

Central Mindanao High Standard Highway Construction Project
(Cagayan de Oro - Malaybalay Section)

Preliminary Right-of-Way Action Plan
(Main Text)

June 2024



Department of Public Works and Highways

Table of Contents

LIST OF TABLES	III
LIST OF FIGURES	V
LIST OF ABBREVIATIONS	VI
DEFINITION OF TERMS	VII
EXECUTIVE SUMMARY	1
1 INTRODUCTION	4
1.1 RATIONALE	4
1.2 OBJECTIVES	4
1.3 METHODOLOGY	5
1.4 PROJECT DESCRIPTION	6
1.5 PROJECT DESIGN	6
1.6 RIGHT-OF-WAY LIMITS.....	10
1.7 PROJECT TARGETS	12
2 NECESSITY OF LAND ACQUISITION, OBJECTIVES OF RAP, AND PREVENTIVE/MITIGATING MEASURES	14
2.1 SCALE OF LAND ACQUISITION AND RESETTLEMENT.....	14
2.2 OBJECTIVES OF THE STUDY	14
2.3 PREVENTIVE/MITIGATING MEASURES	14
3 LEGAL FRAMEWORK	16
3.1 LEGAL FRAMEWORK POLICY ON ELIGIBILITY FOR COMPENSATION AND ENTITLEMENT.....	16
3.2 OBJECTIVES AND PRINCIPLES OF THE INVOLUNTARY RESETTLEMENT POLICY	21
3.3 JICA POLICIES	21
3.4 GAP ANALYSIS AND PROJECT PRINCIPLES	22
4 SCOPE OF LAND ACQUISITION AND RESETTLEMENT	32
4.1 SUMMARY OF PROJECT IMPACTS	32
4.2 PROJECT-AFFECTED HOUSEHOLDS (PAHs).....	34
4.3 ASSET INVENTORY	35
5 CENSUS, ASSET INVENTORY AND SOCIOECONOMIC STUDY.....	44
5.1 SOCIOECONOMIC PROFILE.....	44
6 INDIGENOUS PEOPLES	60
6.1 BRIEF BACKGROUND	60
6.2 IP PROJECT AFFECTED FAMILIES	60
6.3 INFORMATION ON EMPLOYMENT.....	64
7 COMPENSATION POLICY.....	70
7.1 PROJECT AFFECTED PERSONS AND ELIGIBILITIES	70
7.2 COMPENSATION AND ENTITLEMENT MATRIX	72
8 LIVELIHOOD RESTORATION PROGRAM.....	88
8.1 LIVELIHOOD RESTORATION OF BUSINESS ENTITIES.....	90
8.2 LIVELIHOOD RESTORATION OF DISPLACED PERSONS AND VULNERABLE GROUPS	90
9 GRIEVANCE PROCEDURE	94
9.1 OBJECTIVES AND ADVANTAGES OF DEVELOPING A GRIEVANCE REDRESS MECHANISM	94
9.2 COMPOSITION OF THE RAP IMPLEMENTATION COMMITTEE	94
9.3 COMPOSITION OF DPWH-UPMO ROW TASK FORCE.....	95
9.4 PROCEDURES OF GRIEVANCE REDRESS.....	96
9.5 FORMATION OF MUNICIPAL/CITY RAP IMPLEMENTATION COMMITTEE	97
10 INSTITUTIONAL FRAMEWORK	98
10.1 CURRENT DPWH CAPACITIES ON SOCIAL SAFEGUARDS	98
10.2 NATIONAL LEVEL	98
10.3 SITE LEVEL	99
11 POSSIBLE RESETTLEMENT SITE	101

12	IMPLEMENTATION SCHEDULE	103
12.1	OVERALL ROW ACQUISITION WORKFLOW.....	103
12.2	NEXT STEPS.....	106
13	BUDGET	107
13.1	PRELIMINARY ROW COST ESTIMATES FOR LAND.....	109
13.2	PRELIMINARY ROW COST ESTIMATES FOR STRUCTURES AND IMPROVEMENTS	110
13.3	PRELIMINARY ROW COST ESTIMATES FOR CROPS AND TREES.....	112
13.4	PRELIMINARY ROW COST ESTIMATES FOR OTHER ENTITLEMENTS	112
13.5	PRELIMINARY ROW COST ESTIMATES FOR RESETTLEMENT SITE DEVELOPMENT	112
14	MONITORING AND EVALUATION.....	114
14.1	SUPERVISION AND INTERNAL MONITORING	114
14.2	EXTERNAL MONITORING AND EVALUATION	114
14.3	STAGES AND FREQUENCY OF MONITORING.....	115
14.4	SCHEDULE OF IMPLEMENTATION OF RAPS AND MONITORING.....	116
14.5	REPORTING	116
14.6	MONITORING INDICATORS	116
15	CONSULTATION.....	121
15.1	PRELIMINARY ACTIVITIES.....	121
15.2	REVIEW OF PREVIOUS STUDIES, PLANS AND DESIGN STANDARDS.....	121
15.3	PUBLIC CONSULTATION MEETINGS	121

List of Tables

Table 1-1-1 Road geometric design standard for main alignment (80kph design speed)	7
Table 1-1-2 Road geometric design standard for ramp (40kph design speed).....	8
Table 1-3. Jurisdictions of the Project alignment	10
Table 1-4. Project Targets	12
Table 3-1. Gap Analysis and Gap Filling Measures	23
Table 4-1. Summary of Project Impacts.....	32
Table 4-2. Total Project-Affected Persons	33
Table 4-3. Total Project-Affected Households (PAHs)	34
Table 4-4. Distribution of Affected Indigenous Peoples.....	35
Table 4-5. Loss of Land*	38
Table 4-6. Loss of Structures	39
Table 4-7. Loss of Residential Structures	39
Table 4-8. Loss of Residential-Commercial Structures	40
Table 4-9. Loss of Commercial Structures	40
Table 4-10. Loss of Institutional Structures	41
Table 4-11. Loss of Community Structures.....	41
Table 4-12. Loss of Other Structures.....	41
Table 4-13. Type of Structures.....	42
Table 4-14. Loss of Crops	43
Table 4-15. Loss of Trees (No.)	43
Table 5-1. Provincial Statistics by Affected City/Municipality	44
Table 5-2. 2020 Population of Affected Barangay in Tagoloan.....	45
Table 5-3. 2020 Population of Affected Barangay in the City of Cagayan de Oro	45
Table 5-4. 2020 Population of Affected Barangay in the Manolo Fortich.....	45
Table 5-5. 2020 Population of Affected Barangay in the Sumilao	46
Table 5-6. 2020 Population of Affected Barangay in the Impasug-ong	46
Table 5-7. 2020 Population of Affected Barangay in the City of Malaybalay	46
Table 5-8. Total Project-Affected Households (PAHs)	47
Table 5-9. Household Size.....	48
Table 5-10. Sex of Household Heads.....	48
Table 5-11. Age of Household Heads.....	49
Table 5-12. Civil Status of Household Heads.....	49
Table 5-13. Educational Attainment of Household Heads.....	50
Table 5-14. Religion.....	50
Table 5-15. Place of Origin	51
Table 5-16. Length of Residence.....	51
Table 5-17. Employment Status.....	52
Table 5-18. Occupation	52
Table 5-19. Employment Status of Household Heads	52
Table 5-20. Monthly Household Income.....	53
Table 5-21. Monthly Household Expenditure.....	54
Table 5-22. Roof Material	54
Table 5-23. Wall Material	54
Table 5-24. Light Source	55
Table 5-25. Water Source.....	55

Table 5-26. Fuel Source for Cooking.....	56
Table 5-27. Toilet	56
Table 5-28. Vulnerability of PAHs	57
Table 5-29. Ethnicity/ Ethnic Group	58
Table 6-1: Distribution of Affected Indigenous Peoples.....	60
Table 6-2: Sex of Household Head.....	61
Table 6-3: Age of Household Head	61
Table 6-4: Household Size.....	62
Table 6-5: Civil Status of Household Head	62
Table 6-6: Educational Attainment of Household Head	62
Table 6-7: Religion of Household Head	63
Table 6-8: House Ownership	63
Table 6-9: Length of Residence.....	63
Table 6-10: Place of Origin	64
Table 6-11: Reason for Establishing Residence	64
Table 6-12: Employed vs Unemployed	64
Table 6-13: Occupation Household Head.....	64
Table 6-14: Employment Status of Household Head	65
Table 6-15: Place of Work of Household Head	65
Table 7-1: Compensation and Entitlement Matrix	72
Table 8-1. Existing/Present Skills	89
Table 8-2. Skills/Training Preference.....	89
Table 8-3. Business Interest Preference	90
Table 11-1. Proposed Relocation sites of the Affected Cities and Municipalities	101
Table 13-1. Estimated RAP Implementation Cost	108
Table 14-1. Monitoring Indicators	116
Table 15-1. LGUs Coordination/ Consultation Meeting.....	123
Table 15-2. 1 st Barangay Public Consultation Meeting	126
Table 15-3. Private Sector Consultation Meeting.....	127
Table 15-4. 2 nd Public Consultation Meeting	128
Table 15-5. Major Issues and Concerns Raised During Consultation.....	129

List of Figures

Figure 1-1-1 Typical Cross Section Embankment and Cut: Row=60m.....	9
Figure 1-1-2 Typical Cross Section at Interchange: One-Lane Ramp	10
Figure 1-1-3 Typical Cross Section at Interchange: Two-Lane, Two-Direction Ramp	10
Figure 1-4. Jurisdictions of the Project alignment	12
Figure 4-1 Cadastral Map.....	36
Figure 6-1. Geolocation of the 13 IP PAFs (a).....	66
Figure 6-2. Geolocation of the 13 IP PAFs (b)	66
Figure 6-3. Geolocation of the 13 IP PAFs (c).....	67
Figure 6-4. Geolocation of the 13 IP PAFs (d)	67
Figure 6-5. Geolocation of the 13 IP PAFs (e).....	68
Figure 6-6. Geolocation of the 13 IP PAFs (f)	68
Figure 6-7. Geolocation of the 13 IP PAFs (g)	69
Figure 6-8. Geolocation of the 13 IP PAFs (h)	69
Figure 8-1 LRP Implementation Structure	91
Figure 11-1. NHA Sumilao Resettlement Project Phase 1	102
Figure 11-2. NHA Sumilao Resettlement Project Phase 2	102
Figure 12-1. Implementation Schedule	105

List of Abbreviations

AD	Ancestral Domain
ADB	Asian Development bank
ADR	Alternative Dispute Resolution
BIR	Bureau of Internal Revenue
CLOA	Certificate of Land Ownership Award
CMHSHCP	Central Mindanao High Standard Highway Construction Project
DEO	District Engineering Office
DPWH	Department of Public Works and Highways
EA	Executing Agency
EMA	External Monitoring Agents
EO	Executive Order
ESSD	Environmental and Social Safeguards Division
EXECOM	Executive Committee
FPIC	Free and Prior Informed Consent
GOP	Government of the Philippines
GRM	Grievance Redress Mechanism
ICC/IP	Indigenous Cultural Community/Indigenous People
IMA	Internal Monitoring Agent
IOL	Inventory of Loss
IPA	Independent Property Appraiser
IPAP	Indigenous Peoples' Action Plan
IPP	Indigenous People Plan
IPRA	Indigenous People's Rights Act
JICA	Japan International Cooperation Agency
LARR	Land Acquisition, Resettlement and Rehabilitation
LARRIPP	Land Acquisition, Resettlement, Rehabilitation and Indigenous Peoples Policy
LGU	Local Government Unit
LRP	Livelihood Restoration Program
NCIP	National Commission on Indigenous Peoples
NEDA	National Economic and Development Authority
NGO	Non-Government Organization
OCT	Original Certificate of Title
PAH	Project-Affected Household
PAP	Project-Affected Person
PhP	Philippine Peso
RA	Republic Act
RAP	Right-of-Way Action Plan
RIC	Resettlement Implementation Committee
RO	Regional Office
ROW	Right-of-Way
SES	Socioeconomic Survey
TCT	Transfer Certificate of Title
UPMO-RMC1	Unified Project Management Office-Road Management Cluster 1 (Bilateral)

Definition of Terms

Abbreviated Resettlement Action Plan (ARAP) -- The Resettlement Action Plan (RAP) refers to the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land or land acquisition. The ARAP is acceptable if fewer than 200 people are affected. It is also acceptable if more than 200 people are affected so long as all land acquisition is minor (10 percent or less of all holdings is taken) and no physical relocation is required.

Ancestral Domain -- As defined in R.A. 8371 (IPRA), refers to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals, corporations, and which are necessary to ensure their economic, social, and cultural welfare. It includes land, forests, pasture, residential, agricultural, and other lands individually owned whether inalienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or who practice shifting cultivation. As clarified in Section 4 of R.A. 8371, ancestral domains cover not only the physical environment but the total environment including the spiritual and cultural bonds to the area which the ICCs/IPs possess, occupy, and use and to which they have claims of ownership.

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

Appraised Value -- means the market value of a property as estimated by an Independent Property Appraiser or Government Financial Institution.

BIR Zonal Valuation -- is an approved zonal schedule of fair market values on real property set by the Bureau of Internal Revenue (BIR) as basis for computation of internal revenue taxes.

Certificate of Land Ownership Award (CLOA) -- It refers to a certificate issued to grantees of the comprehensive agrarian reform program. The provisions of CA 141 shall govern in the CLOAs awarded under the Public Land Act.

Compensation -- This means payment in cash or in kind at replacement cost for an asset to be acquired or affected by an infrastructure project.

Cut-off Date -- Determination of informal PAPs and affected improvements shall be based on cut-off date, which is the start of census of PAPs and tagging for improvements. For formal PAPs, cut-off date is reckoned upon receipt of Notice of Taking.

Customary Law -- It refers to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted, and observed by respective ICCs/IPs.

Disturbance Compensation -- It is the compensation amount for lessees of agricultural land severely affected (i.e., >20% of the land or when the land is no longer economically viable) by the project, equivalent to five times the average gross harvest during the last five years (RA 6389 and EO 1035, series of 1985).

External Monitoring Agent (EMA) -- It is an independent entity or individual designated by the Department to monitor the implementation of the RAP and the IPAP.

Financial Assistance -- It is the cash amount paid to agricultural tenants/settlers/ occupants severely affected by the project, equivalent to the average gross harvest for the last three years and not less than PhP15, 000 per ha (EO 1035), in addition to the cash payment/compensation for their crops damaged by the project.

Free and Prior Informed Consent -- As defined in R.A. 8371, it means the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable and appropriate to the community.

Free and Prior Informed Consent Guidelines of 2006 -- It is also known as National Commission on Indigenous Peoples' Administrative Order No. 1, Series of 2006 implementing Sections 44 (m), 46(a), 57, 58, 59, and 7 of Republic Act 8371 or the Indigenous Peoples' Rights Act.

Government Financial Institution or GFI -- refers to a national government owned or controlled corporation that the Implementing Office may engage to provide property appraisal services, including estimates of the market values of the property, affected by the ROW for a project.

Implementing Agency or IA -- refers to any department, bureau, office, commission, authority, or agency of the national government, including any government-owned or -controlled corporation or state college or university, authorized by law or its respective charter to undertake national government projects. The DPWH is an IA.

Inconvenience Allowance -- It is the compensation amount given to each PAP who holds full title to or a legalizable tax declaration over the land and structures severely affected by the project, and who consequently must move elsewhere.

Independent Property Appraiser or IPA -- refers to an individual or firm that may be engaged by the Implementing Office to provide property appraisal services, including estimates of the market values of the property, affected by the ROW for a project.

Indigenous Cultural Community/Indigenous People -- As defined in R.A. 8371, it refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions or cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

Indigenous Peoples' Action Plan (IPAP) -- An IPAP is written when an infrastructure project has been found through the social assessment to have potentially adverse effects on Indigenous Peoples. The IPAP sets out measures through which the DPWH and other government agencies will ensure that Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits. It also specifies ways that the identified adverse effects are avoided, minimized, mitigated, or compensated. The formulation of the IPAP is mandated by DPWH Department Order No. 327 series of 2003.

Informal Settler -- refer to households living in a lot, whether private or public, without the consent of the property owner; or those without legal claim over the property they are occupying; or those living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, and waterways.

Land Acquisition -- It is the process of acquiring land from the current owners pursuant to the provisions of RA 10752 modes of acquisition. The modes of land acquisition are Donation, Barter or Exchange, Purchase, Quit Claim or Expropriation.

Market Value -- means the price of what a willing buyer would pay a willing seller for a given property or asset if both have a reasonable knowledge of the worth of the property.

Older People/ Elderly/ Senior Citizens -- Individuals belonging to the age group 60 years and over

Parcellary Survey -- refers to the activities undertaken as part of the Detailed Engineering Design of a project to define the proposed ROW alignment and limits, the affected lots showing the name of the owners/claimants, lot numbers, and areas, and technical descriptions, and all improvements within the ROW limits.

Poor -- The Philippine Statistics Authority (PSA) said the poverty threshold per family amounted to PhP 12,082 a month. An income below this amount would categorize a family as being poor and an income above this would mean a family is nonpoor.

Prescription Period -- As stipulated in Article 1141 of Civil Code, real actions over immovables prescribe after thirty (30) years. This provision is without prejudice to what is established for the acquisition of ownership and other real rights by prescription (1963).

Production Cost (palay, vegetable and corn) -- This includes among others, land preparation, transportation, seedling, and fertilizer. The amount may vary depending on the location, type of seedling, etc.

Project-Affected Household (PAH) -- It consists of all members of a household residing under one roof and operating as a single economic unit, who will be adversely affected by the project. For resettlement purposes, the affected “Persons” will be dealt with as members of Project-Affected Household (PAH).

Project-Affected Person (PAP) -- 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.

Project Boundaries -- It may be defined as the project construction limits, or it may refer to the Right-of-Way limits, whose width varies from 20 to 60 meters as prescribed in the special laws such as Commonwealth Act 141 (Public Land Act), PD 635, EO 113 (1955), EO 621 (1980), etc.

Project Implementation Office -- It refers to the duly designated Management Office (for foreign-funded projects) within the DPWH Central Office and to Regional and District Offices (for locally funded projects)

Rehabilitation Assistance -- It refers to assistance provided to PAHs seriously affected due to the loss of productive assets, incomes, employment, or sources of living, as supplement compensation for acquired assets in order to achieve full restoration of living standards and quality of life.

Relocation -- This refers to the physical displacement of a PAH from his/her pre- project place of residence and his/her transfer to another place.

Replacement Cost -- This is the amount necessary to replace the structure or improvements based on the current market prices for materials, equipment, labor, contractor's profit and overhead, and all other costs associated with the acquisition and installation in place of the affected improvements/installation.

Resettlement -- This is a generic term that covers all measures taken to mitigate all adverse social impacts of a project on the PAHs, including compensation and relocation.

Right-of-Way (ROW) -- means a part or the entirety of a property, site, or location, with defined physical boundaries, used or required by a government infrastructure project.

Right-of Way Action Plan (RAP) -- refers to the document that defines the extent of the ROW to be acquired for a project, including, among other things, cost estimates for acquiring land, structures/improvements, crops/trees, relocation of informal settlers, and recommended compensation and entitlement package for owners and project-affected persons (PAPs), implementation schedule, and impact and mitigating measures for the ROW acquisition.

Social Impact Assessment or Social Assessment -- It is a framework for incorporating social or stakeholders' analysis and participatory processes in project design and implementation.

Time of Taking -- This refers to the time when both parties, the landowner, and the proponent, agreed on the true value of the land being purchased.

EXECUTIVE SUMMARY

1. **Project Description** – The proposed Central Mindanao High Standard Highway Project (CMHSHCP) (“Project”, “alignment”) is part of the Phase II of the Master Plan on High Standard Highway Network Development. The objectives of the plan were to improve the transport efficiency in the region and contribute to enhancing the connectivity between the cities of Cagayan de Oro and Malaybalay as well as the economic development of the surrounding area.
2. **Necessity of Land Acquisition And Resettlement Objectives of RAP** - The preparation of the RAP for land, structures and improvements, and crops and trees was in accordance with the Republic Act 10752, and as prescribed in the Land Acquisition, Resettlement, Rehabilitation and Indigenous People’s Policy (LARRIP), the JICA Environmental and Social Safeguards Guidelines and other related social safeguards policies/issuances of the Department, such as Department Order (DO) Nos. 5 Series of 2003, DO 327 series of 2003, DO 34 series of 2007, D.O 73 series of 2014 – Prohibited Use within the Right-Of-Way of National Roads, and DO 152: DPWH ROW Acquisition Manual series of 2017.
3. **Legal Framework** – The policy framework within which this Preliminary Right-of-Way Action Plan for land, structures, other improvements, and crops and trees will operate was derived from the Philippine Constitution, Republic Act 10752, DPWH LARRIP Policy, and other social safeguards issuances, and JICA Environmental and Social Safeguard Guidelines, relative to the ROW acquisition.
4. **Summary of Project Impacts** – The CMHSHCP will involve road construction and improvements to include widening, slope protection and drainage that will require the road right-of-way acquisition of public land and private land. Land acquisition will cause physical and economic displacement such as (i) permanent loss of land along the required minimum of 60-m ROW, (ii) loss/damage to structures and improvement, (iii) loss of crops and trees, and (iv) loss of income/business.

A total of 484 PAPs with affected assets and properties within the road right-of-way, consists a total area of 3,943,800 m² of land which traverse 27 barangays in two (2) cities and four (4) municipalities.

5. **Grievance Redress Mechanism** – A project level GRM was developed to receive and resolve project related concerns, complaints, and grievances. Conflicts within affected communities will be addressed within the community itself through dispute resolution process and mechanisms.
6. **Compensation Policy** – Compensation and entitlements are designed to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the displaced poor and other vulnerable groups. DPWH will offer to the property owner concerned, as compensation price, the sum of 1) replacement cost of land based on the current market value of land, free of taxes; 2) the replacement cost of structures and improvements; and 3) the current market value of crops and trees.