 Social Preparation/IEC
 - 1.2 Request for Scoping with EMB

- 1.3 Review Team Formation, Scheduling of Three-Level Scoping Activity
- 1.4 Three-Level Scoping Activity:
 - a) 1st Level: Project Briefing Meeting with Review Team,
 - b) 2nd Level: Public Scoping with Community and
 - c) 3rd Level: Technical Scoping with Review Team
- 1.5 Final Approval of Scoping Checklist
2. EIA Study and Report Preparation
3. EIA Report Review and Evaluation
 - 3.1 Procedural Screening of EIA Report
 - 3.2 Payment of filing fee/ Set up Review Fund
 - 3.3 Submission of Procedurally-accepted Application Documents
4. Substantive Review
 - 4.1 Reconvening of Review Team (RT) and Distribution of EIA Report copies to RT members
 - 4.2 Review Proper by Review Team (EMB CH, EIARC, RP)
 - 4.2.1 1st Review Team Meeting
 - 4.2.2 Site Visit (SV), Public Consultation (PC) or Public Hearing (PH)
 - 4.2.3 2nd/ 3rd Review Team (RT) Meeting
 - 4.2.4 Submission of EIARC Report by EIARC Chair
 - 4.2.5 Submission of Review Process Report (RPR)/ Recommendation by EMB Case Handler
5. Endorsement of Recommendation
6. Sign-off/ Issuance of Decision Document
7. Transmittal of ECC to Concerned GAs/LGUs

2.9.1 SOCIAL PREPARATION / IEC

Large projects or Category A projects are subject to diverse issues involving many stakeholders who should be informed and prepared through Information, Education and Communication (IEC). The activity aims to complete the list of stakeholders initially identified in the Screening Stage of the proposed project. It also aims to surface preliminary key environmental issues by sectoral stakeholders prior to Public Scoping. Priority is given stakeholders at the Direct Impact Areas (DIAs) followed by LGUs in the estimated Indirect Impact Areas (IIAs). Conduct separate IECs to local officials, barangay, municipal/city, provincial and provincial levels. Include in the IEC the agencies with

direct supervision over the area such as those in forest areas, irrigation, tourism, and cultural zones to determine areas to avoid or requiring project separation distance or buffer zones. IEC activities have been presented in **Section 2.6**.

2.9.2 REQUEST FOR SCOPING WITH EMB

Scoping set-out the Terms of Reference for the EIA study. The EIS Team shall do the following:

1. Obtain from EMB a copy of the applicable Technical Scoping Checklist for the proposed project (See Sample Form, **Annex 12**)
2. Submit to EMB five (5) sets of **Pro-forma Letter of Request for Scoping** using the format in **Annex 13** (RPM Annex 2-5), attaching the Project Description for Scoping, outlined in **Annex 14** (RPM Annex 2-6), with supporting documents:
 - a. Map and Description of Preliminary Impact Areas
 - b. Stakeholder ID Form using **Annex 6** (RPM Annex 2-3),
 - c. Summary IEC documentation using **Annex 9** (RPM Annex 2-4), and
 - d. Filled out scoping portion of the appropriate EIS Screening Form

EMB forms the prospective Review Team within five (5) working days from receipt of letter-request. The Review Team consists of an EMB Case Handler, third party EIARC members and/or Resource Person. EMB confirms the date and venue of the Three-Level Scoping Activity.

3. Conduct Project Briefing with Review Team (RT), during which Proponent presents a project overview, key issues and proposed TOR of EIA Study.
4. Conduct Public Scoping with project stakeholders, during which community sectors raise their issues to be addressed in the EIA Study.
 - a. Assemble the team for the Public Scoping
 - b. Make arrangement for venue that is a neutral ground, readily accessible to the public, enough to accommodate the participants, free of distractions, with good lighting, audible clear sound system conducive for free expression.
 - c. Prepare the Program for Scoping using **Annex 15** [RPM Annex 2-27]
 - d. Prepare list of invitees. and send invitation letters (include EMB representatives)
 - e. Prepare materials for presentation and distribution including copies of the Project Description for Scoping, Public Scoping Form
 - f. Conduct of public scoping.
 - g. Summarize issues and concerns of stakeholders.
 - h. Prepare Public Scoping Report using **Annex 16** (RPM Annex 2-7c)

A representative from the EMB must be present during the consultation as required by DAO 03-30. DPWH is not required to reply to all issues and concerns during this consultation since the result of the EIA study including all issues raised will be presented to the stakeholders/ community.

5. Conduct Technical Scoping with the EMB Review Team using the Technical Screening Checklist

The RT is also referred to RPM Annexes 2-7d and e for Environmental Risk Categorization and ERA format/coverage, and to RPM Annex 2-10 for guidance on segregation of other government requirements from the EIA scope.

The EMB Chief reviews and approves the EIA SPSC, rendering official the final TOR of the EIA Study.

2.9.3 EIA STUDY AND EIS PREPARATION

The EIS Preparers shall meet to ensure an EIS will meet the procedural, and substantive review requirements: scientific approach and coherence, technical comprehensiveness and effectiveness of communication (**Annex 17**). The EIS Preparers will refer to the Technical Screening Checklist, results of public scoping, EMB review standards and protocols, and the outline below and annotated as (**Annex 18** for the Annotated Outline) based on DMC 2010-14:

Executive Summary

- I. Project Description
 - 1.1 Project Location and Area
 - 1.2 Project Rationale
 - 1.3 Project Alternatives
 - 1.4 Project Components
 - 1.5 Process/ Technology Options
 - 1.6 Project Size
 - 1.7 Development Plan, Description of Project Phases and Corresponding Timeframes
 - 1.8 Manpower
 - 1.9 Indicative Project Investment Cost
- II. Analysis of Key Environmental Impacts
 - 2.1 Land
 - 2.1.1 Land Use and Classification
 - 2.1.2 Geology/Geomorphology
 - 2.1.3 Pedology
 - 2.1.4 Terrestrial Biology
 - 2.2 WATER
 - 2.2.1 Hydrology/Hydrogeology
 - 2.2.2 Oceanography

- 2.2.3 Water Quality
- 2.2.4 Freshwater Ecology
- 2.2.4 Marine Ecology
- 2.3 AIR
- 2.3.1 Meteorology/Climatology
- 2.3.2 Air Quality
- 2.3.3 Noise
- 2.4 PEOPLE

- III. ENVIRONMENTAL ECOLOGICAL RISK ASSESSMENT
Identify and provide management measures for:
 - Chronic Risks
 - Acute Risks / Worst Case Scenario

- IV. IMPACTS MANAGEMENT PLAN

- VII. EMERGENCY RESPONSE POLICY AND GENERIC GUIDELINES

- VIII. ABANDONMENT/DECOMMISSIONING REHABILITATION POLICIES AND
GENERIC GUIDELINES

- IX. INSTITUTIONAL PLAN FOR EMP IMPLEMENTATION

If the Project involves major modification and needs to amend the ECC, an Environmental Performance Report and Management Plan (EPRMP) shall be prepared instead of the EIS. The EPRMP shall include the following:

Executive Summary

- I Project Description
 - 1.1 Project Location and Area
 - 1.2 Project Rationale
 - 1.3 Project Alternatives
 - 1.4 Project Components
 - 1.5 Process Technology Options
 - 1.6 Project Size
 - 1.7 Development Plan, Description of Project Phases and Corresponding Timeframes
 - 1.9 Indicative Project Investment Cost

- II. Analysis of Key Environmental Impacts
 - 2.1 Land
 - 2.1.1 Land Use and Classification
 - 2.1.2 Geology/Geomorphology
 - 2.1.3 Pedology
 - 2.1.4 Terrestrial Biology
 - 2.2 Water
 - 2.3.1 Hydrology/Hydrogeology
 - 2.3.2 Oceanography
 - 2.3.3 Water Quality
 - 2.3.4 Freshwater or Marine Ecology
 - 2.3 Air
 - 2.3.1 Meteorology/Climatology
 - 2.3.2 Air Quality
 - 2.3.3 Noise

2.4 People

- III. Environmental and Ecological Risk Assessment
- IV. Impacts Management Plan (IMP)
- VII. Emergency Response Policy and Generic Guidelines
- VIII. Abandonment, Decommissioning, Rehabilitation Policies And Generic Guidelines
- IX. Status of the implementation of the policy and generic guidelines and any proposed change
- X. Institutional Plan for EMP Implementation

The EIS Preparers will refer to the templates available in the RPM for the preparation of the following:

- i. Impacts Management Plan (IMP), **Annex 19** (RPM Annex 2-17)
- ii. Social Development Plan (SDP) Framework, **Annex 20** (RPM Annex 2-18)
- iii. Information, Education and Communication (IEC) Framework, **Annex 21** (RPM Annex 2-19)
- iv. Environmental Monitoring Plan (EMoP), **Annex 22** (RPM Annex 2-20)
- v. Project Environmental Monitoring and Audit Prioritization Scheme (PEMAPS) Questionnaire, **Annex 23** (RPM Annex 2-7d)
- vi. Sworn Statement of Accountability of Proponent, **Annex 24** (Annex 2-21)
- vii. Sworn Statement of Accountability of Preparers, **Annex 25** (Annex 2-22)

The EIS Preparers will obtain information for the report from various sources:

- i. The Implementing Office or Project Proponent and other offices of DPWH shall provide information on Project Description, Emergency Response and Preparedness Plan, engineering measures, right-of-way, involuntary resettlement, and institutional arrangement, among others.
- ii. The modular experts (land, water, air, and people) will obtain information on baseline environmental profile from secondary (literature and government documents) and primary (field work) sources using scientific methods as may be prescribed in the Technical Screening Checklist. Include in the field survey local DPWH staff, residents to identify important areas and information.
- iii. In gathering socio-economic data to determine the current economic situation in the project area the modular expert shall conduct perception survey, Key Informant Interviews (KII) and Focus Group Discussions (FGD). The social module is presented in the following **Sections 2.9.4 to 2.9.10.**

2.9.4 DATA GATHERING – SETTING THE BASELINE INFORMATION FOR THE SOCIAL MODULE

A. Review of Secondary Data

1. Establish the existing conditions of the human environment of the Project area through collection and review of secondary data from (a) Barangay Profiles, (b) Socio-Economic Profile, (c) Comprehensive Land Use Plan, (d) Minimum Basic Need (MB) and other statistical information on labor and employment, health situation, migration pattern and basic services. The latter could be taken from the National Statistic Coordinating Board (NSCB).
2. Review social policies and other related studies. These include the Constitution and Local Government Code, *DAO 2003-30*, RA 10752 and other relevant policies to establish policy requirement for mainstreaming of social dimension.

B. Collect Primary Data

Primary data collection through field surveys and interviews will be used in the social analysis which includes information from the (i) Perception Survey and (ii) Focus Group Discussions, discussed below.

2.9.5 PERCEPTION SURVEY

Objective: To obtain the perceptions of individual household and stakeholders located in the impact area of a project.

Output: Perception Survey Report

Lead Person: Social Impact Assessment Component Specialist

Support:

- EIA Team Leader
- IO Representative
- ESSD Staff trained to use the Statistical Package for the Social Sciences (SPSS) or similar statistical analysis software
- Survey Team consisting of interviewers and a supervisor
- Photographer & Surveyors preferably architects & engineers

Overview:

The survey team may be selected among the staff of a district or regional office who presumably know the local language and are familiar with the community.

The perception survey is normally conducted as part of the baseline data gathering for an EIA, but may also be carried out as part of the planning process using a different sampling protocol.

The procedure below assumes that all the households within the direct impact area are to be covered in the survey. These households are usually those along the right-of-way, and should have been identified before the survey. No instruction in taking a random sample from a population is therefore needed.

Materials and Equipment:

- Perception survey protocol (**Annex 26**)
- #2 pencils
- Plastic envelopes
- Letter of introduction for interviewers.

Procedure:

A. Meeting with local officials before conducting the survey:

1. In coordination with the District and/or Regional Office, prepare for a meeting with local government officials in the impact area. Preparatory tasks will include:
 - Drawing up a list of invitees to the meeting
 - Preparing a program and selecting a facilitator
 - Selecting a venue
 - Arranging food and audiovisual equipment, if needed
 - Preparing and sending out invitations.
2. Send out the invitations at least two weeks before the planned meeting.
3. Two days prior to the meeting, check to see that all arrangements have been made as agreed upon. Confirm the number of attendees.
4. On the day of the meeting itself, arrive at the venue at least two hours earlier to oversee to the final preparations.
5. Convene the meeting with local officials to inform them about the objectives and expected activities of the survey, and to obtain their cooperation and assistance in the following ways:
 - Disseminate information to target households about the survey
 - Provide access to the barangay
 - Provide security to the survey team
6. Advise the local officials when the survey will be conducted. Choose a date when interviewees are most likely to be available.

B. Training the Survey Team:

1. Determine who will compose the survey team, specifically the interviewers and the field supervisor.
2. Conduct a training seminar for interviewers and their supervisor. Provide an interviewer's kit consisting of a plastic envelope, copies of the survey protocol, and pencils. Discuss the survey protocol, the tasks of interviewers and supervisors, guidelines and interview tips (see below), and the survey procedure.
3. At the end of the training, specify the particular areas of assignment of each survey team member. Provide everyone with an introduction letter to the barangay officials in their assigned areas, and the schedule for the activity.

C. During the survey (Instructions to Interviewers):

1. Read the interviewing tips listed below.
2. Be onsite early on the scheduled date for the survey.
3. Bearing your introduction letters, coordinate with the local officials in your assigned areas.
4. Select an interviewee and conduct the interview according to the following procedure:
 - a. Knock on the door, then identify yourself and explain your purpose to whoever answers the door.
 - b. Ask politely for the household head (either the father or mother). In his or her absence, talk to eldest adult family member. If no adults are available, move to the next house along the route until a qualified person is found.
 - c. Explain the purpose of the survey, then ask whether the household head is willing to be interviewed. If the person is unwilling to be interviewed, ask if another adult is willing. If no one from the household wants to be interviewed, move to the next house.
 - d. Ask the questions exactly as they are phrased and in the sequence as they appear in the survey protocol.
 - e. Before ending the interview, check whether all the questions in the survey protocol have been answered.
 - f. Thank the interviewee and ask if you may return in case there is need for additional information.
5. Submit completed protocols to the supervisor.

D. During the survey (Instructions to Supervisors):

1. Make a random check of the veracity of the interview responses obtained by the interviewers. Take at least one completed protocol per interviewer and visit the interviewee named in the protocol. Observing the same procedures for interviewing,

select questions in the protocol at random, and ask these questions again. Compare the responses gathered with those entered by the interviewer.

2. At the end of each day of the survey, edit the completed protocols. Editing means ensuring that all items have been answered (including NAPs and NAs), and that the responses are properly entered and understandable.
3. Periodically report to the EIA Team Leader and the Social Impact Assessment Component Specialist on the progress of the survey work.

E. After conducting the survey (Instructions to the Survey Team)

1. Bring all completed survey protocols to the District Office and complete the editing of the protocols.
2. Turn the edited protocols over to the ESSD staff trained in the use of the Statistical Package for the Social Sciences (SPSS) for encoding, collating and tabulating the survey data.

F. Processing and analyzing the survey results:

1. Supervise the processing, tabulation and analysis of the data using SPSS or other software.
2. Prepare the Perception Survey Report, which should discuss findings grouped under the following major headings:
 - a. Respondents' Profile
 - b. Household Characteristics
 - c. Perceptions regarding the environment in general
 - d. Perceptions towards the DPWH project at hand
 - e. Social acceptability of the project
3. Discuss the findings of the Perception Survey with the IO, ESSD, EIARO and the District Office. Draw out the implications of the findings for making the DPWH project socially acceptable. Recommend IEC strategies that could help achieve this end.

G. Tips for Interviewers and Supervisors:

1. Wear modest attire in the conduct of the interview
2. Exercise utmost respect in conducting the interview (i.e., use the words *po* and *opo*; address the interviewee with proper salutations).
3. Prepare for the interview by reading and reviewing the protocol. Take note of the special instructions (in caps) found in the protocol. Familiarity with the questions in the protocol will make both you and the respondent feel more relaxed about the interview.
4. Conduct the interview such that the interviewee's answers remain private. Other people hearing the interview may affect the responses.

5. If you notice that the interviewee is not at ease, talk about something else until he or she feels comfortable enough to respond to the interview.
6. Close-ended items call for ticking off the answers (called fixed alternatives) in the protocol as they are given by the interviewee. Some items may require more than one answer (or multiple responses), so tick off all answers given.
7. Open-ended items, which are followed by blanks, do not call for specific responses. You may sometimes need to probe—e.g., by asking. If there is any answer given that does not fall under any one of the fixed alternatives, place this under the blank space after the word “Others.”
8. Use probing questions when you get superficial answers. Some useful probing questions are:

“Bakit ninyo nasabi iyan?”

“May maidagdag pa po ba kayo?”

“Ano po ang ibig ninyong sabihin?”

“Ano pa po ang masasabi ninyo?”

7. Write down responses to open-ended questions and other important remarks verbatim or Procedure:
8. Try to fill out all the items in the survey protocol. Use gentle persuasion to obtain a response if the respondent hesitates or refuses, but do not push. If no response is given, write NA (no answer) on the blank. If an item is not applicable, write NAP.

2.9.6 FOCUS GROUP DISCUSSION

Objective: To obtain the perceptions and sentiments of stakeholder representatives groups in the project area.

Output: FGD Report with photo/video documentation

Lead Person: Social Impact Assessment Component Specialist

Support

- EIA Team Leader
- IO Representative
- Regional or District personnel knowledgeable in the local language to act as FGD Facilitator
- ESSD staff members to serve as FGD Documenters

Materials and Equipment:

- FGD Guide (see sample questions at the end of this section)

- Tape recorder and tapes
- Still or video camera
- Manila paper
- Board for posting
- Marking pens and pencils
- Registration sheet

Overview:

FGDs are intended to allow stakeholder groups and their representatives to air their concerns and opinions about the project. Expected to participate in FGDs are people other than the Project-Affected Persons (PAPs), who will be covered by the perception survey.

Procedure

A. Preparing for the FGD

1. Together with Regional/District personnel:
 - Draw up a list of 6 to 10 FGD participants who shall represent varied local stakeholder groups, including the concerned LGU, NGOs, POs and/or IPs.
 - Select a date and venue.
2. Prepare and send out invitations to the selected stakeholder group representatives at least two weeks before the FGD.
3. Make arrangements for food and equipment.
4. Meet with the FGD team (Facilitator and Documenters) for orientation on the objectives, process/procedures, FGD Guide, and functions of the team members.
5. If necessary, translate the FGD questions (refer to FGD Guide) into the local language of the project area.
6. Cut each Manila paper into three. On each piece, write one question or set of questions from the FGD guide.
7. Two days before the FGD, check whether the arrangements are in order and confirm the FGD participants' attendance.
8. On the day of the FGD, come to the venue two hours earlier to make a last-minute check on arrangements made.
9. Immediately before the FGD is conducted, ask participants to register their names, designations, organization they represent and their signatures.

Sample FGD Guide Questions:

- i. What have you heard about the project? Who were your sources of information?
- ii. In what specific ways will the project be advantageous or beneficial to the various stakeholders in the project area?
- iii. In your opinion, who or what group will benefit most from the project?
- iv. In what specific ways will the project be disadvantageous or non-beneficial?
- v. Who or what group will be most disadvantaged by the project?
- vi. In what ways, can these disadvantages be mitigated ?
- vii. In what ways can benefits from the project be enhanced? viii. Would you support the project? Why or why not ?

B. During the FGD (Instructions to the FGD Team)

1. A facilitator is expected to know the questions in the FGD instrument by heart. He/she should have ready the pieces of Manila paper containing each question or question set.
2. The Facilitator and two documenters should place themselves approximately equidistant from each other to form a triangle within the group. One documenter may move around to record the session and to take pictures or video shots of parts of the proceedings. The other documenter takes notes on the discussion and records observations on the group's interaction.
3. The SIA Component Specialist oversees the FGD activity and helps the Facilitator keep the discussion on track. He or she may also ask probing or follow up questions as needed.

C. Actual Conduct of the FGD (For Facilitator)

1. Welcome the participants and ask everyone to introduce themselves. Make small talk to establish rapport and set the group at ease.
2. Explain why the FGD is being held, emphasizing the importance of their participation. Allow participants to ask a few questions on the project.
3. Start and guide the discussion on a topic by posing the appropriate question on the board. Follow the FGD guide, but change the sequence of the questions as needed.
4. Probe and follow-up the participants' responses with short questions that may not be among those in the instrument. However, make sure the discussion stays on the same topic.
5. See to it that all participants are given equal chance to speak and share their views. Ensure that every question/topic gets an equal amount of discussion time.
6. End on time (no more than three hours after starting). Thank the participants for their involvement.

D. After the FGD

1. Ensure that the FGD transcripts, photo/video documentation, and observations are completed within two weeks after the meeting. Provide copies to every member of the FGD Team.
2. Meet the FGD Team to discuss and analyze the data from the transcripts and observations. Draw out the implications of the findings for making the DPWH project socially acceptable. Recommend EMP measures and IEC strategies that could help achieve this end.

2.9.7 INVENTORY OF LAND ASSETS

The conduct of inventory of land and assets becomes necessary when during the scoping stage, the project is determined to likely cause involuntary resettlement. Review **Annex 27: Simplified Land Acquisition and Resettlement Procedures**. The details on the preparation of the Resettlement Action Plan are explained fully in **Section 6** Land Acquisition, Resettlement, Rehabilitation and Indigenous People's Policy.

- (i) The conduct of the inventory on land and assets will be undertaken simultaneous with the perception survey, headed by Project Proponent, ESSD or by the Resettlement Specialist hired for the project.
- (ii) The census and inventory will be administered to 100% of PAFs living within the IROW of the road project or within the scope of land to be acquired for the project.
- (iii) Use the information and survey forms for socioeconomic and inventory forms specified for RAP planning. *Annex 28: Socio-economic Survey and Inventory Form*.

2.9.8 DATA ENCODING

- (i) Prepare an information data sheet using EXCEL software. Tabulate results of the Perception Survey (**Annex 26**) and Inventory of Losses (**Annex 28**) to form the socio-economic profile and baseline data of the studied community and directly affected families.
- (ii) Draw a master list of affected households to reflect losses of structures, land, business and other improvements, trees and crops. The data will be encoded using SPSS or excel to form the data base information of Project affected families.

2.9.9 DATA ENCODING

The social analysis is carried out on the basis of information collected from both primary and secondary sources mentioned in **Sections 2.9.4 to 2.9.10**.

- i. Screen and identify project impacts by filling out information in **Annex 2: Screening Table for Project Environmental and Social Impact under the item 'Social Impacts'**.
- ii. Identify and fill out checklist on possible social impact and mitigation measures under item "People" in **Annex 11: Initial Environmental Examination**
- iii. Examine social items in **Annex 29: Criteria for Review of Social Aspects**.
- iv. For project involving involuntary resettlement, fill out information in **Annex 30: Checklist on PAFs and Assets**.
- v. Make summary statement or report on the information gathered from various Annexes to establish the Social Module report

2.9.10 MITIGATING SOCIAL IMPACTS

Social safeguard measures are intended to identify, minimize and/or mitigate and if necessary avoid potential adverse impacts resulting from infrastructure projects.

1. Use the recommended framework in Annex 19: Impacts Management Plan (The People) to identify and draw out potential social impacts.
2. Identify other potential impacts resulting from the project such as involuntary resettlement, land acquisition, other losses, impact on women, etc.
3. Identify appropriate mitigation measures as applicable: Social Development Plan, Gender Action Plan, Indigenous Peoples Action Plan or Resettlement Action Plan.

A. Social Development Plan (SDP)

The Social Development Plan is a document that reflects the interventions responsive to the identified negative impacts. The main objective of the SDP is to undertake sustainable development initiatives beyond the project life. The full benefits of the project should be able to reach the most disadvantaged and vulnerable sectors that are residing within the immediate vicinity of the project area. The approach will be characterized by participatory planning approach anchored on sustainable development and self-reliance, which can be achieved through the participation of the communities who will be involved in the planning, implementing and monitoring of the programs responsive to their immediate and long term needs.

The SDP is prepared when the project affects a significant number of vulnerable groups such as IPs, disabled, indigent families or barangays where social benefits of the project could be extended. The SDP should also be able to complement the existing development plan of the local government so

that there will be joint efforts, complementing each other's resources. A sample framework for the SDP is provided as Annex 20.

B. Resettlement Action Plan/IP Plan

A Resettlement Action Plan will be prepared when people will be displaced by the project and requires resettlement. The RAP shall be fully compliant with the applicable national legislation, including DPWHS' Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples (LARRIP) Policy revised in March 2007. The RAP/IP Plan shall reflect the following:

- An accurate disaggregation of local household social and economic indicators reflecting the specific socioeconomic information of PAFs to be displaced and IP households.
- Accurate identification of compensation and benefits.
- Ensuring that livelihood restoration effectively addresses PAFs needs and IPs and resettlement sponsored trainings.
- Ensuring the input, participation and representation of PAFs/ IP households in all phases of project development.
- Entitlement Matrix of the distribution of compensation payments to ensure that PAFs/IPs are paid in full.
- Ensure that institutional support in the delivery of resettlement program is in place, budget appropriated and timeframe for implementation is specified and followed.

C. Prepare Gender Action Plan

If applicable and when the project affects a significant number of men or women that will be disadvantaged by the project, a gender action plan will be prepared. The project's gender action plan (GAP) details actions ensuring that men and women are specifically invited and equally represented to project consultation meetings, and that equal opportunity, access and privilege are afforded to both men and women. A Sample of the Gender Action Plan is provided in **Annex 31**.

2.9.11 SUBMISSION OF DRAFT EIS TO EMB AND PROCEDURAL REVIEW

Prior to the submission of the Draft EIS to EMB, the Implementing Office shall provide a copy to Regional and District Offices for review. Then, the Proponent submits one (1) copy of EIA Report, and filled-out Technical Screening Checklist, with a cover letter. The EMB Case Handler will determine the completeness of the EIS document prior to acceptance of the document. Upon acceptance of the EIS, the EMB will inform the DPWH on the number of copies to be provided and instruct DPWH to pay the processing fee and review fund to the third party fund manager designated by the EMB.

2.9.12 PAYMENT OF FILING FEE/ SET-UP OF REVIEW FUND

DPWH shall pay EMB the processing fee for the application of the ECC. Upon proof of payment, EIAMD estimates the Review Fund and signed off by the EIAMD Chief. The Proponent with the DENR-EMB Fund Manager then enters into a Memorandum of Agreement. Guidelines in setting up the Review Fund are presented in **Annex 32** (RPM Annex 2-23).

2.9.13 SUBSTANTIVE REVIEW, SITE VISIT, PUBLIC CONSULTATION OR PUBLIC HEARING

The processing duration of the EIS-based application until ECC issuance is set for calendar 40 days (EMC 2010-14)

According the RPM the review of the EIS consists of the following activities:

- i. Reconvening of Review Team (RT) and Distribution of EIA Report copies to RT members
- ii. Review Proper by Review Team (EMB CH, EIARC, RP)
- iii. 1st Review Team Meeting
- iv. Site Visit (SV), Public Consultation (PC) or Public Hearing (PH)
- v. 2nd/ 3rd Review Team (RT) Meeting
- vi. Submission of EIARC Report by EIARC Chair
- vii. Submission of Review Process Report (RPR)/ Recommendation by EMB Case Handler

The EMB Case Handler (CH) will reconvene the EIA Review Committee (EIARC), invite a Resource Person (RP) and inform the Proponent of the 1st Review. Refer to **Annex 33** (RPM Annex 2-25) on the prescribed program for EIARC Meetings, responsibilities of the Review Team with criteria and guidance on the conduct of review and evaluation. The EIARC tabulates additional information (AI) as **Annex 34** (RPM Annex 2-24, according to the guidelines shown in **Annex 35** (RPM Annex 2-24. The pre-selected EIARC Chair consolidates the comments for submission to EMB within five (5) days. Representatives from the LGU and EMB Regional Office may be invited in the review as resource persons (DMC 2010-002).

Site visit will be scheduled but usually on the same day as the conduct of the public consultation or hearing. In all of these cases, the DPWH shall make the necessary preparations for the venue. The DPWH will present the result of their EIA study to the stakeholders/affected communities in the public consultation/hearing. DPWH will prepare a tabulated Response Report containing the manner in which issues will be considered / have been considered in the EIA Report process, or can be resolved through other means. For project-affected families (PAFs), disclosure of the Entitlement Matrix based on the provisions of RA 10752 and the LARRIP will be done for PAFs to know their benefits and entitlements

A Public Hearing may be called due to mounting opposition, held at the earliest on the 23rd calendar day from the 1st day of publication of Notice of Public Hearing using the template in **Annex 36** (RPM Annex 2-26) done once a week for 2 consecutive weeks, with the PH held at least 15 days from the

2nd date of publication. Refer to a Pro-forma Public Hearing Program in **Annex 37** (RPM Annex 2-27), with supplementing criteria/guidelines on the conduct of public hearings/consultations.

DPWH will submit in 15 days AI responses which must include response to issues raised by the stakeholders and EIARC during the site visit, public hearing or consultation. Inability to submit within the timeframe would be a ground to stop the review process and return of the EIS but with a chance for resubmission of the EIS within one (1) year without payment of processing and other fees. The ECC may be drafted in the last EIARC meeting with the proponent for discussion.

The EIARC Chair will submit the EIARC within five (5) days from the last EIARC meeting. The CH will prepare the Review Process Report (RPR)/Recommendation Document, submit it to the EIAMD Review Section Chief/EIAM Division Chief who shall endorse the recommendations to the EMB Director for the final decision.

2.9.14 ENDORSEMENT AND DECISION-MAKING

For a favorable review and endorsement DPWH shall submit to the EMB one (1) hard copy and 2 e-files of the FINAL EIA REPORT, integrating all AIs, signs the Sworn Statement of Full Responsibility on ECC Conditions prior to the official release of the ECC. EMB transmits copies of the ECC to concerned GAs and LGUs with mandate on the project for integration of recommendations into their decision-making process

DAO 03-30 states that if .no decision is made within the specified timeframe, the ECC application is deemed automatically approved and the approving authority shall issue the ECC within five (5) working days after the prescribed processing timeframe has lapsed.

3 IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS

The EIA process requires the submission of Environmental Management Plan with the format shown in Annex 19. The Environmental Management Plan may cover the following topics:

- Pollution Prevention
- Natural Resource and Biodiversity Conservation
- Climate Change Adaptation
- Disaster Risk Reduction

- Labor and Working Conditions
- Land Acquisition and Involuntary Resettlement

- Community Health, Safety, and Security, (and Access)
- Gender Management Plan
- Indigenous Peoples
- Cultural Heritage

The EMP will be translated to specific management programs for implementation. This activity coincides with the preparation of detailed engineering design.

The actual implementation of EMPs may be done during the contracting or mobilization phase of the project. For example, the clearing of the construction site may involve right-of-way, land acquisition, involuntary resettlement, tree-cutting permit acquisition, are done during the mobilization phase. These activities may continue during the construction activities.

4 EMERGENCY RESPONSE

Objective: To ensure and monitor the implementation of environmental management measures during the conduct of emergency repair

Responsible Person: District Office

Overview:

After the occurrence of a natural disaster such as an earthquake or typhoon, rehabilitation works may have to be urgently undertaken on a completed structure. One problem during such an emergency is that while the scale of the civil works can be significant, public interest may call for immediate action without going through the permitting processes usually required for major projects. Strong coordination with the DENR and making sure that the standard EMP is enforced while the repair work is undertaken are major themes of this task.

Procedure:

1. Determine the nature and scale of the damage, the repair work that needs to be undertaken, and the schedule of the work.
2. Prepare a letter formally notifying the regional DENR office that emergency repair or rehabilitation activities are to be undertaken. Describe in full the activities, and provide strong justification why the repair work is to be undertaken immediately. Invite the DENR to inspect the repair work.
3. Mobilize a team to conduct air, noise and water quality monitoring, as applicable, following procedures in previous section.
4. Prepare a monitoring report according to the recommended templates. Identify any opportunities for improving DPWH's response to such emergencies.

5 ENVIRONMENTAL AND SOCIAL PERFORMANCE MONITORING AND AUDIT

All infrastructure projects shall be monitored by the Implementing Office, whether project is issued an ECC or CNC. The extent of monitoring should be commensurate with the project's environmental and social risks and impacts and with compliance requirements. Compliance to the conditions of the Environmental Compliance Certificates (ECCs), and implementation of the mitigating measures as contained in the Environmental Management Plans (EMPs), including the implementation of the Environmental Monitoring Plan (EMoPs) shall be the responsibility of the Implementing Office, to be monitored by ESSD (Department Order 245, series of 2003)

To ensure compliance to these above-mentioned conditions and mitigating measures, the tender documents for infrastructure projects subject for bidding will be included in the contractor's contract which will include special provisions for such environmental measures under "Environmental Clauses

The cost of implementing these conditions and mitigating measures in the ECCs and EMPs/EMoPs shall be included in the project budget of the Implementing Office concerned

The tasks under this function are those that are non-regulatory in nature and are conducted as part of the project cycle within the DPWH. It is the role of the ESSD, regional or district office in this cycle to ensure that environmental and social provisions are included in all contracts, and to ensure that these provisions are complied with. Since these provisions are often based on the ECC or are consistent with environmental quality standards, they are obviously closely related to post-ECC environmental monitoring. Indeed, these activities often overlap and may be conducted on field at the same time. However, unlike environmental monitoring, project auditing focuses on compliance with the institutional components of environmental management, and is performed through inspections and a review of paperwork.

5.1 CONTRACT MONITORING

Objective: To ensure a contractor's compliance with contract provisions on environmental protection and social enhancement

Responsible Person: Team Leader from ESSD/ Section Chief of Environmental and Social Section for Regional Office/District Offices

Overview:

This task defines the administrative procedures for managing contracts. For guidance on monitoring compliance with specific provisions of contracts, other sections of the manual should be consulted.

Procedure:

A. During bidding process

1. Revise the sample DPWH Environmental Protection clauses found in **Annex 38** to apply to the project based on the EMP and the ECC for the project.
2. Discuss contract clauses with bidders to allow the latter to include realistic costs of complying with contract provisions in their bids.

B. After awarding

1. Keep a copy of the contract.
2. Prepare an overall calendar containing milestones and deadlines for all projects to be monitored. Calendar may cover several years, depending on the contracts. Post calendar in conspicuous location. Check this calendar daily.
3. Prepare a project contract calendar indicating milestones and deadlines for complying with specific contract provisions. Calendar may cover several years, depending on the contract. Make sure that contract calendar is consistent with calendar for ECC compliance. Provide contractor with the contract calendar.
4. Prepare a schedule of reminders, notices and inspections based on contract calendar.
5. Mark key dates indicated in contract calendar in the overall calendar.
6. Notify contractors of approaching deadlines.

5.2 PROJECT INSPECTION DURING PRECONSTRUCTION

Objective: To evaluate onsite conditions to avoid potential environmental problems and compliance issues

Output: Accomplished inspection checklist for preconstruction (**Annex 39**)

Lead Person: Team Leader (assigned by IO)

Support: ESSD /Environmental & Social Section of Regional Offices & District Offices

Materials and Equipment:

- Map of project site, including Hazard Map
- Preconstruction checklist
- Tender documents
- Geocam
- Personal Protective Equipment or PPE (i.e. hard hats, safety shoes, etc.)

Overview:

It is presumed that the Team Leader has been to the site at least once, or has read the EIA or IEE for the project. Familiarity of the Team Leader with both the project and project site should guide the inspection.

During the pre-construction stage, no construction activity is taking place at the site, although some preparatory work may be on-going. The main purpose of the visit is to inspect the proposed locations to be used for the work camp, equipment depot, fuel storage area, waste disposal site, quarries and other facilities. While the EIA Team has thoroughly studied the project site, these ancillary facilities are not likely to have been given the same attention in the report. The inspection team must check whether these facilities were appropriately selected, if proper permits have been obtained, or whether they contain critical receptors that may be harmed during construction. The conduct of the inspection will also identify potential problems during construction.

The pre-construction checklist is to be used to guide the inspection, but the inspection team should note that checklist should not be taken as the sole basis of the activity.

Procedure:

1. Consult the contract monitoring calendar to determine the date of the inspection.
2. Coordinate with regional or district personnel and contractor for accommodations and transportation.
3. Visit the proposed work camp, equipment depot, waste disposal site, quarries and other facilities. In each site, it is critical to look for the following:
 - Nearby bodies of water that may be contaminated
 - Homes that will need to be relocated
 - Protected areas that may be disturbed
 - Trees and vegetation to be cleared
 - Historical landmarks that may be violated
 - Public utilities such as water or power lines that may be damaged
 - Traffic routes that may be disrupted.

Other issues may be determined during the inspection. Appropriate actions should be identified, such as a change in the proposed location of a facility, or the application of mitigation measures (refer to EMP for a list of possible measures).

4. Quarries and batching plants may require permits from the DENR regional office and from the local government. The inspector should check the status of these permits.

5. Accomplish the inspection checklist (**Annex 39**) as suggested. Although the focus of the inspection is on identifying potential problems, the inspection should also write down actual observations of the project site in the “Remarks” column

5.3 PROJECT INSPECTION DURING CONSTRUCTION

Objective: To evaluate onsite conditions for compliance with ECC, environmental standards, contractual requirements and other criteria.

Output: Accomplished Inspection Checklist for Construction (**Annex 40**)

Lead Person: Team Leader (assigned by IO)

Support: ESSD

Materials and Equipment:

- Checklist
- Tender documents
- Map of project site
- Camera
- Personal Protective Equipment or PPE (i.e. hard hats, safety shoes, etc.)

Overview:

This activity focuses on how well the Environmental Management Plan (EMP) is implemented by the contractor as construction progresses. It also aims to check on workers’ health and safety and on the overall sanitation and housekeeping practices at the worksites and ancillary facilities.

The inspection should be conducted as provided for in the contract, but may also be done to coincide with compliance monitoring. Inspections may also be conducted immediately after the occurrence of a natural disaster at the site.

Procedure:

1. Consult the contract monitoring calendar or project status to confirm that the project is ready for turnover. Environmental quality monitoring, if called for, may be conducted at the same time as this activity.
2. Coordinate with regional or district personnel and contractor for accommodations and transportation.
3. Make use of the checklist (**Annex 40**) to guide the inspection, but watch for problems not covered by checklist. Focus on housekeeping, waste management and worksite safety.

Coordinate with the pollution control officer and safety officer. Look for opportunities for reducing pollution and enhancing general environmental conditions.

4. Make note of positive measures implemented by the contractor that can be applied elsewhere.
5. Check whether quarries and batching plants are operating with the necessary permits.
6. In accomplishing the checklist, the inspector should always try to fill up the "Remarks" column with actual observations of the project site

5.4 PROJECT INSPECTION AFTER CONSTRUCTION (TURNOVER)

Objective: To evaluate onsite conditions for compliance with ECC, environmental standards, contractual requirements and other criteria.

Output: Accomplished Inspection Checklist for Project Turnover (**Annex 41**)

Lead Person: Team Leader (assigned by IO)

Support: ESSD

Materials and Equipment:

- Checklist
- Tender documents
- Map of project site
- Camera
- Personal Protective Equipment or PPE (hard hats, safety shoes, etc.)

Overview:

Inspection after construction focuses on whether the site has been satisfactorily restored to its original or natural state. Ideally, the site should be free of pollution and hazards left over from construction. The result of the inspection is critical because it may become the basis whether the project may be turned over by contractor to the DPWH.

Procedure:

1. Consult the contract monitoring calendar or project status to confirm that the project is ready for turnover. Environmental quality monitoring, if called for, may be conducted at the same time as this activity.
2. Coordinate with regional or district personnel and contractor for accommodations and transportation.
3. Make use of the checklist (**Annex 41**) to guide the inspection, but watch for problems not covered by checklist. Focus on uncollected wastes, abandoned equipment and structures, fuel

storage areas, excavations and other remnants that can cause pollution or pose hazards. Place in map and take photos of areas that need to be rehabilitated or restored.

4. In accomplishing the checklist, the inspector should always try to fill up the “Remarks” column with actual observations of the project site

5.5 ECC PROVISIONS COMPLIANCE MONITORING

Objective: To ensure that a project complies with the provisions of its Environmental Compliance Certificate

Lead Person: Team Leader

Overview:

The Team Leader need not be the same person who handled the EIA for the project, but is someone who will be responsible for addressing all its subsequent environmental compliance requirements. The person should be from the ESSD or the EIARO directly supervising the project. The person is also expected to be monitoring the ECCs of more than one project.

Procedure:

1. Make several copies of the ECC and keep a copy within easy reach.
2. Prepare an overall calendar containing milestones and deadlines for all projects whose ECCs are being monitored. Calendar may cover several years, depending on the project. Post the calendar in a conspicuous location. Check this calendar daily.
3. For each provision, identify the parties responsible for compliance, the schedule for compliance, and the proof of compliance to be submitted to the DENR. Call or meet with the DENR case handler for clarification if needed. Document the discussion with the case handler.
4. Prepare a project ECC monitoring calendar indicating milestones and deadlines for complying with ECC provisions. Calendar may cover several years, depending on the ECC. Mark key dates indicated in ECC calendar in the overall calendar.
5. Complying with certain provisions, such as the submission of additional studies, should be broken down into several smaller activities. Set a starting and completion time for each activity and indicate this schedule in the ECC monitoring calendar.
6. Make sure that periodic activities, such as air and water quality monitoring, are also indicated in the calendar.
7. Prepare a schedule of reminders to responsible parties based on ECC calendar.
8. Ensure the implementation of each ECC condition according to schedule. Use the ECC

Compliance Monitoring Report (CMR) template **Annex 42** (RPM Annex 3-1) as a guide, to be submitted semi-annually as supplementary document in the Quarterly Self-Monitoring Report under PD 984. The MMT, if required or organized, will use the Compliance Monitoring and Validation Report (CMVR) template in **Annex 43** (RPM Annex 3-2), in turn, uses the Compliance Evaluation Report (CER) template, which is **Annex 44** (RPM Annex 3-3). .

9. Send an official letter with a dated receiving copy to the DENR each time an ECC provision is completed. Indicate the specific provision and the date of completion.
10. In cases when a provision cannot be complied with in time, notify the DENR well in advance (preferably at least two weeks ahead) of the delay. Specify the reason for the delay, being careful not to provide unnecessary detail. Rather than request an extension, provide a reasonable estimate of the expected date of completion. Send assurances that such delay causes no harm to the environment or the community.

5.6 ORGANIZING THE MULTIPARTITE MONITORING TEAM

Objective: To organize a Multipartite Monitoring Team consistent with the objectives and requirements of DAO 2003-30

Lead Person: District Engineer (to be assigned by Regional Director)

Support:

- IO for logistics
- ESSD for technical assistance.

Overview:

A Multi-partite Monitoring Team (MMT) is a group of stakeholder representatives tasked to monitor a project in support to the DENR's compliance monitoring. According to DAO 2003-30, MMTs are designed to "encourage public participation, greater stakeholders' vigilance and provide appropriate check-and-balance mechanisms in the monitoring of project implementation."

The functions as well as the criteria and guidelines for the creation of an MMT are discussed in detail in RPM and should be understood thoroughly by the Lead Person.

According to the RPM, the operations of MMT shall be terminated upon transmittal of recommendation to other government agencies at the project stage where significant environmental impacts no longer exist. In the case of roads and bridges projects, MMT functions shall be terminated after construction and once project Operation and Maintenance (O & M) is turned over to the responsible management authority/organization.

Procedure:

1. Prior to project construction, coordinate with the Provincial Environment and Natural Resources Officer (PENRO) or Community Environment and Natural Resources Officer (CENRO) to identify an LGU representative with whom to form an MMT Executive Committee (Execom). The PENROs generally head the MMTs for major projects encompassing several municipalities while the CENROs chair smaller projects. The MMT Execom shall then take the lead in organizing the MMT.
2. Other representatives to the MMT should be selected from among the following local stakeholder groups:
 - The health sector (e.g., a Department of Health official)
 - An environmental NGO or PO
 - An indigenous community (if applicable)
 - A college or university.

Other stakeholder groups may also be invited, depending on how the project relates to their concerns. The members of the MMT should also be technically competent, credible, committed and available for duty in the MMT.

3. Attend an MMT meeting to finalize an annual work and financial plan based on the environmental monitoring plan found in the EIS, and the approved Memorandum of Agreement based on the ECC conditions. It is critical to remind the MMT that the DPWH is not authorized to set aside an Environmental Monitoring Fund (from which honoraria may be drawn), but the agency will shoulder the costs of travel, food and other monitoring expenses.
4. MMTs have their own monitoring schedules and procedures based on DENR requirements. However, its members may be invited to observe monitoring exercises by the DPWH.
5. The monitoring indicators for involuntary resettlement are specified in the LARRIP for both internal and external monitoring.
6. The criteria for review of social of social aspect are incorporated in **Annex 29**.
7. The indicators for gender performance monitoring are provided in **Annex 31**.

5.7 WATER QUALITY MEASUREMENT

Objective: To determine the impact of construction operations on the quality of nearby water bodies

Output: Water Quality Measurement Report

Responsible Persons: ESSD or district staff trained in water quality monitoring /Environmental and Social Section in Regional Office

Overview: Construction works involves earthmoving activities that soil in works areas and overburden to rain with consequent accelerated soil erosion, siltation, and significant increase in the total suspended solids (TSS) on water bodies such as streams, rivers, lakes and coastal waters. Batching plants and stockpiles of sand and gravel are also sources of suspended solids. Support activities such as the equipment staging, maintenance and refueling areas are potential sources of hydrocarbons that might flow into the water bodies. Camp sites are sources of domestic waste waters. Of these potential water contaminants, TSS concentration in water bodies is most prominent even if the soil erosion control measures are in place. The increase in TSS is accompanied by the increase in water turbidity. Other parameters that are basic in water quality measurements include temperature, pH, dissolved oxygen and conductivity, though these are used mainly for baseline characterization.

Materials and Equipment:

- Portable water quality analyzer (for temperature, pH, conductivity, turbidity, dissolved oxygen)
- Water sampling bottles (of various types provided by laboratory)
- Rinsing bottle and triple distilled water
- Vicinity map
- GPS or compass
- Field notebook
- Felt-tip permanent marker for labeling
- Safety equipment (gloves, wading boots, life vests, as appropriate)
- Cooler with ice for storing samples
- Camera

Procedures:

A. Before leaving for field sampling

1. Check water quality analyzer for operating condition, battery power level, and compliance with calibration schedules. Check freshness and sufficiency of calibrating solutions. Identify water quality parameters to be measured based on the EMP.
2. Obtain water quality sampling bottles from a DENR-recognized laboratory. Sampling bottles vary depending on the parameter to be analyzed; some parameters will call for bottles containing chemical preservatives. Check presence of labels on each bottle.
3. Ensure bottles are stored in sturdy coolers, which are usually provided by the laboratory. Check chain-of-custody (COC) forms (**Annex 45**) that should accompany sampling bottles.
4. Locate the stations in the vicinity map.

B. At sampling station

1. Coordinate with local officials before sampling. If needed, hire residents as guides, porters or field assistants. Instruct assistants on the purpose of the sampling, personal safety, and caring for the equipment. For their safety and to preserve data quality, minimize their contact with samples and sampling materials. Provide field assistants with safety gear, food and drinks, and fair compensation.
2. Inspect sampling station, ensuring that station is identical to the location specified in the environmental monitoring plan or sampling map and is consistent with objectives of monitoring.
3. Calibrate water quality analyzer according to method and schedule recommended by manufacturer.
4. If several samples are to be taken at a station, collect or analyze the relatively cleaner water (i.e., no evident residue/foreign matter visible to the naked eye) first.
5. Operate water quality analyzer following manufacturer's directions. Rinse probes with distilled water before using. It is sometimes better to sample a water body by collecting some water in a thoroughly rinsed beaker or similar vessel, and immersing the probe into the vessel, rather than directly into the water body. However, make sure that readings of the water in the vessel are taken quickly after collection. Be sure to rinse probes after each sampling.
6. Collect water samples from a well-mixed location as far away from the riverbank as practicable. Waders, boat or a sampling pole may be used to reach the preferred location.
7. Fill a bottle by placing the mouth against the flow, immersing slowly about 20 cm below the surface.
8. Add the required preservative, seal, label and store the sampling bottle in the cooler.
9. Locate the stations in the vicinity map.

10. Log the station location, coordinates, number of samples, sample labels, environmental conditions, observations and other information in the field notebook.
11. Check storage condition of samples at the end of each sampling day, repacking or replacing ice, as necessary.

C. After sampling

1. Check samples before traveling back from field, repacking or replacing ice as necessary. Check again before sending samples back to the laboratory.
2. Samples should be shipped to the laboratory as soon as possible and within the prescribed holding time. Fill out and submit COC forms.
3. Wait for laboratory report, periodically following up as necessary.
4. After receiving the results, prepare water quality sampling report using sampling report template in **Annex 46**. In the report, compare the results with reference values such as the Water Quality Criteria provided in DENR Administrative Order 34 series 1990.

Additional Reference on Water Quality Sampling:

Environmental Management Bureau, 1994. Water Quality Monitoring Manual. Department of Environment and Natural Resources, Quezon City.

Environmental Management Bureau 2008. Water Quality Monitoring Manual. Department of Environment and Natural Resources, Quezon City. Issued under EMB MC 2008-008

5.8 AIR QUALITY MEASUREMENT

Objective: To determine the impact of construction operations on concentrations of dust and vehicular emissions (sulfur dioxide and nitrogen dioxide)

Output: Ambient Air Quality Measurement Report

Responsible Persons: ESSD or district staff trained in air quality monitoring

Overview: The impact of construction on air quality is largely on the intermittent increase in the total suspended particulates (TSP) during earthmoving activities and from overburden stockpiles especially during dry windy conditions. Emissions of criteria air pollutants from vehicles are less significant but air sampling is done for confirmatory testing of low levels of gaseous emissions.

Materials and Equipment:

- High-volume sampler
- Pre-weighed particulate filters
- Gas analyzer
- Absorbing solutions and sampling reagents
- Portable power generator with 20-m (minimum) extension cord
- Fuel for generator
- Portable spectrophotometer (for analysis on field)
- Vicinity map
- GPS or compass
- Outdoor thermometer
- Barometer (for sampling at high elevations)
- Rinsing bottle and triple distilled water
- Field notebook
- Felt-tip permanent marker for labeling
- Non-powdered latex glove and tweezer
- Safety equipment (hard hats, reflectorized vests, traffic warning signs, as appropriate)
- Cooler with ice for storing chemicals

- Camera

Optional: Portable anemometer and wind vane with mast

Procedure:

A. Before leaving for field sampling:

1. Clean and maintain instruments according to manufacturer's recommendations. Check for compliance with calibration schedules (performed by an independent laboratory usually every 6 months to 1 year). Check oil levels in generator.
2. Purchase particulate filters from a DENR-recognized laboratory. Ensure that particulate filters have been properly inspected, weighed, packed and labeled by the laboratory following DENR Air Sampling Manual.
3. Purchase absorbing solutions and sampling reagents for sulfur dioxide and nitrogen dioxide, following procedures prescribed by 1999 Clean Air Act. Ensure that reagents are packed, labeled and preserved following DENR Air Sampling Manual.
4. When sampling at distant locations where exposed absorbing solutions cannot be delivered to the laboratory without exceeding the required holding time, a portable spectrophotometer must be brought along to conduct analysis on field.
5. Ensure that absorbing solutions are accompanied by chain-of-custody forms, which should be filled out as necessary.
6. Whenever possible, purchase fuel for the generator from a station close to the sampling site, rather than travelling to the site with a full tank of gas in the generator.

B. During field sampling:

1. Coordinate with local officials before sampling. If needed, hire residents as guides and field assistants. Instruct assistants on the purpose of the sampling, personal safety, and caring for the equipment. For their safety and preserving data quality, minimize their contact with samples and sampling materials. Provide field assistants with safety gear, food and drinks, and fair compensation.
2. Identify sampling station based on the Environmental Monitoring Plan or sampling map. Select sampling position following station selection criteria described below. Notify and obtain permission from property owners and local authorities before sampling.

Criteria for Air Quality Sampling Site Selection:

- i. Samplers should be placed away from a flow obstacle such as a house, building, tree and other structures at a distance equivalent to at least 10 times the height of the obstacle. Schoolyards, parks and roofdecks often serve as good sampling positions.

- ii. Place a sampler at least 5 meters from the edge of the traffic lane. For a heavily traversed road, place the samplers at least 20 meters from the roadside.
 - iii. Do not place a sampler indoors or under obstructions like overhangs and tree canopies.
 - iv. There should be at least 270 degrees unrestricted airflow around the sampler.
 - v. The sampler intake line should be about 2 to 15 meters above the ground.
 - vi. To avoid windblown dust from the ground, choose a location with good ground surface cover, such as short grasses.
 - vii. If the environmental monitoring plan does not identify a sampling station, choose a location that represents air quality around a populated area.
 - viii. Where possible, there should be a clear line-of-sight between the source and the station.
3. Set up portable wind vane if available. Using visual cues or the portable wind vane, position generator at least 30 m downwind of sampling station. However, make sure that the generator poses no annoyance to residents, particularly during 24-hour sampling.
4. Set up instruments and generator in safe, stable and secure positions. Put on or install safety equipment as necessary.
5. For particulate sampling, use gloved hand or tweezers, place filter on high volume air sampler (HVAS) following equipment manufacturer's specification. Inspect filter for tears and holes. Check filter placement to ensure no leaks along the sides.
6. For gas sampling, rinse impingers on gas analyzer with distilled water and shake off excess water. Transfer absorbing solutions to respective impingers. Rinse empty reagent containers and shake off excess water. Inspect wires, tubing and connections in all equipment in preparation for operation.
7. Turn on equipment. Record time of start of sampling for each instrument. After about 5 minutes of operation, record flow rates of each instrument. Ensure that flow rates are steady and are within recommended ranges. For 1-hour sampling, record flow rate again after 30 minutes from start of sampling. For 24-hour sampling, record flow rate every four hours or make sure flow rate recorder is operating.
8. Periodically inspect equipment operation and sampling conditions during the sampling period. Be prepared to discard samples and repeat sampling where data quality is compromised. Take pictures of sampling set-up from various directions. If sampling from a location other than that indicated in the monitoring plan, indicate sampling position in vicinity map.
9. In field notebook, record temperature, pressure, average wind speed, direction, and cloudiness during sampling based on observations taken near start, middle, and end of sampling period. If wind vane and anemometer is not available, use the Beaufort scale to

estimate wind speed and visual indicators (clouds, smoke plumes) to find wind direction. Record stability class using Pasquill's criteria. For 24-hour sampling, record weather conditions every four hours. Indicate occurrence of rain. For conditions where safety is compromised (such as poor weather), stop sampling.

C. During end of sampling event:

1. Near end of 1-hour sampling, record flow rate again. Turn off each sampler exactly 1 hour after start of sampling (or at end of sampling period).
2. Using gloved hand or tweezers, remove filter from HVS, fold in half and return to envelope. Record name of station, average flow rate, date and time of sampling on envelope.
3. Rinse absorbing solution containers and shake off excess water. Transfer spent solution from impinger to container. Record name of station, date and time of sampling on container label, then pack container in ice. Rinse impingers and shake off excess water. Prepare instruments and materials for transportation to next station.
4. Analyze samples within prescribed holding times by sending them immediately to a laboratory or by analyzing them on field using the portable spectrophotometer.
5. Log station name, coordinates, date and time of sampling, flow rates, weather conditions, reagent and filter labels, and other relevant information in field notebook. Include spectrophotometer readings, calibration results and calculations. List name of sampling personnel or MMT members present.
6. Locate the sampling stations in the vicinity map.

Reminders for 24-hour sampling:

- i. If sampling personnel cannot be present at the station during the entire 24-hour period, the field assistants may be instructed in taking basic instrument readings. Provide field assistants with shelter and a means of contacting sampling personnel if an emergency occurs while on duty.
- ii. Train the field assistants to read and record flow rates and weather conditions according to schedule. However, check their work regularly.

D. After sampling:

1. Send filters and reagents back to laboratory for analysis. Ensure that samples are properly labeled, and that Chain-of-Custody (COC) forms are properly accomplished and returned to laboratory. Provide the laboratory flow rates and meteorological data for calculation of concentrations.
2. Clean equipment and prepare for next sampling.

3. Wait for laboratory report, periodically following up, as necessary. Check laboratory calculations. Keep all laboratory reports for inclusion in the EIA Study.
4. Prepare ambient air sampling report using sampling report template in **Annex 47**. Compare the sampling results with relevant ambient air quality standards.

Additional Reference on Sampling Site Selection:

U. S. Environmental Protection Agency, 1994. *Quality Assurance Handbook for Air Pollution Measurement Systems: Volume I, Part 1: Ambient Air Quality Monitoring Program Quality System Development*). EPA Publication No. 600/R-94/038a. Office of Research and Development, Washington DC.

Additional Reference on Air Sampling:

Environmental Management Bureau, 1994. *Air Quality Monitoring Manual*. Department of Environment and Natural Resources, Quezon City.

5.9 NOISE LEVEL MEASUREMENTS

Objective: To determine the impact of construction operations on noise levels

Responsible Persons: ESSD district staff trained in noise monitoring

Output: Noise measurements (to be included in Ambient Air Quality Sampling Report)

Materials:

- Vicinity map
- GPS or compass
- Noise meter with calibration kit
- Data Sheet for Noise Monitoring (one sheet per reading)

Optional:

- Wind vane and anemometer with mast
- Outdoor thermometer
- Wet-bulb thermometer or hygrometer

Procedure:

1. Choose a noise measurement station close to the ambient air quality sampling station, following the Environmental Management Plan or sampling map if available.
2. Set up weather instruments and take readings of wind, temperature and humidity. Record data in Noise Monitoring Data Sheet (**Annex 48**). Locate each measuring station in the vicinity map.
3. Calibrate noise meter as necessary.
4. Set noise meter to record “A” weighted frequencies, and place setting on “Slow.”
5. With microphone facing the general direction of the project activity, take 50 successive instantaneous readings at 10-second intervals. Ignore values that may occur between readings. Tally each reading in the proper row of the Data Sheet.
6. After all 50 readings have been taken and tallied, count the number or frequency of occurrences of each noise level and write it down in the second-to-last column of the Data Sheet.
7. Calculate the cumulative frequencies from the highest level to the lowest and write them down the last column.
8. Take the average of the fifth and sixth highest reading and write down the result in the box labeled L_{10} . Do the same for L_{50} (average of the 25th and 26th highest reading) and L_{90} (average of the 45th and 46th highest reading).

9. For 24-hour sampling, use same procedure to obtain one set (L_{10} , L_{50} and L_{90}) of noise measurements for each of the four monitoring periods: Daytime (0700H-1700H), Evening (1700H-2100H), Nighttime (2100H-0500H), and Morning (0500H-0700H). Each noise measurement should be determined from 50 readings using the procedure described above.
10. Prepare a table of results for inclusion in the Air Quality Monitoring Report. Follow the section on noise found in the Air Quality Monitoring Template.

6 LAND ACQUISITION, RESETTLEMENT, REHABILITATION AND INDIGENOUS PEOPLE POLICY

6.1 INTRODUCTION

The first Land Acquisition, Resettlement and Rehabilitation (LARR) Policy was formulated in 1999 specifically for the National Road Improvement and Management Program (NRIMP) Phase 1, World Bank assisted project. Thereafter, the LARR Policy of 1999 was adopted, with some modifications in pursuance to prevailing laws and policies, by other financing institutions such as the Asian Development Bank (ADB), Japanese Bank International Cooperative (JBIC) in their projects.

A second edition of the LARR Policy was formulated in 2004 for project under the Sixth Road Project. To some extent the ADB LARR Policy was applied to JBIC funded projects.

To ensure uniformity of standards in the Resettlement Planning, a revised LARR Policy, 3rd edition, was formulated. This third edition of the policy now contains the Department's indigenous Peoples Policy, based on the Indigenous Peoples' Right Act (IPRA) and NCIP Administrative Order No. 1, series of 2006 or the Free and Prior Informed Consent Guidelines of 2006.

The 3rd edition, now called the Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples' Policy or LARRIPP shall provide guidance to those preparing resettlement action plans (RAPs) and safeguards instrument for Indigenous Peoples (IPs) affected by infrastructure projects implemented by the DPWH.

This 3rd Edition of the policy now contains the Department's Indigenous People's Policy, based on the Indigenous Peoples' Rights Act (IPRA) and NCIP Administrative Order No.1, series of 2006 or the Free and Prior Informed Consent Guidelines of 2006.

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

6.2 LEGAL FRAMEWORK

The policy framework within which the Resettlement Action Plans for Structures and Land is derived from the Constitution, Republic Act 10752, RA 8371 or the Indigenous Peoples' Rights Act, Environmental and Social Safeguards of the financing institutions and other applicable laws.

Hereunder are the various provisions and prescriptions of laws, policies and guidelines related to operation and implementation of resettlement and indigenous peoples.

6.2.1 BASIC NATIONAL POLICY

1. Article III, Section 9: "Private property shall not be taken for public use without just compensation"
2. Article XII, Section 5 "The State...shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being "By act of Congress, customary laws governing property rights or relations can be applied in determining the ownership and extent of ancestral domains.
3. R.A. 10752 - An Act Facilitating the Acquisition of Right –Of-Way, Site or Location for National Government Infrastructure Projects or otherwise known as "The Right of Way Act" was signed on March 7, 2016 and took effect on March 22, 2016.
4. R.A. 8371-Indigenous Peoples' Right Act Law

RA 10752-An Act Facilitating the Acquisition of Right –Of-Way, Site or Location for National Government Infrastructure Projects or otherwise known as "The Right of Way Act" was signed on March 7, 2016 and took effect on March 22, 2016.

1. The Implementing Rules and Regulations of RA 10752 provide the different bases for land valuation for the following modes of acquisition, negotiated sale and expropriation.
2. The Implementing Rules and Regulations of Section 5 of R 10752 states that the Implementing Agency (IA) may acquire through negotiated sale the required ROW project, by offering to the property owner as compensation price the sum of the following:
 - a. Current market value of the land
 - b. Replacement cost of structures and improvements therein
 - c. Current market value of crops and trees

Upon request of the owner, the IA shall remit to the LGU concerned the amount corresponding to any unpaid real property tax, subject to the deduction of this amount from the total negotiated price, provided that the said amount is not more than the negotiated price.

3. The law also states that valuation of the improvements and/or structures on the land to be acquired shall be based on the replacement cost which is defined as the amount necessary to replace the structure or improvement based on the current market prices for materials, equipment, labor, contractor's profit and overhead, and all other attendant costs associated with the acquisition and installation in place of the affected improvements/installation.
4. Methods of Negotiation. Under the law, there are different modes of acquiring title to, and ownership of, private property particularly real estate property, as well as the modes of acquiring right to use private property for another purpose. RA 10752 specifies the

following methods: Donation, Quit Claim, Exchange or Barter, Negotiated Sale or Purchase, Expropriation and any other modes of acquisition authorized by law. For the full text of RA 10752 and its Implementing Rules and Regulation please refer to **Annex 49** and **Annex 50**, respectively.

5. Rules on Negotiated Sale of the IRR. – The implementing agency may offer to acquire, through negotiate sale, the right-of-way site or location for a national government infrastructure project, under the following rules.
 - (1) The current market value of the land,
 - (2) The replacement cost of structures and improvements therein; and
 - (3) The current market value of crops and trees therein.
6. To determine the appropriate price offer, the Implementing Agency (IA) may engage the services of a government financial institution with adequate experience in property appraisal or an independent property appraiser accredited by the Bangko Sentral ng Pilipinas (BSP) or a professional association of appraisers recognized by the BSP to be procured by the IA under the provisions of Republic Act 9184, otherwise known as the Government procurement reform Act” and its Implementing Rules and regulations pertaining to consulting services.
7. Standards to determine market value. Negotiated sale between DPWH and the PAF based on the following standards to determine the market value:
 - a. The classification and use for which the property is suited;
 - b. The development costs for improving the land;
 - c. The value declared by the owners;
 - d. The current selling price of similar lands in the vicinity;
 - e. The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value for improvements thereon;
 - f. The size, shape and location, tax declaration and zonal valuation of the land;
 - g. The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
 - h. Such facts and events as to enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.
8. **Quit Claim.** In cases of land granted through CA No. 141, as amended otherwise known as “The Public Land Act” the Implementing Agency shall:

- a) follow the other modes of acquisition enumerated in Section 4 of this Act, if the land owner is not the original patent holder and any previous acquisition of said land is not through or gratuitous title or,
 - b) follow the provisions under Commonwealth Act No 141 as amended, regarding acquisition of the right-of-way on patent lands, if the land owner is the original patent holder or the acquisition of the land from the original patent holder is through gratuitous title.
9. Section 4 of the Act provides that if the government decides to exercise its rights to use the ROW strip reserved for public use within the land acquired under CA No. 141, the owner is required to execute a quit claim.
10. **In case PAPs/PAFs are qualified for compensation but with arrears on land tax.** To facilitate the processing of payment on land acquired from the PAPs with tax arrears the DPWH will pay the arrears and deduct the amount to the total compensation cost.
11. In case the PAPs/PAFs are qualified but already dead and the heirs have not undergone extra-judicial partition, DPWH shall deposit the amount equivalent to the provision under Section 7 of the IRR.
- a) One hundred percent of the value of the land based on the current relevant valuation of the BIR.
 - b) The replacement cost at current market value of the improvements and or structures
 - c) The current market value of crops and trees located within the property as determined by the government financial institution or independent property appraiser.
12. **In case of expropriation.**
- a. **For Structures:** As provided in Sec 7 of the IRR, in the event that the PAF rejects the compensation for structures at replacement cost offered by DPWH, the Department or the PAF may take the matter to court. When court cases are resorted to either by DPWH through expropriation or by the PAFs through legal complaints, the DPWH will deposit with the court in escrow the whole amount of the replacement cost (100%), The PAF will receive the replacement cost of the assets within one (1) month following the receipt of the decision of the court.
 - b. **For Land:** If the owner contests the Department's second offered value for compensation for land, the PAF or the DPWH may take the matter to court. DPWH shall immediately pay the owner: a) 100% of the value of the property based on the BIR zonal valuation, and b) the value of improvements and structures. However, if the owner rejects the full payment, the DPWH will deposit 100% of the BIR zonal value in

an escrow account. The court shall determine the just compensation within sixty (60) days, taking into account the standards for the assessment of the value of the land (Sec. 6, of R.A. 10752).

C. R.A 8371 Indigenous Peoples' Rights Act (IPRA) of 1997.

The IPRA sets conditions, requirements, and safeguards for plans, programs, and projects affecting Indigenous Peoples. It spells out and protects the rights of Indigenous Peoples. The important provisions of the IPRA are:

1. The right to their ancestral domains. (Chapter III, Section 11);
2. The right to an informed and intelligent participation in the formula and implementation of any projects, government or private, that will impact upon their ancestral domain; (Chapter III, Section 7b);
3. The right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them; (Chapter IV, Section 16);
4. The right to receive just and fair compensation for any damages inflicted by or as a result of any project, government or private; (Chapter III, Section 7b);
5. The right to stay in their territory and not to be removed from that territory through any means other than eminent domain. If relocation is necessary as an exceptional measure, it can only take place with the free and prior informed consent of the IPs and ICCs concerned; (Chapter III, Section 7c);
6. The right to be secure in the lands to which they have been resettled; (Chapter IV, Section 7d);
7. The right to determine and decide their own priorities for the lands they own, occupy, or use; (Chapter IV, Section 17);
8. The right to maintain, protect, and have a access to their religious and cultural sites; (Chapter IV, Section 33);
9. The IPRA also created the National Commission on Indigenous Peoples (NCIP) to carry out the policies set forth in the IPRA. The NCIP has issued a number of orders that puts into operation the provisions of the IPRA; the most important for the purposes of this policy is NCIP Administrative Order No. 03 or the *Free and Prior Informed Consent (FPIC) Guidelines of 2012*.

6.2.2 OTHER APPLICABLE LAWS AND POLICIES: EXECUTIVE ORDERS, ADMINISTRATIVE ORDERS, AND DEPARTMENT ORDERS.

- 1. Commonwealth Act 141 Section 112 or Public Land Act** - prescribes a twenty (20) meter strip of land reserved by the government for public use, with damages being paid for improvements only.
- 2. Presidential Decree 635** amended Section 112 of CA 141 increasing the width of the reserved strip of twenty (20) meters to sixty (60) meters.
- 3. EO 113 (1995) and EO 621(1980)**
 - a. National Roads shall have an ROW width of at least 20 meters in rural areas which may be reduced to 15 meters in highly urbanized areas.
 - b. ROW shall be at least 60 meters in unpatented public land.
 - c. ROW shall be at least 120 meters through natural forested areas of aesthetic or scientific value.
- 4. EO 1035**
 - a. Financial assistance to displaced tenants, cultural minorities and settlers equivalent to the average annual gross harvest for the last 3 years and not less that PhP15, 000 per ha.
 - b. Disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest during the last 5 years.
 - c. Compensation for improvements on land acquired under Commonwealth Act 141.
 - d. Government has the power to expropriate in case agreement is not reached.
- 5. MO 65, Series of 1983**
 - a. Easement of ROW where the owner is paid the land value for the Government to use the land but the owner still retains ownership over the land.
 - b. Quit claim where the Government has the right to acquire a 20 to 60 m width of the land acquired through CA 141. Only improvements will be compensated.
- 6. Republic Act 6389**

Provides for disturbance compensation to agricultural lessees equivalent to 5 times the average gross harvest in the last 5 years.
- 7. Article 141, Civil Code**

Real actions over immovables prescribed after thirty (30) years. The provision is without prejudice to what is established for the acquisition of ownership and other real rights by prescription (1963).

8. NCIP Administrative Order No. 03, Series of 2012 or the Free, Prior and Informed Consent Guidelines of 2012.

The Free and Prior Informed consent (FPIC) Guidelines of 2012 spells out the procedures for obtaining the Free and Prior Informed Consent for affected communities. It details the process for conducting Field Based Investigation (FBI) and obtaining the Certification Precondition from the NCIP attesting that the applicant has complied with the requirements for securing the affected ICC/IP's FPIC. It also provides the Procedure for validating projects solicited/initiated by Indigenous Peoples.

E. ADB/World Bank Resettlement Policy

1. Basic Principles of Resettlement Policy

- a. Involuntary resettlement should be avoided where feasible.
- b. Where population displacement is unavoidable, it should be minimized by exploring all viable project options.
- c. People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favorable as it would have been in the absence of the project.
- d. People affected should be fully informed and consulted on resettlement and compensation options.
- e. Involuntary resettlement should be conceived and executed as part of the project

2. Operational Policies for Resettlement

- a. The absence of a formal legal title to land by some affected groups should not be a bar to compensation, especially if the title can be perfected; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and ethnic minorities, and appropriate assistance provided to help them improve their status.
- b. In case of severe impacts on agricultural land use, rehabilitation measures shall be given to PAFs that are actively cultivating affected plots, in the form of a combination of training, money to be invested to improve productivity, agricultural extension and income restoration allowances.
- c. If possible, income restoration entitlements may also be given to informal settlers affected by non-severe loss of agricultural land, though the rehabilitation may have lesser effect than for severely affected PAFs.

- d. Existing social and cultural institutions of re-settlers and their hosts should be supported and used to the greatest extent possible and re-settlers should be integrated economically and socially into host communities.
- e. The full costs of resettlement and compensation should be included in the presentation of project costs and benefits
- f. Some costs of resettlement may be considered for inclusion in the Bank loan financing the project. Costs that are covered include all costs associated with land improvement, construction of new housing and community infrastructure, and income generating measures. Other costs including land acquisition would need review and clearance of a special committee in the World Bank Headquarter at Washington. Thus, it must be covered by a specific proposal with all the required information

3. Basic principle of World Bank's Indigenous People's Policy (O.P. 4.10)

- a. The World Bank recognizes that Indigenous Peoples play a vital role in sustainable development and its aims to ensure that the development process fully respects the dignity, human rights, economies, and cultures of indigenous Peoples.
- b. The World Bank recognizes that the identities and cultures of Indigenous People are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and impacts from development projects.
- c. Involuntary resettlement of indigenous peoples is to be avoided whenever feasible.
- d. The project proponent or borrower undertakes a social assessment whenever screening shows that Indigenous Peoples are present in, or have collective attachment to, the project area. The social assessment is necessary to evaluate the project's potential positive and adverse effects on indigenous peoples.
- e. When a project is found to definitely affect Indigenous Peoples, the project proponent engages in a free and prior informed consultation with them.
- f. On the basis of the social assessment and the free and prior informed consultation, the proponent ascertains if the affected Indigenous People's communities provide their broad support to the project.

6.3 POLICY ON ELIGIBILITY, COMPENSATION AND OTHER ENTITLEMENTS

The settlement of claims for compensation for lost assets of PAFs is summarized in the matrix at the end of this section. The determination of compensation and entitlements is based on the legal framework and principles of the LARR policy.

A. Criteria for Eligibility for Compensation

1. Landowners

- a. Legal owners (agricultural, residential, commercial and institutional) who have full title, tax declaration, or who are covered by customary law (e.g. possessory rights, usufruct, etc.) or other acceptable proof of ownership.
- b. Users of arable land who have no land title or tax declaration
- c. Agricultural lessees

2. PAFs with Structures

- a. Owners of structures who have full title, tax declaration, or who are covered by customary law (e.g. possessory rights, usufruct, etc.) or other acceptable proof of ownership.
- b. Owners of structures, including shanty dwellers, who have no land title or tax declaration or other acceptable proof of ownership.
- c. Renters

3. Indicators of Severity of Impacts

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

- a. Severe – The portion of the property to be affected is more than 20% of the total land area or even less than 20% if the remaining portion is no longer economically viable or it will no longer function as intended. The owner of this property (land or structures, etc.) shall be entitled to full compensation in accordance to R.A 10752.
- b. Marginal – the impact is only partial and the remaining portion of the property or asset is still viable for continued use. Compensation will be on the affected portion only.

4. Compensation per Category of Assets Affected.

The classifications or categories of assets to be compensated include Land, Structures, other Improvements and Crops, Trees and Perennials. Described below are the compensation and entitlements provisions for which the PAFs are eligible, per classification of assets affected.

a. Compensation for Structures

- i. Compensation in cash for the affected portion of the structure, including the cost of restoring the remaining structure, as determined by the concerned Appraisal Committee, with no deduction for salvaged building materials.

b. Compensation for Other Improvements

- i. Compensation in cash at replacement cost for the affected portion of public structures to government or non-government agencies or to the community in case of a donated structure by agencies that constructed the structure.
- ii. Compensation to cover the cost of reconnecting the facilities, such as water, power and telephone.

c. Compensation For Crops, Trees and Perennials

- i. Cash compensation for perennials of commercial value as determined by the DENR or the concerned Appraisal Committee
- ii. PAFs will be given sufficient time to harvest crops on the subject land
- iii. Compensation for damaged crops (palay and corn) at market value at the time of taking. The compensation will be based on the cost of production per ha. pro-rata to the affected area.
- iv. Entitlement for fruit-bearing trees will be based on the assessment of the Provincial or the Municipal Assessors where the project is located.

d. Compensation For Land

- i. Computation of the replacement cost of land shall be pursuant to RA 10752. As provided in Section 5, PAFs will be offered as compensation price, the sum of current market value of the land.

- ii. Land swapping if feasible, 'land for land', will be provided in terms of a new parcel of land of equivalent market value, at a location acceptable under zoning laws, or a plot of equivalent value, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure. When the affected holding has a higher value than the relocation plot, cash compensation will cover the difference in value
- iii. Holders of free patent, homesteads under CA 141, or the Public Lands Act, will be compensated for improvements only.
- iv. Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act shall be compensated pursuant to the provisions of R.A 10752. However, CLOAs granted under Public Land Act or CA 141 landowners shall be compensated for the affected improvements only.

e. Other Types of Assistance or Entitlements

- i. **Disturbance Compensation.** For agricultural land severely affected the lessees are entitled to disturbance compensation equivalent to five times the average of the gross harvest for the past 3 years but not less than PhP15, 000.
- ii. **Income Loss.** For loss of business/income, the **PAF** will be entitled to an income rehabilitation assistance not to exceed **P 15,000** for severely affected structures, or to be based on the latest copy of the PAF's Tax record for the period corresponding to the stoppage of business activities.
- iii. **Inconvenience Allowance** in the amount of **P 10,000.00** shall be given to PAFs with severely affected structures, which require relocation and new construction.
- iv. **Rehabilitation assistance** (skills training and other development activities) equivalent to PhP15, 000 per family per municipality will be provided in coordination with other government agencies, if the present means of livelihood is no longer viable and the PAF will have to engage in a new income activity.
- v. **Rental Subsidy.** Will be given to PAFs without sufficient additional land to allow the reconstruction of their lost house under the following circumstances:
 - a. The concerned properties are for residential use only and are considered as severely affected.
 - b. The concerned PAFs were physically residing in the affected structure and land at the time of the cut-off date.

- c. The amount to be given will be equivalent to the prevailing average monthly rental for a similar structure of equal type and dimension to the house lost.
 - d. The amount will be given for the period between the delivery of house compensation and the delivery of land compensation.
- vi. **Transportation allowance or assistance.** If relocating, PAFs to be provided free transportation. Also, informal settlers in urban centers who opt to go back to their place of origin in the province or be shifted to government relocation sites will be provided free transportation

5. Entitlement Matrix

TABLE 4: ENTITLEMENT MATRIX

Type of Loss	Application	Entitled Person	Compensation/Entitlements
LAND (Classified as Agricultural, Residential, Commercial, or Institutional)	More than 20% of the total landholding lost or where less than 20% lost but the remaining land holding become economically unviable.	PAF with TCT or tax declaration (Tax declaration can be legalized to full title).	PAF will be entitled to: <ul style="list-style-type: none"> • Cash compensation for loss of land at 100% replacement cost at the informed request of PAFs • If feasible, land for land will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to PAFs, or • Holders of free or homesteads patents and CLOA under CA 141. Public Lands Act will be compensated on land improvements only. • Holders of Certificates of Land Ownership Award (CLOA) granted under the Comprehensive Agrarian Reform Act shall be compensated for the land at zonal value. • Cash compensation for damaged crops at market value at the time of taking. • Rehabilitation assistance in the form of skills training equivalent to the amount of ₱15, 000.00, per family, if the present means of livelihood is no longer viable and the AF will have to engage in a new income activity.
		AF without TCT	<ul style="list-style-type: none"> • Cash compensation for damaged crops at market value at the time of taking • Agricultural lessors are entitled to disturbance compensation equivalent to five times the average of the gross harvest for the past 3 years but not less than PhP15, 000.
	Less Than 20% of the total landholdings lost or where less than 20% lost or where remaining viable for use.	AF with TCT or tax declaration (tax declarations that are legalizable to full title)	PAF will be entitled to: <ul style="list-style-type: none"> • Cash compensation for loss of land at 100% replacement cost at the informed request of PAFs • Holders of free or homestead patents and CLOAs under CA 141. Public Land Act shall be compensated on land improvements only. • Holders of Certificates of Land Ownership (CLOA) granted under the Comprehensive Agrarian Reform Act shall be compensated for the land at zonal value.

Type of Loss	Application	Entitled Person	Compensation/Entitlements
			<ul style="list-style-type: none"> • Cash compensation for damaged crops at market value at the time of taking
		AF without TCT	<ul style="list-style-type: none"> • Cash compensation for damaged crops at market value at the time of taking • Agricultural lessor are entitled to disturbance compensation equivalent to five times the average of the gross harvest for the past 3 years but not less than Php15,000.
STRUCTURES (Classified as Residential/ Commercial/ Industrial)	More than 20% of the total landholding loss or where less than 20% loss but the remaining structures no longer function as intended or no longer viable for continued use.	AF with TCT or tax declaration (Tax declaration can be legalized to full title)	AF will be entitled to: <ul style="list-style-type: none"> • Cash compensation for entire structure 100% or replacement cost. • Rental subsidy for the time between the submission of completed documents and release of payment on land.
		AF without TCT	AF will be entitled to: <ul style="list-style-type: none"> • Cash compensation for the entire structure at 100% replacement cost. • Rental subsidy for the time between the submission of complete documents and the release of payment on land.
	Less than 20% of the total landholding lost or where the remaining structure can still function and is viable for continued use	PAF with TCT or tax declaration (Tax declarations that are legalizable to full title)	<ul style="list-style-type: none"> • Compensation for affected portion of the structure.
		PAF without TCT	<ul style="list-style-type: none"> • Compensation for affected portion of the structure.
IMPROVEMENTS	Severely or marginally affected	PAF with or without TCT, tax declaration, etc.	PAF will be entitled to: <ul style="list-style-type: none"> • Cash compensation for the affected improvements at replacement cost
CROPS, TREES, PERENNIALS			PAF will be entitled to: <ul style="list-style-type: none"> • Cash compensation for crops, trees, and perennials at current market value as prescribed by the concerned LGUs and DENR.

6.4 ON INDIGENOUS PEOPLE WHO WILL BE AFFECTED BY THE PROJECT

Indigenous peoples who will be affected by the project deserve special attention because of their unique vulnerability and their distinct ways of relating to the physical environment. The DPWH recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to their physical environment and the natural resources on which they depend. This exposes IPs to certain types of risks and to intensified levels of impacts that the dominant groups in Philippine society do not face when confronted by infrastructure development projects. Hence, the objective of this chapter is to ensure that DPWH-implemented projects do no further harm to IPs and leave them worse off with the projects than without.

A. COVERAGE OF THE POLICY ON INDIGENOUS PEOPLES

This policy covers all Indigenous Peoples or Indigenous Cultural Communities (ICC) whether they are living outside or inside an officially declared ancestral domain or those areas belonging to IPs covered by a Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Title (CALT). It also covers areas that have pending applications to be declared as an ancestral domain.

It applies to projects that pass through **three (3) types of procedures**:

- 1) those projects that are voluntarily initiated and solicited by the IPs/ICCs.
- 2) those infrastructure projects that would require Free and Prior Informed Consent; and
- 3) those projects that do not require Free and Prior Informed Consent (FPIC).

It contemplates **six (6) types of situations** where Indigenous Peoples may be affected by civil works and related activities. These situations are:

1. When the involuntary taking of land (including structures, improvements, crops, trees, and perennials) occurs inside an officially declared ancestral domain or an area with a pending application to be declared as an ancestral domain.
2. When due to the involuntary taking of land (including structures, improvements, crops, trees, and perennials) inside an officially declared ancestral domain or an area with a pending application to be declared such results in the removal and resettlement of Indigenous Peoples.
3. When removal of Indigenous Peoples results in resettlement outside their ancestral domain.

4. When land acquisition occurs outside an ancestral domain or outside an area with a pending application to be declared such and Indigenous Peoples, whether as individuals, families or as a community, are among those to be resettled.
5. When land acquisition occurs outside an ancestral domain or an area with a pending application to be declared such and Indigenous Peoples are among those affected but no IPs will be removed from the locale and resettled elsewhere; and
6. When natural resources inside ancestral domains are extracted and used for civil works.

B. THREE TYPES OF PROCEDURES:

Given the public nature and benefit derived from infrastructure projects, the policy of the DPWH is for the IPs to voluntarily solicit and initiate an infrastructure project. For projects that the IPs without coercion, freely solicit and initiate inside or outside ancestral domain, there is obviously no requirement for a Free and Prior Informed Consent (FPIC). *Chapter III or the Policy on Eligibility, Compensation and other Entitlements of this LARRIPP* remains operative even in cases on voluntary solicitation or initiation. **In general, no IPAP is required for projects that are voluntarily solicited or initiated by IPs.**

The project proponent will provide documentation that the projects have indeed been voluntarily and initiated or solicited by Indigenous Peoples. A representative of the NCIP should be invited and be present to witness that the consultation was indeed free from coercion or manipulation, gender and intergenerationally inclusive, and conducted with proper disclosure of information and in a manner appropriate to the social and cultural values of the affected IP communities and their condition. Voluntarily initiation and solicitation is subject to validation by the National Commission on Indigenous Peoples in conformity to IPRA and NCIP Administrative Order No. 1 or Free and Prior Informed Consent Guidelines of 2006.

In the event of non-consent by affected Indigenous Peoples in their ancestral domain, the procedure set forth in Part V, Section 27c of NCIP Administrative Order No. 1 or the Free and Prior Informed Consent Guidelines of 2006 shall apply.

In the event ICC/IPs outside of ancestral domains will be affected, Section D of this Chapter shall apply.

TABLE 5: IP LOCATION AND REQUIREMENTS FOR FPIC AND IPAP

	Location	Requirement for FPIC	Requirement for IPAP
Voluntarily initiated or solicited by IPs;	Inside Ancestral Domain	None	None
	Outside Ancestral Domain	None	None
Projects that are not voluntarily initiated or solicited by IPs	Inside Ancestral Domain	Yes	MOA=IPAP
	Outside Ancestral Domain	None except for a special case discussed in Section 6.5.4 of this chapter	IPAP required

C. LAND ACQUISITION INSIDE ANCESTRAL DOMAINS

In the event land (including structures, improvements, crops, trees, and perennials) is to be acquired inside an ancestral domain, the DPWH and its agents shall observe the *Free and Prior Informed Consent (FPIC) Guidelines of 2012* or the provision of any agreement that the DPWH may have reached with the NCIP. The details of the *FPIC Guidelines of 2012* are found in the Social and Environmental Management Systems (SEMS) Manual.

Free and Prior Informed Consent (FPIC) must be determined using methods appropriate to the social and cultural values of the affected Indigenous Peoples' Communities, *recognizing the primacy of costumes, traditions, practices, and socio-political structures of the ICC/IPs concerned. The process must be free from any external manipulation, interference and coercion and must give special attention to the concerns of Indigenous women, youth, and children.* Free and Prior Informed Consent is obtained *only after a full disclosure of the intent, scope, benefits, potential adverse effects of the project, and measures to avoid, reduce, minimize, and mitigate these effects in a language and manner that is culturally appropriate and understandable* to the affected Indigenous Peoples' Communities.

As required by the *FPIC Guidelines of 2012*, the DPWH or the project proponent shall prepare a presentation of the project to be explained to the affected IP/ICCs during the Consultative Community Assembly (CCA) or the First Meeting. Whichever is applicable. The project proponent shall present the goals and the scope of the project, the operation including timeframe if available, the costs and benefits of the project to the ICC/IP and their ancestral domains, its relationship to the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) if available, and the perceived disadvantages or adverse effects to the ICC/IP and the measures that the project proponent is proposing to mitigate and minimize these.

In addition, the proponent will explain during the CCA or the First Meeting, the legal framework governing the taking of private or communal property for public use, the different modes of acquisition, policy on eligibility, compensation and other entitlements, and the other applicable laws and policies concerning these. With the NCIP representatives, the project

proponent will explain the proposed grievance procedures to be followed and the institutional arrangement for monitoring and evaluation.

1. Land Acquisition without resettlement

The project may involve the acquisition of land and/or the structures, improvement, crops, trees, and perennials on it. The acquisition must ensure that non-replicable cultural property will not be damaged in the process in accordance with Chapter VI, Section 33 of the IPRA. All reasonable efforts should be done to ensure that road sections and linked activities projects, will not pass through religious and cultural properties of IPs, e.g. burial and the like that these be preserved, respected, and protected *in situ*.

If passage through, and hence damage to and/or partial or total relocation of religious and cultural properties is unavoidable, this should be presented to the ICC/IPs in the Consultative Community Assembly (CCA) or First Meeting whichever is applicable and obtained the Free and Prior Informed Consent of the affected ICC/IPs. If consent is obtained, modes of compensation will be guided by Chapter III of the LARRIPP. The IPs may opt to receive the entitlements laid out in Chapter III in culturally appropriate for m consistent with their customary law.

When completion of the project would involve significant restrictions of access to religious and cultural sites and to traditional hunting, gathering grounds or natural resources that the IPs use, These restriction plus the measures to minimize them will be disclosed by the project proponent to the affected ICC/IPs and include as part of the IPA/MOA. Temporary restrictions on indigenous peoples' access to natural resources and religious and cultural sites during project implementation plus the measures to minimize them shall be disclosed by the proponent. Measures to mitigate these temporary restrictions will also be contained in the IPAP/MOA.

Compensation for lands acquired, for affected structures, other improvements, for crops, trees, and perennials inside ancestral domain **where no removal and resettlement of ICC/IPs are involved** shall be governed by Chapter II (*Legal Framework*) and III (*Policy on Eligibility, Compensation, and other Entitlements*). The ICC/IPS may opt to receive the compensation in culturally appropriate form consistent with their customary law. Other that those granted by Chapter III, benefits to be enjoyed by the host ICC/IPs will be spelled out in the Memorandum of Agreement (MOA) that will be executed between and among the ICC/IPs, the project proponent, and other related parties in accordance with Sections 43 to 46 of the *FPIC Guidelines of 2006*.

In the event the impact on certain IPs is severe (involving land whose use is other than residential) and subject to the Free and Prior Informed Consent of the affected IPS, land swapping will be explored first. Conditions pertaining to land swapping and other types of

assistance or entitlements due to severely affected as found in Chapter III of this LARRIPP will apply.

The project proponent binds itself to the Memorandum of Agreement (MOA) it enters with the affected ICC/IPs, especially regarding the manner of transferring compensation and benefits to the affected persons/families and the community at large. Just the same, the project proponent in cooperation with the NCIP and the affected ICC/IPs will include in the MOA measures to ensure that **gender equity, participation, transparency, and accountability** are observed in the handling, distribution, safekeeping, an use of the funds and in the overall implementation of the MOA.

The MOA with the additions written above shall serve as the Indigenous Peoples' Action Plan (IPAP)

2. Land Acquisition with removal and resettlement

By policy, involuntary resettlement and relocation of ICC/IPs should be avoided where feasible. **If resettlement is unavoidable, the project affected families will be resettled as much as possible within their ancestral domain and in proximity to their original property so as not to disrupt the exercise of traditional resource use right and livelihood activities.**

In presenting the project, the adverse impacts, and the possible resettlement sites, the DPWH and its agents shall observed the *Free, Prior and Informed (FPIC) Guidelines of 2012* or the provisions of any agreement that the DPWH may have reached with the NCIP. Following their customary law, the Indigenous People's Communities will be consulted regarding the resettlement site. The project proponent in cooperation with the relevant government agencies shall ensure that the resettlement site is of equivalent productive potential (or developed to make them so) and spatial advantages, e.g. providing the same degree of access to resources and to public and privately provided services and protection. Barring this, the Resettlement Action Plan (RAP) should include measures to mitigate the lack of access to natural resources, basic services, and to cultural and religious sites.

Compensation for those to be removed and resettled will be governed by Chapters II and III of this LARRIPP. Benefits agreed upon by the ICC/IPs and the proponent other than those provided by law shall be contained in the Memorandum of Agreement (MOA) in accordance with Sections 43 to 46 of the *FPIC Guidelines of 2012*. The affected ICC/IPs may choose to receive the compensation and assistance in culturally appropriate form consent with their customary law.

The project proponent binds itself to the Memorandum of Agreement (MOA) it enters into the affected ICC/IPs, especially regarding the manner of relocation and the transfer of

compensation and benefits to the affected persons/families and the community at large. Just the same, the project proponent in cooperation with the NCIP and the Affected ICC/IPs ought to include in the MOA to ensure that the **gender equity, participation, transparency, and accountability** are observed in the handling, distribution, safekeeping, and the use of the funds and in the overall implementation of the MOA.

The MOA with additions written above shall served as the Indigenous Peoples' Action Plan (IPAP)

In the exceptional case **when the resettlement site is outside the affected ancestral domain**, the FPIC Guidelines of 2012 or the provisions of any agreement that the DPWH may have reached with the NCIP shall also apply. Following their customary law, the IPs will be consulted regarding the choice of resettlement site. The project proponent in cooperation with the relevant government agencies shall ensure that the resettlement site is of equivalent productive potential (or developed to make them so) and spatial advantages, e.g. providing the same degree of access to resources and to public and private provided services and protection. Barring this, the Resettlement Action Plan (RAP) should include measures to mitigate the lack of access to natural resources, basic services and to cultural and religious sites. Efforts must be made to prepare the receiving community.

If the receiving area were an ancestral domain or an area with a pending application for a CADT, the Free and Prior Informed Consent of the receiving Indigenous Peoples' community will be obtained following the procedures set forth in the *Free and Prior Informed Consent (FPIC) Guidelines of 2012*.

The project proponent binds itself to the Memorandum of Agreement (MOA) it enters into with the affected ICC/IPs, especially regarding the manner of relocation and the transfer of compensation and benefits to the affected persons/families and the community at large. Just the same, the project proponent in cooperation with the NCIP and the affected ICC/IPs ought to include in the MOA measures to ensure that **gender equity, participation, transparency, and accountability** are observed in the handling, distribution, safekeeping and use of the funds and in the overall implementation of the MOA.

The MOA with additions written above served as the Indigenous Peoples' Action Plan (IPAP)

In the extremely rare case when some IPs would be resettled by their own choosing or by necessity **outside of their ancestral domain** while their kindred who are also affected would remain or be resettled in the ancestral domain, depending on the number of IPs to be resettled, either an IPAP or a special section on IPs in the Resettlement Action Plan (RAP) will be prepared for those to be resettled outside the ancestral domain. This is in addition to the MOA that also serves as the IPAP for those remaining inside the ancestral domain. The IPs who choose to be resettled outside their ancestral domain would be resettled in the designated resettlement sites.

D. LAND ACQUISITION AFFECTING IPS OUTSIDE ANCESTRAL DOMAINS

In the implementation of infrastructure projects, it may happen that land is taken outside of an officially declared ancestral domain or an area with a pending application to be declared such but IPs still among those to be affected.

Regardless of the impact, the project proponent will conduct a separate, meeting with the IPs to obtain their broad support for the project using methods appropriate to the social and cultural values of the affected Indigenous Peoples' Communities, recognizing the primacy of customs, traditions, practices, and socio-political structures of the ICC/IPs concerned. The process must *free from any external manipulation, interference, coercion and must give special attention to the concerns of Indigenous women, youth and children, There must be full disclosure of the intent, scope, benefits, potential adverse impacts of the project, and measures to avoid, reduce, minimize, and mitigate these effects in a language and manner that is culturally appropriate and understandable* to the affected Indigenous Peoples' Communities. The proponent shall also disclose this LARRIPP to the affected ICC/IPs. If necessary, separate consultation will be held with IP women and children with ICCs leaders. A representative of the NCIP will be invited and should be present in the meeting.

1. IPs are to be resettled

The project proponent shall disclose during the IP meeting the necessity of relocating the whole or large portion of the IP community or individual IP families. If the IP community were migrants in the place and would have to be resettled, the project proponent can represent the option of returning to their place origin. If this option were chosen, transportation allowance or assistance would be provided along with compensation and other types of entitlements due to those to be resettled as found in Chapter III of this LARRIPP. The project proponent with the NCIP will prepare the hosting community. If the place of origin and re-settlement of the affected IPs were an ancestral domain or an area with a pending application to be declared such, the Free and Prior Informed Consent (FPIC) of the receiving ICC/IPs would be obtained first following the FPIC Guidelines of 2012.

If the IPs refuse this option, the proponent in cooperation with the relevant government agencies will fully disclose the resettlement site, aware of their possible preference to relocate and reside as a separate and distinct group in one neighborhood to preserved kinship and identity. The resettled IP community shall be compensated and enjoy entitlements the same as those given to non-IPs as spelled out in this LARRIPP. The IP community may opt to receive the compensation and entitlements in culturally appropriate from consistent with their traditions and customary law. The project proponent will prepare the hosting or receiving community.

The proponent in collaboration with government agencies will ensure that by resettling the IPs (and non-IPs as well), the latter will at least maintain the level of well-being they enjoyed without the project. For this purpose, the proponent with the NCIP, other government

agencies, and the affected IP community will draft an Indigenous Peoples' Actions Plan (IPAP) will contain safeguards to ensure gender equity, participation, transparency and accountability.

If resettlement would require a few IP families to be relocate but not others, and if the affected IPS so prefer, the project proponent will explore resettlement options within the immediate vicinity of the impact area so as not to destroy or weaken kinship and other social relations, limits their access to services, disrupt livelihoods, deprive them of traditional resources use rights, if any. The resettled IP families shall be compensated and enjoyed entitlements the same as those given to non-IPs as spelled out in this LARRIPP. The project proponent will draft an IPAP that ought to cover those who will be resettled and another IPAP for those who will remain.

2. IPs that are not to be resettled

IPs affected but do not require resettlement shall be compensated and enjoyed the same types and level of assistance and entitlements as non-IPs are similarly situated.

The marginally affected IPs may chose to be compensated or to be assisted in their own manner, consistent with their culture and customary law. Depending on the number of IP PAFs, whether as a community or only a few families, the project proponent will either draft an IPAP or include a special section in the abbreviated RAP pertaining to IP PAFs.

3. Resettled IPs occupying lands of the public domain

A special case is IPs who have been removed from their ancestral domain and have been resettled in lands of the public domain because of a government project or displacement due to conflict, natural calamities, and forcible disposition of land. These IPs enjoyed the right of security of tenure over lands to which they have resettled (Section 7d, IPRA) and shall not be treated as migrants. The *Free and Prior Informed Consent Guidelines of 2012* apply to these types of IPs if they are affected by the projects. The MOA (with additions mentioned above) that the project proponent enters into with the affected IPs will serve as the IPAP.

E. EXTRACTION OF NATURAL RESOURCES INSIDE ANCESTRAL DOMAIN AND THEIR USE

The provisions of the LARRIPP bind not only the project proponent or the DPWH but also its agents. Aside from observing environmental laws, environmental and social safeguards policies of the lender, and securing the necessary permits from the DENR and the Local Government Unit concerned, extraction of natural resources by DPWH's contractors or by agents of the contractor inside ancestral domains shall abide by the *FPIC Guidelines of 2012*, specially Section 39 on *Small Scale Quarrying*. Contractors have joint and solidary liability for the actions of their employees and their subcontractors or agents.

It should not be construed, however, that the normal cut and fill activities for road construction are extraction of natural resources.

TABLE 6: SUMMARY OF IMPACT AND CORRESPONDING SAFEGUARD INSTRUMENTS

Location of Affected IPs	Impact	Relocation Site and Magnitude of Affected Families to be relocated	Guiding Framework	Safeguard Instrument
Inside Ancestral Domain	Without Resettlement	Not Applicable (NA)	FPIC Guidelines of 2006 and/or possible MOU between the DPWH and the NCIP For compensation and entitlements, Chapter II and III of the LARRP	MOA = IPAP
	With Resettlement	Inside	FPIC Guidelines of 2006 and/or possible MOU between the DPWH and NCIP For compensation and entitlements, Chapter II and III of the LARRP	MOA=IPAP
		Outside Ancestral Domain	FPIC Guidelines of 2006 and/or possible MOU between the DPWH and NCIP For compensation and entitlements, Chapter II and III of the LARRP	MOA=IPAP
		Mixed: Some IPs resettled outside ancestral domain; others remain inside	FPIC Guidelines of 2006 and/or possible MOU between the DPWH and the NCIP For compensation and entitlements, Chapter II and III of the LARRP	For those remaining inside the Ancestral Domain: MOA=IPAP; For those resettled outside the Ancestral Domain: Depending on magnitude, either a stand-alone IPAP or a special chapter in the RAP

TABLE 7: SUMMARY OF IMPACT AND CORRESPONDING SAFEGUARD INSTRUMENTS

Location of Affected IPs	Impact	Relocation Site and Magnitude of Affected Families to be relocated	Guiding Framework	IP Instrument
Outside Ancestral Domain	With Resettlement	Whole Community or a Large Portion of the Community	<p>LARRIPP Governed by possible MOA between the DPWH and NCIP Explore option to resettle in their place of origin.</p> <p>If the identified receiving area were an ancestral domain, Free and Prior Informed Consent should be obtained from the hosting IP community. FPIC Guidelines of 2006 and/or possible MOA between the DPWH and NCIP shall apply.</p> <p>For compensation and entitlements, Chapter II and III of the LARRIPP</p>	IPAP
		A Few Families but majority of the IP Community remains.	<p>Explore option to resettle in the immediate vicinity of the IP community</p> <p>For compensation and entitlements, Chapter II and III of the LARRIPP</p>	IPAP to cover both PAFs to be resettled and the IP community that remains.
	Without Resettlement	Not Applicable	For compensation and entitlements, Chapter II and III of the LARRIPP	Depending on the number of IP PAFs, either a stand-alone IPAP will be drafted or a special IP Section in the Abbreviated RAP.
Outside of Ancestral Domain IPs who have been resettled in lands of the public domain	With or Without Resettlement	Whole Community or a Portion	<p>FPIC Guidelines of 2006</p> <p>For compensation and entitlements, Chapter II and III of the LARRIPP</p>	MOA=IPAP

6.5 PUBLIC PARTICIPATION AND CONSULTATION

A. NON-IPS

The information campaign will convey to all PAPs the following:

1. The road project that has triggered the Involuntary Resettlement Safeguard Policy. Why is it important? Who would benefit from it? What are its benefits to the affected families;
2. Each PAP is entitled to receive just compensation at current market value of affected land as provided in RA 10752;
3. The BIR zonal valuation and the fair market value may be substantially different;
4. The negotiations process detailed in R.A. 10752 provides that:
 - a. DPWH first asks the PAPs to donate their affected land provided that the following conditions shall be met:
 - i. The AP's have decided to donate their land based on informed consent, that is: prior to the decision, they have been (a) informed of their compensation entitlements at market rates; (b) actually offered the relative compensation amounts;
 - ii. Land redistribution or donations do not affect the donor's livelihood;
 - iii. Land to be donated is titled, un-rented, has no encumbrances nor is occupied by informal settlers;
 - iv. The voluntary aspect of land redistribution or donations is documented by a document signed by the donor that he/she is aware of the above conditions. The inclusion of the document in the RAP will be the basis for its approval. In addition, based on BIR rules, arrear taxes for donated plots need to be paid or waived. If waiver is not possible, the taxes will have to be paid by the LGU.
 - b. If the property owner refuses or fails to accept the price offer for negotiated sale or fails and/or refuses to submit the documents necessary for payment, or when negotiation is not feasible, the IA shall initiate expropriation proceedings as stipulated in Section 7 of the IRR of RA 10752.
 - c. RA 10752 provides for the engagement of a government financial institution or an independent property appraiser to determine the appropriate price offer for the acquisition of ROW through negotiated sale. The IA will promptly seek the services of Land Bank, DBP or an independent appraiser to determine the market value based on the following parameters:
 - i. land use classification

- ii. development costs for improving the land
 - iii. value declared by PAPs
 - iv. current selling price of similar properties in the vicinity, based on deeds of sale
 - v. disturbance
 - vi. tax declaration and BIR zonal valuation
 - vii. replacement cost.
- d. The IA will offer the compensation price based On Sec. 6 of the IRR of RA10752. After 30 days, if the PAPs refuse to accept the offered price, the IA may file an expropriation case to the proper Court as provided in Sec. 7 of the IRR of RA 10752.
- e. DPWH then begins negotiations with the PAPs to determine the final compensation;
- f. If the PAPs do not accept the terms of this negotiation and the land valuation under RA 10752, their affected properties will be expropriated; (Section 6 of IRR of RA 10752)
- g. DPWH shall immediately pay the PAP whose property is under expropriation the amount equivalent to the sum of one hundred percent (100%) of the value of the land based on the current relevant valuation of the BIR and the court shall determine the just compensation to be paid to the PAP within sixty (60) days from the date of filing of the expropriation case. When the decision of the court becomes final and executory, DPWH shall pay the PAP the difference between the amounts already paid and the just compensation as determined by the court. In the interim, DPWH will deposit 100% of the BIR valuation into an escrow account.

The information campaign will also convey to the PAPs the available channels for complaints and grievances and related procedures. In this respect the PAPs will be informed that grievances from the PAPs related to the LARRIPP implementation or any aspect of the project will be handled through negotiations and are aimed at achieving consensus according to the following procedures:

1. The PAPs will lodge their grievances by writing to the Resettlement Implementation Committee (RIC) for immediate resolution.
2. If the complaint is not satisfactorily resolved in 15 days or the PAP does not receive any response from the RIC, the PAP can forward the complaint or file an appeal at the DPWH Regional Office (RO).

3. If the complaint is not satisfactorily resolved in 15 days or the PAP does not receive any response from the DPWH RO, the PAP can file a legal complaint in any appropriate Court of Law.

The information campaign will be carried out by the PMO with the support of ESSD, the Regional Offices and District Engineering Offices and will be implemented through community meetings and leaflets according to the following specifications:

1. **Community Meetings.** Community meetings to be organized in sufficient number and at the appropriate location and time so as to allow the potential participation of all PAPs or their authorized representatives. In the course of the meetings DPWH personnel will explain the reasons for the meeting and will provide the information detailed above. PAPs will be free to ask for clarification and to propose procedures that may facilitate the implementation of the compensation program. When necessary, DPWH will provide the PAPs with transportation to reach the meeting venue. At each meeting the numbers and names of the participants will be recorded and minutes of the discussions will be taken by DPWH.
2. **Leaflets.** A leaflet, printed in the language understandable to the PAPs, providing a statement of purpose, project details and clearly indicating the information listed above to be distributed by the DEOs to each PAP. Additional copies of the leaflet will be distributed during the community meetings. It will also be posted in enlarged poster form in strategic locations like the municipal, city and barangay halls.

The women, elderly who are among the PAPs shall likewise be consulted and mobilized to participate in the consultation meeting, and discussed with them the socio-cultural implication of the Resettlement Action Plan.

To ensure that the DPWH District Engineering Offices fully understand the purposes and mechanisms of the information campaign, workshops on the matter shall be organized and conducted at the DPWH Central Office in Manila or in the DPWH Regional Offices as maybe necessary. Representatives of DEOs affected by the project component shall be the main participants in these workshops.

Internal monitoring will be done by ESSD which at the same time shall be called the Internal Monitoring Agent (IMA) while external monitoring will be carried out by an External Monitoring Agent (EMA) to be hired by DPWH. Reports of the IMA and EMA will be made available to the ROs and/or the DEOs and to all concerned parties, including the PAPs.

B. Indigenous Peoples

1. Inside Ancestral Domains

The process of consultation for IPs inside ancestral domains begins with a consultation with the Provincial Consultative Bodies (PCB) to present the project concept and map and to determine if the

project would affect ancestral domains and IPs the presence of IPs in the area, or the existence of collective attachment of IPs to the area affected.

If consultation with the Provincial Consultative Bodies shows that an FBI is necessary, the process set forth in part IV of NCIP Administrative Order No.03 series of 2012 for the conduct of the FBI shall be followed unless the DPWH enters into a Memorandum of Understanding (MOU) with the NCIP, in which case the provisions of the memorandum of understanding shall be followed.

If no voluntary solicitation or initiation is obtained from the affected IP community during the FBI or prior to the FBI, or if none is validated by the NCIP, the process of obtaining the Free and Prior Informed Consent (FPIC) of the affected IP community/ies commences. The process of consultation to be followed is that set forth in Part V of NCIP Administrative Order No 03 or the FPIC Guidelines of 2012.

2. IPs outside ancestral domains

If the FBI determines that no ancestral domain will be impacted by the project but IP groups are found and the probability is great that these IP groups will be affected, the following procedure shall apply.

With the NCIP, the project proponent conducts a separate consultation with these IPs to ascertain if they are migrants or have been resettled in the area due to a government project or to displacement caused by a war and natural calamities. If the latter were the case, Section 37 of NCIP Administrative Order No.03 or the Free and Prior Informed Consent Guidelines of 2012 applies. If the former were the case, the project proponent will ensure that subsequent and separate consultations with the IP groups will

- a. Use methods that are appropriate to the social and cultural values of the affected IP communities and their local conditions;
- b. That these methods give special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits;
- c. That the affected Indigenous Peoples communities are provided with all the relevant information about the project (including the potential adverse effects) in a culturally appropriate manner at each stage of project preparation and implementation;
- d. That the consultation methods are guided by an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the project proponent, the affected IP's communities, IP organizations, and if any, other local civil society organizations identified by the affected IP communities

These consultations should be witnessed by a representative of the National Commission on Indigenous Peoples (NCIP).

6.6 GRIEVANCE PROCEDURES

A. NON-IPS

Grievances related to any aspect of the project or sub-project will be handled through negotiations and are aimed at achieving consensus following the procedures outlined below:

1. The grievance shall be filed by the PAP with the Resettlement Implementation Committee (RIC) who will act within 15 days upon receipt thereof, except complaints and grievances that specifically pertain to the valuation of affected assets, since such will be decided upon by the proper courts;
2. If no understanding or amicable solution can be reached, or if the PAP does not receive a response from the RIC within 15 days of registry of the complaint, he/she can appeal to the concerned Regional Office, which should act on the complaint/grievance within 15 days from the day of its filing;
3. If the PAP is not satisfied with the decision of the Regional Office, he/she, as a last resort, can submit the complaint to any court of law.

PAPs shall be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures.

All complaints received in writing (or written when received verbally) from the PAPs will be documented and shall be acted upon immediately according to the procedures detailed above.

B. IPs

1. Inside Ancestral Domains

Conflicts within the affected IP community will be addressed within the community itself in the context of its customary law and customary dispute resolution process and mechanism, in the presence of the relevant staff of the NCIP office with jurisdiction over the area, and if so invited, project-related staff and other stakeholders, e.g. formal local leadership in the barangay and/or the municipality. Inter-community conflicts will be addressed between the communities themselves, according to their customary or agreed upon disputed resolution processes and mechanism. If an outside facilitator, mediator or arbiter is required or requested for, the PMO and project implementing and monitoring units in the field will seek the intervention of the NCIP to act as facilitator, mediator or arbiter. The RAP focal person at the District Engineering Office with the assistance of regional and central office counterparts shall document the proceedings of the discussion or negotiations. This is in addition to the documentation done by the IP community/ies themselves and by the NCIP. If no satisfactory result or an impasse results, the IP communities can elevate their complaints and grievances to the Municipal Resettlement Implementation Committee (MRIC) and the Multi-Sectoral Monitoring Team (MMT). The grievance procedure established therein in no way substitute for or replaces the grievance procedure set forth in *The Free and Prior Informed Consent (FPIC) Guidelines of 2006*. At

their choosing, the IPs may avail of the grievance procedure and mechanisms spelled out in Section 47 of the *Free and Prior Informed Consent (FPIC) Guidelines of 2006* for complaints regarding the MOA.

2. Outside Ancestral Domains

Affected ICCs/IPs living outside ancestral domains can file grievance or complaint with the Resettlement Implementation Committee. Procedures applicable to Non-IPs shall apply to affected ICC/IPs living outside ancestral domains. In settling complaints and grievances, the first option is to use customary dispute resolution processes. Conflicts should be resolved at the ICC/IP level first before elevating it to the Resettlement Implementation Committee. A representative of the NCIP should be present during the community dispute resolution process to serve as witness or translator, with the concurrence or at the request of both the project proponent and the ICC/IPs, the NCIP may facilitate the dispute resolution process.

6.7 INSTITUTIONAL ARRANGEMENTS

A) The Project Implementation Office or the Project Management Office (PMO) of the DPWH

It has overall responsibility for implementing the project. In coordination with relevant agencies, the PMO shall manage and supervise the project, including resettlement activities and land acquisition. It shall ensure that funds for the timely implementation of the RAP are available and that expenses are properly accounted for. The PMO shall be assisted by ESSD (formerly EIAPO per D.O. # 58 dated May 21, 2004) in providing technical guidance and support in the implementation of the RAP.

B) Environmental and Social Services Department (ESSD)

ESSD shall provide technical guidance and support in the implementation of the RAP and will be responsible for the following resettlement activities:

1. overall preparation and planning of the RAP;
2. Submit RAP budget plans (to include compensation, relocation costs, operations) for approval and allocation of needed resources by the DPWH central office;
3. in accordance with the Department's resettlement policies, guide the District Engineering Offices and the Regional Offices in their tasks, such as the verification of PAFs, final inventory of affected assets, and information dissemination;
4. amend or complement the RAP in case problems are identified during the internal and/or external monitoring of its implementation;
5. in collaboration with its counterpart in the Region, follow-up with the DPWH Regional Office the processing of compensation claims of PAFs;

6. in collaboration with PMO, monitor the actual payment of compensation to PAFs; and,
7. in collaboration with its regional counterpart, prepare periodic supervision and monitoring reports on RAP implementation for submission to the PMO and the Bank.

C. District Engineering Offices of the DPWH

As the major implementer of this undertaking, shall act as the Technical Coordinator and shall: a) oversee the staking-out, verification and validation of the PAFs' assets; b) conduct inventories of properties that will be affected; c) approve disbursement vouchers/payments; d) submit reports on disbursements and payments to PAFs to the Regional Office and the PMO; and e) submit Monthly Progress Reports to ESSD, the Regional Offices and the PMO. The DEO will also be a member of the Resettlement Implementation Committee (RIC) and will actively participate in its functions.

D. Regional Offices of the DPWH

The Regional Office shall act as the Liaison between ESSD and the District Office and shall ensure that the RAP is implemented as planned. Its specific activities are: a) monitor the RAP implementation and fund disbursement; b) submit the monthly progress reports to ESSD, c) monitor payments to PAFs. The RO will also address grievances filed at its office by the PAFs for speedy resolution.

E. National Commission on Indigenous Peoples (NCIP)

The NCIP is the primary government agency through which ICCs/IPs can seek government assistance. The IPRA vests upon the NCIP the power to issue certificate of ancestral land/domain title (CALT/CADT). Section 44e) It has the power to issue appropriate certification as a pre-condition to the grant of permit, lease, grant or any other similar authority for the disposition, utilization, management, and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned.

F. Resettlement Implementation Committee (RIC)

It shall be composed of representatives from the Regional Office and District Engineering Office, the City/Municipality, the NCIP provincial and/or regional office, affected barangays, and PAFs/PAPs with separate representation for IP/ICC communities affected by the project. Selection of these ICC/IP representatives shall follow the procedures of the NCIP

Its functions are:

1. Assist the DPWH staff engaged in LARRIPP activities in (a) validating the list of AFs; (b) validating the assets of the PAFs that will be affected by the project (using a prepared compensation form); and (c) monitoring and implementing the LARRIPP;
2. Assist the DPWH and NCIP staff in identifying who among the Project Affected Persons are IPs or belong to ICCs.
3. Assist the DPWH and staff engaged in the LARRIPP activities in the public information campaign, public participation and consultation.
4. Assist DPWH in the payment of compensation to PAFs;
5. Receive complaints and grievances from PAFs and other stakeholders and act accordingly;
6. Maintain a record of all public meetings, complaints, and actions taken to address complaints and grievances; and
7. In coordination with concerned government authorities, assist in the enforcement of laws/ordinances regarding encroachment into the project site or Right-of -Way (ROW).

The MRIC shall be formed through Memorandum of Understanding (MOU) between DPWH, the concerned local government unit, with the National Commission on Indigenous Peoples (NCIP) Provincial or regional office.

6.8 MONITORING AND EVALUATION

A. OBJECTIVE

The main objective of monitoring the implementation of the Resettlement Action Plans (RAPs), MOA with IPs in ancestral domains and IPAPs is to determine whether or not these RAPs, MOAs, and IPAPs are being carried out in accordance with this Land Acquisition, Resettlement, Rehabilitation, and IP Policy. It involves the monitoring of land acquisition, payment of compensation for lost assets and resettlement of persons severely affected by the project.

B. SCOPE

The RAPs to be prepared, implemented and monitored, shall cover all the items mentioned in the RAP outline including but not limited to the identification and compensation for the affected following: for Structures and Other Improvements, and Land that will have to be taken for right of way and income restoration. The content of the MOA with affected IPs will follow the outline spelled out in Part VIII of the Free and Prior Informed Consent Guidelines of 2006. The outline of the IPAP is spelled out in the Social, Environmental Management Systems Manual (SEMS).

C. MONITORING MECHANISM

1. Supervision and Internal Monitoring

The Environmental and Social Services Office (ESSD) under D.O. 58 of the DPWH shall conduct the supervision and in-house monitoring of implementation of the RAPs and the IPAPs (for affected IPs outside the ancestral domain) and will be alternately called the Internal Monitoring Agent (IMA).

The tasks of the Internal Monitoring Agent are to:

- a. Regularly supervise and monitor the implementation of the RAPs and IPAPs (for those affected IPs living outside ancestral domains) in coordination with the concerned District Engineering Office (DEO), Regional Office (RO), and the Resettlement Implementation Committee (RIC). The findings will be documented in the quarterly report to be submitted to the PMO, which in turn will submit the report to the Bank.
- b. Coordinate with the NCIP regarding the monitoring and evaluation of the situation of affected IP communities, whether inside or outside ancestral domains.
- c. Verify that the re-inventory baseline information of all PAFs has been carried out and that the valuation of assets lost or damaged, the provision of compensation and other entitlements, and relocation, if any, has been carried out in accordance with the LARPIPP and the respective RAP Reports.
- d. Ensure that the RAPs and IPAPs (for those affected IPs living outside ancestral domains) are implemented as designed and planned.
- e. Verify that funds for implementing the RAPs, MOAs, and IPAPs are provided by the PMO in a timely manner and in amounts sufficient for the purpose.
- f. Record all grievances and their resolution and ensure that complaints are dealt with promptly.
- g. With the relevant branch of the NCIP and the MRIC, monitor the implementation of IPAPs covering affected IP communities living outside ancestral domains.

2. Monitoring of MOAs with Affected IPs inside Ancestral Domains

The procedure for monitoring Memoranda of Agreement (MOA) that the project proponent enters into with affected IPs inside Ancestral Domains will be guided by the monitoring, evaluation, and reporting arrangements set forth in the MOA.

3. Monitoring of IPAPs for Affected IPS living outside Ancestral Domains

The monitoring of the IPAP for affected ICCs/IPs living outside ancestral domains will be the responsibility of the Internal Monitoring Agent (IMA) in coordination with the NCIP. Reports of the IMA will be verified by the External Monitoring Agent (EMA).

D. External Monitoring and Evaluation

An External Monitoring Agent (EMA) will be commissioned by the DPWH-PMO to undertake independent external monitoring and evaluation. The EMA for the Project will be either a qualified individual or a consultancy firm with qualified and experienced staff. The Terms of Reference of the engagement of the EMA shall be prepared by the DPWH and shall be acceptable to the Bank prior to the engagement.

The tasks of the EMA shall be the following:

- a. Verify results of internal monitoring;
- b. Coordinate with the NCIP regarding the monitoring and evaluation of the situation of affected IP communities, whether inside (covered by the MOA) or outside ancestral domains (covered by the IPAP);
- c. Verify and assess the results of the information campaign for PAFs rights and entitlements, including the consultation with affected IPs living outside ancestral domain;
- d. Verify that the compensation process has been carried out with the procedures communicated with the PAFs and affected IPs during the consultations;
- e. Assess whether resettlement objectives have been met; specifically, whether livelihoods and living standards have been restored or enhanced;
- f. Assess efficiency, effectiveness, impact and sustainability of resettlement and IPAP implementation drawing lessons as a guide to future resettlement and indigenous peoples' policy making and planning;
- g. Ascertain whether the resettlement and IPAP entitlements were appropriate to meet the objectives, and whether the objectives were suited to PAF and to IP conditions;
- h. Suggest modification in the implementation procedures of the RAPs and IPAP, if necessary, to achieve the principles and objectives of the Resettlement Policy and IP Framework.
- i. Review on how compensation rates were evaluated; and
- j. Review of the handling of compliance and grievances cases.

Stages and Frequency of Monitoring

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

1. Compliance Monitoring.

This is the first activity that both IMA and EMA shall undertake to determine whether or not the RAPs and IPAPs were carried out as planned and according to this Policy.

The EMA will submit an Inception Report and Compliance Monitoring Report one month after receipt of Notice to Proceed for the engagement. The engagement of the EMA shall be scheduled to meet the Policy's requirement of concluding RAP and IPAP implementation activities at least one (1) month prior to the start of civil works.

2. Semi-Annual Monitoring - The EMA will be required to conduct a monthly monitoring of RPAP implementation activities.

3. Final Evaluation

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

4. Post- Evaluation

This activity will be undertaken a year after the completion of the project, to determine whether the social and economic conditions of the PAFs and the affected IPs after the implementation of the project have improved.

E. SCHEDULE OF IMPLEMENTATION OF RAPS AND MONITORING

The PMO in coordination with the ESSD shall establish a schedule for the implementation of RAPs and IPAPs and the required monitoring taking into account the project's implementing schedule. It is expected that one month prior to the start of the civil works, all RAP and IPAP activities have been determined by the IMA and EMA as having been concluded.

F. REPORTING

The EMA is accountable to the PMO and reports to the ESSD. The PMO submits copy of EMA's and IMA's Reports to the Bank.

G. MONITORING INDICATORS

1. FOR THE IMA

Monitoring Indicators	Basis for Indicators
1. Budget and timeframe	<ul style="list-style-type: none"> <input type="checkbox"/> Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on schedule? <input type="checkbox"/> Have capacity building and training activities been completed on schedule? <input type="checkbox"/> Are resettlement implementation activities being achieved against the agreed implementation plan? <input type="checkbox"/> Are funds for resettlement being allocated to resettlement agencies on time? <input type="checkbox"/> Have resettlement offices received the scheduled funds? <input type="checkbox"/> Have funds been disbursed according to the RAP? <input type="checkbox"/> Has the social preparation phase taken place as scheduled? <input type="checkbox"/> Has all land been acquired and occupied in time for project implementation?
2. Delivery of Compensation and Entitlements	<ul style="list-style-type: none"> <input type="checkbox"/> Have all AFs received entitlements according to numbers and categories of loss set out in the entitlement matrix? <input type="checkbox"/> Have AFs received payments for <u>affected structures and lands</u> on time? <input type="checkbox"/> Have AFs losing from temporary land borrow been compensated? <input type="checkbox"/> Have all received the agreed transport costs, relocation costs, income substitution support and any resettlement allowances, according to schedule? <input type="checkbox"/> Have all replacement land plots or contracts been provided? Was the land developed as specified? Are measures in train to provide land titles to PAFs? <input type="checkbox"/> <u>How many PAFs opted to donate their land to the government?</u> <input type="checkbox"/> <u>How many PAFs did not receive payment because their title is covered by the provisions of Sec. 112 of CA 141?</u> <input type="checkbox"/> <u>How many PAFs opted to donate their lands to the government?</u> <input type="checkbox"/> <u>How many landholdings were subjected to quit claim? Easement?</u> <input type="checkbox"/> <u>How many PAFs accepted the first offer at zonal valuation?</u> <input type="checkbox"/> <u>How many PAFs rejected the first offer and accepted the second offer?</u> <input type="checkbox"/> <u>How many PAFs resorted to expropriation?</u> <input type="checkbox"/> How many PAF households have received land titles? <input type="checkbox"/> How many PAFs have received housing as per relocation options in the RPAP? <input type="checkbox"/> Does house quality meet the standards agreed? <input type="checkbox"/> Have relocation sites been selected and developed as per agreed standards? <input type="checkbox"/> Are the PAFs occupying the new houses? <input type="checkbox"/> Are assistance measures being implemented as planned for host communities? <input type="checkbox"/> Is restoration proceeding for social infrastructure and services? <input type="checkbox"/> Are the PAFs able to access schools, health services, cultural sites and activities at the level of accessibility prior to resettlement? <input type="checkbox"/> Are income and livelihood restoration activities being implemented as set out in income restoration Plan? For example utilizing replacement land, commencement of production, numbers of PAFs trained and provided with jobs, micro-credit disbursed, number of income generating activities

Monitoring Indicators	Basis for Indicators
	<p>assisted?</p> <p><input type="checkbox"/> Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?</p>
3. Public Participation and Consultation	<p><input type="checkbox"/> Have consultations taken place as scheduled including meetings, groups, and community activities? Have appropriate resettlement leaflets been prepared and distributed?</p> <p><input type="checkbox"/> How many PAFs know their entitlements? How many know if they have been received?</p> <p><input type="checkbox"/> Have any PAFs used the grievance redress procedures? What were the outcomes?</p> <p><input type="checkbox"/> Have conflicts been resolved?</p> <p><input type="checkbox"/> Was the social preparation phase implemented?</p> <p><input type="checkbox"/> Were separate consultation done for indigenous peoples?</p> <p><input type="checkbox"/> How was the participation of IP women and children</p> <p><input type="checkbox"/> Were they adequately represented</p> <p><input type="checkbox"/> Were special measures for indigenous peoples implemented?</p>
4. Benefit Monitoring	<p><input type="checkbox"/> What changes have occurred in patterns of occupation, production and resources use compared to the pre-project situation?</p> <p><input type="checkbox"/> What changes have occurred in income and expenditure patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have PAFs' incomes kept pace with these changes?</p> <p><input type="checkbox"/> What changes have taken place in key social and cultural parameters relating to living standards?</p> <p><input type="checkbox"/> What changes have occurred for vulnerable groups?</p> <p><input type="checkbox"/> Has the situation of ICCs/IPs improved, or at least maintained, as a result of the project?</p> <p><input type="checkbox"/> Are IP women reaping the same benefits as IP men?</p> <p><input type="checkbox"/> Are negative impacts proportionally by IP men and women?</p>

2. FOR THE EMA

Monitoring Indicators	Basis for Indicators
1. Basic information on PAP households	<p><input type="checkbox"/> Location</p> <p><input type="checkbox"/> Composition and structures, ages, education and skill levels</p> <p><input type="checkbox"/> Gender of household head</p> <p><input type="checkbox"/> Ethnic group</p> <p><input type="checkbox"/> Access to health, education, utilities and other social services</p> <p><input type="checkbox"/> Housing type</p> <p><input type="checkbox"/> Land use and other resource ownership patterns</p> <p><input type="checkbox"/> Occupation and employment patterns</p> <p><input type="checkbox"/> Income sources and levels</p> <p><input type="checkbox"/> Agricultural production data (for rural households)</p> <p><input type="checkbox"/> Participation in neighborhood or community groups</p> <p><input type="checkbox"/> Access to cultural sites and events</p> <p><input type="checkbox"/> Value of all assets forming entitlements and resettlement entitlements</p>
2. Restoration	<p><input type="checkbox"/> Were house compensation payments made free of depreciation, fees or</p>

Monitoring Indicators	Basis for Indicators
of living standards	<p>transfer costs to the PPAP?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Have PAFs adopted the housing options developed? <input type="checkbox"/> Have perceptions of “community” been restored <input type="checkbox"/> Have PAFs achieved replacement of key social cultural elements?
3. Restoration of Livelihoods	<ul style="list-style-type: none"> <input type="checkbox"/> Were compensation payments free of deduction for depreciation, fees or transfer costs to the PPAP? <input type="checkbox"/> Were compensation payments sufficient to replace lost assets? <input type="checkbox"/> Was sufficient replacement land available of suitable standard? <input type="checkbox"/> Did transfer and relocation payments cover these costs? <input type="checkbox"/> Did income substitution allow for re-establishment of enterprises and production? <input type="checkbox"/> Have enterprises affected received sufficient assistance to re-establish themselves? <input type="checkbox"/> Have vulnerable groups been provided income-earning opportunities? Are these effective and sustainable? <input type="checkbox"/> Do jobs provided restore pre-project income levels and living standards?
4. Levels of PAP Satisfaction	<ul style="list-style-type: none"> <input type="checkbox"/> How much do AFs know about resettlement procedures and entitlements? Do PAFs know their entitlements? <input type="checkbox"/> Do they know if these have been met? <input type="checkbox"/> How do PAFs assess the extent to which their own living standards and livelihood been restored? <input type="checkbox"/> How much do PAFs know about grievance procedures and conflict resolution procedures? How satisfied are those who have used said mechanisms.
5. Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> <input type="checkbox"/> Were the PAFs and their assets correctly enumerated? <input type="checkbox"/> Was any land speculators assisted? <input type="checkbox"/> Was the time frame and budget sufficient to meet objectives? <input type="checkbox"/> Were entitlements too generous? <input type="checkbox"/> Were vulnerable groups identified and assisted? <input type="checkbox"/> How did resettlement implementers deal with unforeseen problems?
6. Other Impacts	<ul style="list-style-type: none"> <input type="checkbox"/> Were there unintended environmental impacts? <input type="checkbox"/> Were there unintended impacts on employment or incomes?
7. IP Indicators	<ul style="list-style-type: none"> <input type="checkbox"/> Are special measures to protect IP culture, tradition resources rights, and resources in place? <input type="checkbox"/> How are these being implemented? <input type="checkbox"/> Are complaints and grievances of affected IPs/ICCs being documented? <input type="checkbox"/> Are these being addressed? <input type="checkbox"/> Did the project proponent respect customary law in dispute resolution process, in the conduct of public consultation, in IPAP and MOA implementation?

H. INSTITUTIONAL ARRANGEMENT FOR THE EXTERNAL MONITORING FUNCTIONS

The External Monitoring Agent (EMA) shall be an independent agent or firm responsible for the monitoring of the implementation of the RAPs under this project.

The Project Management Office (PMO) is responsible for the engagement of the EMA; ensures that funds are available for the monitoring activities both for the EMA and IMA; and submits EMA's and IMA's Monitoring Reports to the ADB and WB.

The Environmental and Social Services Office (ESSD) act as the Internal Monitoring Agent (IMA) responsible for the monitoring and evaluation of implementation of the RAPs and IPAPs (for those affected IPs living outside ancestral domains). The ESSD shall provide the EMA copies of RAPs, IPAPs and other related documents of the monitoring activities.

I. RESULTS OF THE PUBLIC CONSULTATIONS CONDUCTED.

The EMA shall include during the monitoring, the results of the disclosure of the LARRIPP, RAP, and IPAP to the PAPs during the public consultation conducted for each project contract packages.

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