



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
MANILA

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DEPARTMENT ORDER)

NO. **327**)

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SUBJECT : GUIDELINES FOR LAND
ACQUISITION AND
RESETTLEMENT ACTION
PLANS (LAPRAPs) FOR
INFRASTRUCTURE PROJECTS

Pursuant to the provisions of Department Order (DO) No. 5, s. of 2003, requiring the preparation of Land Acquisition Plan and Resettlement Action Plans (LAPRAPs) for all infrastructure projects using a standardized compensation package and in order to ensure the equitable provision of just compensation for land including structures and/or improvements, acquired for infrastructure right-of-way (IROW), the following guidelines are hereby prescribed for strict implementation.

1.0 LAPRAP Policies

1.1 In accordance with D.O. No. 5, s. of 2003, all projects, whether local or foreign-funded projects that will require right-of-way (ROW) acquisitions will have their respective LAPRAPs formulated. In the preparation of a LAPRAP, the procedures in the IROW Procedural Manual shall be followed.

1.2 The LAPRAP document shall describe the project, expected impacts and mitigating measures, socio-economic profile of project affected persons (PAPs), compensation package, timetable of implementation, institutional arrangements, monitoring and evaluation arrangements, participation, consultation and grievance procedures in accordance with the LAPRAP Document Outline attached hereto as Annex "A".

1.3 The LAPRAP shall be prepared using the inputs from the IROW Action Plan, the census and socio-economic survey conducted, the detailed engineering study, and the parcellary survey results.

1.4 The LAPRAP shall be the basis for qualifying and compensating PAPs for lands, structures, and/or improvements that are partially or fully affected by the Department's infrastructure projects, in accordance with the qualification entitlement, and compensation guidelines attached hereto as "Annex B".

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1.5 The provision of resettlement sites shall be the responsibility of the local government units (LGUs) concerned, with assistance from the concerned government agencies tasked with providing housing. The DPWH shall coordinate with these LGUs and appropriate government agencies for the resettlement and relocation of qualified PAPs. The acquisition, planning, and development of resettlement sites shall be part of the LAPRAPs, with the responsibility resting mainly with the concerned LGUs, Housing and Urban Development Coordinating Council (HUDCC), National Housing Authority (NHA), and other concerned agencies.

1.6 Where relocation is considered necessary, the receiving LGU (under whose political jurisdiction the relocation site will be located) may seek assistance from DPWH for the provision of access roads to the relocation site, and other government agencies for the provision of basic facilities and services.

1.7 An Indigenous People's Action Plan (IPAP) shall be formulated for indigenous peoples (IP) if they are affected by the Department's infrastructure projects, in coordination with the National Commission of Indigenous People (NCIP) to ensure that the ancestral domain and culture of the IP are secured.

2.0 LAPRAP Objectives

The objectives of the LAPRAP are as follows:

2.1 To determine the number of PAPs affected and identify the assets (land, structures and improvements) they will lose due to the acquisition of IROW for the project;

2.2 To identify the extent of impacts of the project IROW on the PAPs and their assets, and the measures to mitigate these impacts;

2.3 To determine the compensation and entitlements to be given to PAPs for the acquisition of the assets to be affected by the IROW;

2.4 To determine the budget estimate for compensation and entitlement, relocation and resettlement, information dissemination, consultation, monitoring and other tasks for implementing the LAPRAP;

2.5 To provide the timetable, manner of payment and institutional arrangements for implementation; and

2.6 To ensure public participation in the implementation and monitoring of the LAPRAP.

3.0 Roles and Responsibilities

The formulation of the LAPRAP shall be the responsibility of the Implementing Office, with assistance from the IROW and Resettlement Project Management Office (PMO), the Environmental Impact Assessment Project Office (EIAPO), the Regional Environmental Impact Assessment Office (REIAO), or private consulting firms. The implementation of the LAPRAP, once approved, is the responsibility of the DPWH District Engineering Offices that have jurisdiction over the municipalities covered by the LAPRAP, with assistance from the Regional Offices (ROs) and the EIAPO.

In addition, other DPWH offices mentioned hereunder will perform the following roles and responsibilities with regard to the LAPRAP.

3.1 Implementing Office (IO):

- 3.1.1 Conduct of census of PAPs, socio-economic survey, land and structure value survey, canvassing of construction costs and listing of assets that will be affected by the project;
- 3.1.2 Formulate the LAPRAP with technical assistance from the Environmental Impact Assessment Project Office (EIAPO), or through private consultants;
- 3.1.3 Secure approval of LAPRAP and the corresponding budget for compensation, implementation and monitoring activities; and,
- 3.1.4 Assist in monitoring the implementation of the LAPRAP.

3.2 District Engineering Office (DEO):

- 3.2.1 Assist the IO in the conduct of census of PAPs, socio-economic survey, land and structure value survey, canvassing of construction costs and listing of assets that will be affected by the project;
- 3.2.2 Organize the Municipal/City LAPRAP Implementing Committee (MLIC) for the implementation of the LAPRAP and conduct of grievance process, in case there are complaints;
- 3.2.3 Implement the LAPRAP, including disbursement of compensation to PAPs, in coordination with the IOs, the RO, and the MLIC; and,
- 3.2.4 Submit to the RO, IO, and the EIAPO progress reports on implementation, including disbursements for compensation.

3.3 Regional Office (RO):

- 3.3.1 Through the REIAO, assist in the implementation and monitoring of the LAPRAP; and,
- 3.3.2 Facilitate the grievance process of the MLIC through the Legal Officer.

3.4 Environmental Impact and Assessment Project Office (EIAPO):

- 3.4.1 Assist in the preparation and review of LAPRAPs;
- 3.4.2 Assist in facilitating consultation meetings and information dissemination to PAPs and other relevant stakeholders throughout the LAPRAP process;
- 3.4.3 Provide training on LAPRAP;
- 3.4.4 Assist the DEOs and the MLICs in the validation of PAPs and entitlements; and,
- 3.4.5 Track and monitor the implementation of the LAPRAP, in accordance with the LAPRAP Monitoring and Tracking Manual.

3.5 IROW and Resettlement PMO:

- 3.5.1 Coordinate with the IOs, ROs, and DEOs concerned for their need for assistance in LAPRAP preparation and link them with the EIAPO and the REIAO;
- 3.5.2 Monitor formulation and review of LAPRAPs by the IOs;
- 3.5.3 Keep copies of all approved LAPRAPs and compile master list of PAPs;
- 3.5.4 Coordinate with IOs, ROs and DEOs for their need for assistance in resettlement and relocation of PAPs;
- 3.5.5 Coordinate with other government agencies concerned with housing, resettlement and relocation;
- 3.5.6 Provide guidelines and assistance to IOs, ROs and DEOs in selection of relocation sites;
- 3.5.7 Assist IOs, ROs and DEOs in coordinating with housing agencies for site development plans for relocation sites;
- 3.5.8 Review site development plans and site development costs;
- 3.5.9 Assist IOs, ROs and DEOs in coordinating with LGUs and other government offices for site development; and,
- 3.5.10 Formulate policies and guidelines for resettlement and relocation.

4.0 Approval of LAPRAPs

The authority to approve LAPRAPs is hereby delegated to the different DPWH Officials, as follows:

<u>DPWH Official</u>	<u>Limit of Authority</u>
4.1 District Engineer (including Head of Sub-DEO)	P 3.0 million
4.2 Regional Director	5.0 million
4.3 Project Director	5.0 million
4.4 Assistant Secretary	10.0 million
4.5 Undersecretary	15.0 million

5.0 Penalty Clause

Any violation of the guidelines prescribed herein shall subject the erring employee or official to appropriate sanctions that may include suspension and/or dismissal in accordance with civil service rules and other pertinent laws and regulations.

This Order shall take effect immediately and supercede all previous Department Orders and other issuances or any provision thereof that are inconsistent herewith.


FLORANTE SORIQUEZ
Acting Secretary

Annex “A”
(Guidelines for LAPRAPs for Infra Projects)

THE LAPRAP DOCUMENT OUTLINE

Executive Summary

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Annex “B”
(Guidelines for LAPRAPs for Infra Projects)

**GUIDELINES FOR QUALIFICATIONS OF PAPs, ENTITLEMENTS
AND COMPENSATION**

1.0 Qualification of PAPs, Severely-affected PAPs, and Marginally-affected PAPs

1.1 Project Affected Persons (PAPs)

Include any person or persons, household, a firm, or a private or public institution who, because of the need to acquire right-of-way for the implementation of an infrastructure project, will lose their land, house, and other improvements fully or partially. Only those PAPs found to be residing in, doing business, or cultivating land, or having rights over resources within the ROW to be acquired as of the date of the census survey (which is the cut-off date) are eligible for compensation of lost assets.

1.2 Severely-affected PAPs

PAPs who will lose more than 20% of their assets because of the need to acquire right-of-way for the implementation of an infrastructure project or their remaining land or structure is no longer viable for continued use or occupancy. Those PAPs who will lose those assets will be entitled to full payment for the fair market value of the entire land and the full replacement cost of the entire structures and other improvements affected. Other entitlements shall be in accordance with the matrix presented under Section 3.0 hereof.

1.3 Marginally-Affected PAPs

PAPs who will lose less than 20% of their assets because of the ROW to be acquired for the project or if the remaining structure that is affected is still viable for continued use or occupancy. Those PAPs who will lose those assets will be entitled to full payment for the fair market value of the land to be taken and the full replacement cost of the portions of the structures and other improvements affected. Other entitlements shall also be in accordance with the matrix presented under Section 3.0 hereof.

1.4 PAPs occupying but not owning affected lands and/or structures

PAPs who are not land owners but occupy lands or structures within the ROW to be acquired for the project, and who are not “professional squatters,” will be compensated for affected structures but not for the land.

2.0 Modes of Compensation

2.1 Compensation for the affected land shall be based on land use (i.e. agricultural, residential, commercial, industrial, etc.) and computed using the BIR zonal value, in accordance with R.A. 8974.

2.2 Compensation for affected structures shall be at replacement cost computed at the cost (using current market prices) of materials and labor to re-construct a similar structure for houses and other fixed structures with no deductions for salvaged materials;

2.3 Compensation for improvements shall be at cost of affected crops and/or trees computed at the value determined by the Municipal / City Assessor for crops and fruit trees, and DENR for timber species.

2.4 Other entitlements shall be computed in accordance with the matrix presented below.

3.0 Entitlements Matrix

Entitlement	Category of PAP	Impact	Computation of Amount
Payment for Land	PAP who owns Land (i.e., holds title or tax declaration or other proof of ownership)	Severely affected (i.e. more than 20% of land is affected) – cost of whole property	BIR zonal value
		Marginally affected (less than 20% of land is affected) – cost of affected portion	
Payment for Structure and other improvements such as fences, and the like.	PAP who owns the Structure	Severely affected (i.e. more than 20% of structure is affected) – cost of entire structure	Replacement Cost at current market values of affected portion
		Marginally affected (i.e. less than 20% is affected) – cost of affected portion	

Payment for Improvements such as crops and trees	PAP who is owner or tenant or occupant who owns the improvements (crops and trees)	Severely affected (i.e. more than 20% of land is affected) – cost of whole property	Current market value as determined by Municipal/ City Assessor for crops and fruit trees, and DENR for timber trees.
		Marginally affected (less than 20% of land is affected)– cost of affected portion	
Financial Assistance (also referred to as subsistence allowance)	PAP who owns Land used for agricultural purposes	Severely affected only	PhP 15,000.00
Inconvenience Allowance	PAP who owns Land	Severely affected only where landowner who owns a house within the affected land needs to move elsewhere	PhP 10,000.00
Rehabilitation Assistance	PAPs whose only source of income are severely affected and may have to engage in some other income-earning activities. This may also be granted to vulnerable groups, like indigenous peoples, women, elderly, etc	Severely affected only	In the form of special skills training or other development activities (budget P15,000 per training). DPWH will coordinate with concerned government agencies for assistance, such as skills training.
Financial assistance	PAP who is an agricultural tenant PAP who acquired land under CA 141	Severely affected Agricultural land only	Equivalent to the average annual gross harvest for the last 3 years but not less than PhP15,000 per ha (EO 1035), aside

	for the area of portion subject to section 112 thereof.		from the cash payment / compensation of their crops actually damaged by the project.
Free Transportation	PAPs who are relocating, including shanty dwellers in urban areas who opt to go back to their place of origin (e.g., province) or to shift to government relocation sites.	Severely affected only	Provision of free transportation
Transitional Allowance	House tenants of affected main structures who will have to find a new place because of the project	Severely affected only	Equivalent to one month rent of a similar structure within the same area
	Shop owners to cover for their computed income loss		Computed income loss during demolition and reconstruction of their shops but not to exceed 1 month period
Disturbance compensation	Lessees of agricultural land affected by the project	Severely affected only	Equivalent to 5 times the average gross harvest during the last 5 years