BUDA-MARAMAG ROAD SECTION

RESETTLEMENT ACTION PLAN

CP-9

August 2001

Department of Public Works and Highways
Manila, Philippines
BUDA-MARAMAG ROAD SECTION

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Department of Public Works and Highways
Manila, Philippines
TABLE OF CONTENTS

Table of Contents
List of Annexes
List of Tables
List of Figures
Acronyms and Abbreviations

Executive Summary

1. INTRODUCTION
  1.1 Description of the Project
  1.2 Types of Impacts
  1.3 Steps taken to Minimize the Impacts
  1.4 Main Objectives of the Resettlement Action Plan

2. DESCRIPTION OF IMPACTS AND SOCIO-ECONOMIC CHARACTERISTICS
  2.1 Administrative Unit
  2.2 Social and Economic Characteristics of Project Affected Persons
    2.2.1 Household size
    2.2.2 Distribution of Household Members by Age
    2.2.3 Distribution of PAP Households by Religion
    2.2.4 Length of Stay in the Community
    2.2.5 Household Income
      2.2.5.a Main Source of Income
      2.2.5.b Monthly Household Income
    2.2.6 Minority Groups
    2.2.7 Land and Building Use
    2.2.8 Tenure of Main Structure Occupants
    2.2.9 Category of Main Structures
  2.3 Impacts of the Project
    2.3.1 Impacts on Land
      2.3.1.a Agricultural Land
      2.3.1.b Residential Land
      2.3.1.c Commercial Land
      2.3.1.d Residential/Commercial Land
    2.3.2 Impacts on Structures
      2.3.2.a Residential Structures
      2.3.2.b Residential/Commercial Structures
      2.3.2.c Commercial Structures
      2.3.2.d Institutional Structures
      2.3.2.e Other Structures
    2.3.3 Loss of Crops and Trees
    2.3.4 Utilities
2.3.5 Temporary Impacts Relocation Requirements
2.3.6 Relocation Requirements
2.3.7 Summary of Impacts

3. COMPENSATION RATES AND ENTITLEMENTS
3.1 Introduction
3.2 Detailed Compensation Entitlements
  3.2.1 Loss of Arable Land
  3.2.2 Loss of Residential or Commercial Land
  3.2.3 Loss of Residential and Residential cum Shop Structures
  3.2.4 Loss of Independent Shops/Stores
  3.2.5 Loss of Other Fixed Structures
  3.2.6 Loss of Standing Crops and Trees
  3.2.7 Loss of Service Facilities
3.3 Resettlement Costs and Budget
  3.3.1 Procedures for Flow of Funds
  3.3.2 Cost Estimates and Inflation Adjustment
  3.3.3 Implementation, Administration and Contingency Costs
  3.3.4 Unit Prices for Cost Estimation

4. IMPLEMENTATION SCHEDULE
4.1 Approval of the RAP
4.2 Resettlement Implementation Activities
  4.2.1 MOU with LGU and Establishment of the MRIC
  4.2.2 Training of the MRIC
  4.2.3 Establishment of Detailed Compensation Rates
  4.2.4 Conducting Public Information Campaign
  4.2.5 Stake-out
  4.2.6 Finalization of Compensation and Other Entitlements of PAPs
  4.2.7 Public Meeting
  4.2.8 Payment of Compensation and Other Entitlements
  4.2.9 Reorganization and Relocation
  4.2.10 Handing Over the Site for Civil Works
4.3 Monitoring and Supervision of RAP Implementation

5. ORGANIZATION SET-UP
5.1 Institutions for Resettlement
  5.1.1 DPWH
  5.1.2 Environmental Impact Assessment Project Office (EIAPO)
  5.1.3 Municipal Resettlement Implementation Committee (MRIC)
5.2 External Monitoring

6. INDIGENOUS PEOPLE ACTION PLAN
6.1 Background
  6.2 General Socio-economic Characteristics of the Matigsalug and Manobo Tribes
6.2.1 Sub-groups
6.2.2 Demography
6.2.3 Livelihood Activities and Sources of Income
6.2.4 Income and Expenditures
6.2.5 Education
6.2.6 Health, Nutrition and Sanitation
6.3 Formal and Traditional Socio-political Structures
6.4 Impacts of the Project on the Indigenous People Along the Road Corridor
6.5 Resettlement Package
## LIST OF ANNEXES

<table>
<thead>
<tr>
<th>Annex</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>DPWH Land Acquisition, Resettlement and Rehabilitation Policy Framework</td>
</tr>
<tr>
<td>B</td>
<td>Validation Questionnaire</td>
</tr>
<tr>
<td>C</td>
<td>List of Public Meetings Held</td>
</tr>
<tr>
<td>D</td>
<td>Certification for Claims for Compensation</td>
</tr>
<tr>
<td>E</td>
<td>List of PAPs</td>
</tr>
<tr>
<td>F</td>
<td>Operational Framework on Public Participation and Consultation</td>
</tr>
<tr>
<td>G</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>H</td>
<td>Report on the PhP600,000 Demand of FEMMATRICS</td>
</tr>
</tbody>
</table>
LIST OF TABLES

1.1 Road Sections and Station Limits
1.2 Bridges
2.1 Distribution of PAPs by Household Size
2.2 Distribution of Household Members by Age
2.3 Distribution of PAP Households by Religion
2.4 Distribution of PAPs by Number of Years in the Community
2.5 Employment Status of Household Members
2.6 Distribution of PAP Households by Monthly Income
2.7 Distribution of PAPs by Building Use
2.8 Distribution of Main Structure Occupants by Tenural Status
2.9 Category of Main Structures by Type of Construction
2.10 Distribution of Affected Land by Use
2.11 Category, Number and Area of Main Structures Affected
2.12 Distribution of Residential Structures
2.13 Distribution of Affected Residential/Commercial Structures
2.14 Distribution of Affected Commercial Structures
2.15 Distribution of Affected Institutional Structures
2.16 Summary of Affected Assets
3.1 Entitlement Matrix
3.2 Estimated Resettlement Cost
4.1 Schedule of Activities

vi
6.1 Barangays Under the CADC of FEMMATRICS

6.2 Annual Household Income and Expenses
LIST OF FIGURES

Figure 1.1 Location Map of the Project Area
## ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>AO</td>
<td>Administrative Order</td>
</tr>
<tr>
<td>CADC</td>
<td>Certificate of Ancestral Domain Claim</td>
</tr>
<tr>
<td>DEO</td>
<td>District Engineering Office</td>
</tr>
<tr>
<td>DO</td>
<td>Department Order</td>
</tr>
<tr>
<td>DPWH</td>
<td>Department of Public Works and Highways</td>
</tr>
<tr>
<td>EIAPo</td>
<td>Environmental Impact Assessment Project Office</td>
</tr>
<tr>
<td>EO</td>
<td>Executive Order</td>
</tr>
<tr>
<td>ESS</td>
<td>Environmental and Social Service</td>
</tr>
<tr>
<td>FEMMATRICS</td>
<td>Federation of Matigsalug – Manobo Tribal Councils</td>
</tr>
<tr>
<td>GOP</td>
<td>Government of the Philippines</td>
</tr>
<tr>
<td>GRC</td>
<td>Grievance Redressal Committee</td>
</tr>
<tr>
<td>Ha</td>
<td>Hectare</td>
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<tr>
<td>HMP</td>
<td>Highway Management Program</td>
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<tr>
<td>IBRD</td>
<td>International Bank for Rural Development</td>
</tr>
<tr>
<td>IPs</td>
<td>Indigenous Peoples</td>
</tr>
<tr>
<td>Km</td>
<td>Kilometer</td>
</tr>
<tr>
<td>LGU</td>
<td>Local Government Unit</td>
</tr>
<tr>
<td>m</td>
<td>Meter</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MRIC</td>
<td>Municipal Resettlement Implementation Committee</td>
</tr>
<tr>
<td>NRIMP</td>
<td>National Roads Improvement and Management Program</td>
</tr>
<tr>
<td>OD</td>
<td>Operational Directive</td>
</tr>
<tr>
<td>PAP</td>
<td>Project-affected Person</td>
</tr>
<tr>
<td>PAF</td>
<td>Project-Affected Family</td>
</tr>
<tr>
<td>PMO</td>
<td>Project Management Office</td>
</tr>
<tr>
<td>RA</td>
<td>Republic Act</td>
</tr>
<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>ROW</td>
<td>Right-of-Way</td>
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<tr>
<td>SIA</td>
<td>Social Impact Assessment</td>
</tr>
<tr>
<td>TA</td>
<td>Technical Assistance</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

The Buda-Maramag Road project is the third of three sections that make up the approximately 142 km Philippine Highway that link Davao City at the Ulas Junction with the Sayre Highway in the Municipality of Maramag, Province of Bukidnon. The other sections are the Ulas Junction to Calinan and the Calinan to Buda. The Sayre junction in Maramag is a little over 150 km from Cagayan de Oro City, while the Ulas Junction is approximately 15 km from Davao City.

The region served by the project road is agricultural, with a topography ranging from flat land to rolling hills. Being part of the Davao City–Cagayan de Oro City Highway, which serves as the trunk line in the area, the project road is crucial in the on-going socio-economic development of Regions X and XI. An improved road system will stimulate the economy through greater access to and from the cities of Davao and Cagayan.

There are 10 bridges along the project road, spanning about 410.2 linear meters long. Except for one, the rest of these are permanent two-lane structures that require routine maintenance only. The last bridge, the Pulangi Bridge, is a single lane 36.5 m bailey bridge that is in a very poor state of repair.

The restoration of the Buda-Maramag Section was started in 1997 under the Highway Management Program (HMP) of the Department of Public Works and Highways. Funding assistance came from the World Bank (IBRD Loan No. 3430 PH). The project was originally part of the IBRD-assisted CP 09/A which starts from Calinan in Davao City at STA 34 + 800 down to Brgy. Campo Uno in Maramag, Bukidnon (STA 140 + 097.8). However, the contract was truncated into two packages, namely CP 09/B1 and CP 09/B2, following the approval of the “Reduction in Scope Agreement” between the contractor (ALC) and the DPWH. This was reportedly occasioned by the poor performance of the contractor. Both packages remained with the ALC, but the contractor concentrated its operation in CP 09/B1 (Calinan-Buda Section). Except for some clearing activities undertaken in Brgy. San Jose, Municipality of Quezon, CP 09/B2 was practically untouched. The ALC failed to complete its work in CP 09/B1 just the same. The contract with ALC was finally rescinded in April 1999.

The continuation of the works for CP 09/B2 under the HMP was awarded in 1999 to Shinsung Corporation. Resumption of civil works in CP 09/B2 actually started in mid-1999. The DPWH knew that, as the HMP was about to end in mid-2000, it would be impossible for Shinsung Corporation to complete the road project according to the original schedule. CP 09/B2 would have to be completed therefore under the NRIMP. This means that the newly adopted Resettlement Policy of the Department for NRIMP would have to be applied in CP 09/B2, now referred to as CP 8 under NRIMP.

Under the HMP, PAPs were only given advance notice about the project and, as per estimate of the Provincial Appraisal Committee, they were provided minimal amount to cover for
"demolition cost". But still, a number of these PAPs reportedly only got a portion of the allocated demolition cost, while some did not receive any. Involving major stakeholders of the project, especially the PAPs, was not practiced under the HMP.

The restoration and improvement of the approximately 59 km long CP 09/B2 (CP 8 under NRIMP) involves the construction of an asphalt concrete pavement (ACP), with a standard width of 7 m and a thickness of 70 mm. The road pavement has a shoulder of 2 m on both sides. The project also involves the construction of a drainage system and the replacement of the Pulangi Bridge with a reinforced concrete structure.

The switch from HMP to NRIMP complicated the work in the preparation of the RAP. When the EIAPO and the local DPWH Offices (Regional and District) conducted in mid-1999 a census and socio-economic survey of the PAPs, the new contractor was about to start full swing works on the road. However, preparation of RAP for the project (and all other road projects under NRIMP) had to be stopped starting in July until the DPWH management finally endorsed its Resettlement Policy to the World Bank in November of the same year. Thus, when the EIAPO and the local DPWH Offices finally returned to the project site early the following year to validate the list of PAPs and the affected assets, they discovered that Barangay Puntian and Barangay Palacapao, both of the Municipality of Quezon, had already been of structures within a construction limit of 10 m from the road center line in flat areas and 15 m in sloping areas. More households than those identified in the 1999 census had been bulldozed out of their places.

Preparing a RAP under such circumstances was indeed problematic. First, it was difficult to locate some of the PAPs who had been moved out of the construction limit. Second, there was no prior documentation of the affected assets of households that were not on the original list of PAPs. Third, there were no socio-economic data gathered on these additional PAPs.

On top of these practical problems, municipal and barangay officials voiced out their opposition to the granting of compensation and other entitlements to PAPs who had been identified during the census if those who voluntarily dismantled their structures earlier beginning in 1997 under the HMP would not be entitled to the same compensation. This position definitely had its merits, but it further complicated the documentation of PAPs since the affected assets were no longer in their original places.

There will be no major realignment in the proposed road project. Also, the 60 m road-right-of-way (ROW) has already been acquired by the DPWH. Therefore, there will be no land acquisition. The ROW, however, is not free from illegal occupants and structures. On both sides of the existing roads and within the ROW, especially at bus stops, the ROW is used for residential/commercial purposes. In view of this, the project will have adverse impact on the livelihood or businesses of a number of PAPs, indigenous peoples included.

By the time clearing of the construction limit is completed in December 2000, the project would have adversely affected a total of 342 project affected person households (PAP households) and 7 local government units (LGUs). It is estimated that about 336 privately owned main structures (i.e., houses and shops) would be affected. 221 of these structures are
residential houses, 89 residential houses cum small commercial shops (i.e., mostly marginal variety stores), and 26 small commercial shops. Moreover, 333 of these main structures are made of temporary materials, while 3 of semi-permanent materials. There are no permanent privately owned structures that would be affected adversely by the road project.

A total of 7 Purok (administrative sub-unit of a barangay) centers or halls of the barangay local government units, have already been cleared from the construction limit. 4 of these Purok centers were made of semi-permanent materials and 3 temporary. Also cleared from the construction limit were 3 semi-permanent barangay waiting sheds, 4 concrete posts of the gates of a public school, and 12 concrete plant boxes belonging to a barangay. Earlier during the short stint of the first contractor, the street lighting system of the municipal government of Quezon, particularly in Barangay Poblacion, was damaged and needs to be restored. On the other hand, under the present works, the domestic water lines of 2 barangays have been damaged and must be restored.

Of the 346 main structures (i.e., private and public) that would be (or have been) severely affected by the project, 200 may yet be re-organized on adjacent areas, while the rest (146 main structures) would have to be relocated, albeit within their respective barangays. Of the 146 that have to be relocated, 91 are purely residential units, 31 residential cum commercial structures, 15 independent shops, 7 Purok centers and 3 barangay waiting sheds.

An indigenous people action plan (IPAP) has also been prepared for the Matigsalug PAPs living in Barangay Sinuda, Municipality of Kitaotao. These PAPs belong to a broader federation of Matigsalug and Manobo Tribes that inhabit the tri-boundaries of Bukidnon Province, North Cotabato Province and Davao City.

This RAP should be read in conjunction with the DPWH Land Acquisition, Resettlement and Rehabilitation Policy. Said Policy applies to all road projects that will be implemented under the National Roads Improvement and Management Program (NRIMP). Thus, since the road project would be completed under the NRIMP, the DPWH Resettlement Policy would also be applied to PAPs who have earlier relocated from the road construction limit under the HMP.
CHAPTER 1. INTRODUCTION

1.1 Description of the Project

The Buda-Maramag Road project is the third of three sections that make up the approximately 142 km Philippine Highway that link Davao City at the Ulas Junction with the Sayre Highway in the Municipality of Maramag, Province of Bukidnon. The other sections are the Ulas Junction to Calinan and the Calinan to Buda. The Sayre junction in Maramag is a little over 150 km from Cagayan de Oro City, while the Ulas Junction is approximately 15 km from Davao City. (See Figure 1.1 for the Location Map of the Project Area).

<table>
<thead>
<tr>
<th>Section</th>
<th>Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ulas Junction to Calinan</td>
<td>STA 6 + 800 to STA 34 + 798</td>
</tr>
<tr>
<td>Calinan to Buda</td>
<td>STA 34 + 800 to STA 81 + 000</td>
</tr>
<tr>
<td>Buda to Maramag</td>
<td>STA 81 + 000 to STA 140 + 097.90</td>
</tr>
</tbody>
</table>

There are 10 bridges along the project road, spanning an aggregate length of about 410.2 linear meters. Except for one, the rest of these bridges are permanent two-lane structures that require routine maintenance only. The last bridge, the Pulangi Bridge, is a single lane 36.5 m Bailey bridge that is in a very poor state of repair. (See Table 1.2 next page for a list of Bridges).

The restoration of the Buda-Maramag Section was started in 1997 under the Highway Management Program (HMP) of the Department of Public Works and Highways. Funding assistance came from the World Bank (IBRD Loan No. 3430 PH). The project was originally part of the IBRD-assisted CP 09/A which starts from Calinan in Davao City at STA 34 + 800 down to Brgy. Campo Uno in Maramag, Bukidnon (STA 140 + 097.8). However, the contract was truncated into two packages, namely CP 09/B1 and CP 09/B2, following the approval of the “Reduction in Scope Agreement” between the contractor (ALC) and the DPWH. This was reportedly occasioned by the poor performance of the contractor. Both packages remained with the ALC, but the contractor concentrated its operation in CP 09/B1 (Calinan-Buda Section). Except for some clearing activities undertaken in Brgy. San Jose, Municipality of Quezon, CP 09/B2 was practically untouched. The ALC failed to complete its work in CP 09/B1 just the same. The contract with ALC was finally rescinded in April 1999.

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Resettlement Policy of the Department for NRIMP would have to be applied in CP 09/B2, now referred to as CP 8 under NRIMP. (See Annex A for a copy of the DPWH Resettlement Policy).

Under the HMP, PAPs were only given advance notice about the project and, as per estimate of the Provincial Appraisal Committee, they were provided minimal amount to cover for "demolition cost". But still, a number of these PAPs reportedly only got a portion of the allocated demolition cost, while some did not receive any. Involving major stakeholders of the project, especially the PAPs, was not practiced under the HMP.

The restoration and improvement of the approximately 59 km long CP 09/B2 (CP 8 under NRIMP) involves the construction of an asphalt concrete pavement (ACP), with a standard width of 7 m and a thickness of 70 mm. The road pavement has a shoulder of 2 m on both sides. The project also involves the construction of a drainage system and the replacement of the Pulangi Bridge with a reinforced concrete structure.

The switch from HMP to NRIMP complicated the work in the preparation of the RAP. When the EIAPO and the local DPWH Offices (Regional and District) conducted in mid-1999 a census and socio-economic survey of the PAPs, the new contractor was about to start full swing works on the road. However, preparation of RAP for the project (and all other road projects under NRIMP) had to be stopped starting in July until the DPWH management finally endorsed its Resettlement Policy to the World Bank in November of the same year. Thus, when the EIAPO and the local DPWH Offices finally returned to the project site early the following year to validate the list of PAPs and the affected assets, they discovered that Barangay Puntian and Barangay Palacapao, both of the Municipality of Quezon, had already been of structures within a construction limit of 10 m from the road center line in flat areas and 15 m in sloping areas. More households than those identified in the 1999 census had been bulldozed out of their places.

Preparing a RAP under such circumstances was indeed problematic. First, it was difficult to locate some of the PAPs who had been moved out of the construction limit. Second, there was no prior documentation of the affected assets of households that were not on the original list of PAPs. Third, there were no socio-economic data gathered on these additional PAPs.

On top of these practical problems, municipal and barangay officials voiced out their opposition to the granting of compensation and other entitlements to PAPs who had been identified during the census if those who voluntarily dismantled their structures earlier beginning in 1997 under the HMP would not be entitled to the same compensation. This position definitely had its merits, but it further complicated the documentation of PAPs since the affected assets were no longer in their original places.

1.2 Types of Impacts

The region served by the project road is agricultural, with a topography ranging from flat land to rolling hills. Being part of the Davao City–Cagayan de Oro City Highway, which serves as the trunk line in the area, the project road is crucial in the on-going socio-economic development of
Regions X and XI. An improved road system will stimulate the economy through greater access to and from the cities of Davao and Cagayan.

### Table 1.2: Bridges

<table>
<thead>
<tr>
<th>Name of Bridge</th>
<th>Station</th>
<th>Length (L. m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simod I (Buda)</td>
<td>Km 81 + 884</td>
<td>45.0</td>
</tr>
<tr>
<td>Simod II</td>
<td>Km 88 + 086</td>
<td>40.0</td>
</tr>
<tr>
<td>Malo-os</td>
<td>Km 92 + 181</td>
<td>43.6</td>
</tr>
<tr>
<td>Raware</td>
<td>Km 94 + 746</td>
<td>45.0</td>
</tr>
<tr>
<td>Pontian</td>
<td>Km 111 + 507</td>
<td>75.0</td>
</tr>
<tr>
<td>Lanapan</td>
<td>Km 113 + 601</td>
<td>15.0</td>
</tr>
<tr>
<td>Delapa</td>
<td>Km 1221 + 032</td>
<td>40.6</td>
</tr>
<tr>
<td>Manuto</td>
<td>Km 125 + 423</td>
<td>45.0</td>
</tr>
<tr>
<td>Buayan</td>
<td>Km 136 + 373</td>
<td>25.0</td>
</tr>
<tr>
<td>Pulangi</td>
<td>Km 138 + 754</td>
<td>36.0</td>
</tr>
</tbody>
</table>

There are no realignments in the on-going road project. Also, the 60 m road-right-of way (ROW) has already been acquired by the DPWH. Therefore, there will be no land acquisition. The ROW, however, is not free from illegal occupants and structures. On both sides of the existing roads and within the ROW, especially at bus stops, the ROW is used for residential/commercial purposes. In view of this, the project will have adverse impact on the livelihood or businesses of a number of PAPs, indigenous peoples included.

By the time clearing of the construction limit is completed in December 2000, the project would have adversely affected a total of 342 project affected person households (PAP households) and 7 local government units (LGUs). It is estimated that about 336 privately owned main structures (i.e., houses and shops) would be affected. 221 of these structures are residential houses, 89 residential houses cum small commercial shops (i.e., mostly marginal variety stores), and 26 small commercial shops. Moreover, 333 of these main structures are made of temporary materials, while 3 of semi-permanent materials. There are no permanent privately owned structures that would be affected adversely by the road project.

A total of 7 Purok (administrative sub-unit of a barangay) centers or halls of the barangay local government units, have already been cleared from the construction limit. 4 of these Purok centers were made of semi-permanent materials and 3 temporary. Also cleared from the construction limit were 3 semi-permanent barangay waiting sheds, 4 concrete posts of the gates of a public school, and 12 concrete plant boxes belonging to a barangay. Earlier during the short stint of the first contractor, the street lighting system of the municipal government of Quezon, particularly in Barangay Poblacion, was damaged and needs to be restored. On the other hand, under the present works, the domestic water lines of 2 barangays have been damaged and must be restored.
Of the 346 main structures (i.e., private and public) that would be (or have been) severely affected by the project, 200 may yet be re-organized on adjacent areas, while the rest (146 main structures) would have to be relocated, albeit within their respective barangays. Of the 146 that have to be relocated, 91 are purely residential units, 31 residential cum commercial structures, 15 independent shops, 7 Purok centers and 3 barangay waiting sheds.

1.3 Step Taken to Minimize the Impacts

The 2nd District Engineering Office of Bukidnon demarcated in the second half of the 1990s the road right-of-way (ROW) with the use of monuments. The ROW measures 30 m to the left or to the right from the road centerline. Within the 60 m ROW corridor, many privately owned structures and farms are located. Thus, confining the clearing activities of the civil works to a construction limit\(^1\) of 15 m to the left and to the right from the road center line, reduced the number of PAPs and affected assets.

1.4 Main Objectives of the Resettlement Action Plan

Development projects that result to the involuntary displacement of people generally give rise to severe economic, social, and environmental problems. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damages unless appropriate measures are carefully planned and carried out. Cognizant of the foregoing, the principal objectives of this RAP are to:

a. provide an assessment of the impacts that the on-going road project has on the local population;

b. quantify in monetary terms the private and public assets that are to be acquired or impacted by the project;

c. present a strategy that will ensure that all PAPs (i.e., even those cleared of the ROW during the HMP period) are paid according to the DPWH's Resettlement Policy;

d. identify measures that would ensure that the PAPs are involved in the various stages of RAP preparation and implementation project; and

e. give an over-all estimate of the required resources needed to implement this RAP.

\(^1\) This area is within the ROW and must be free from any other structures but the road system itself. While the present civil works are confined within this area, the 60 m ROW remains the same. Government is not giving up its claim of ownership over the ROW.
CHAPTER 2. DESCRIPTION OF IMPACTS AND SOCIO-ECONOMIC CHARACTERISTICS

2.1 Administrative Unit

The Buda-Maramag Road Section is located in the Province of Bukidnon. It is under the administrative jurisdiction of DPWH Region X Office, located in Cagayan de Oro City, and the Second District Engineering Office, located in the Municipality of Don Carlos.

2.2 Social and Economic Characteristics of Project Affected Persons

In June and July 1999, a census and inventory of affected assets covered 100% of households found to be residing and/or with fixed assets within the construction limit of 10 m from the road center line. A total of 151 PAP households and 2 barangay governments (aka local government units or LGUs) were located within the clearance line.

When the Environmental Impact Assessment Project Office (EIAPO) of DPWH Central Office returned to the area in March 2000 to conduct a validation of the list of PAPs and affected fixed assets, the civil works contractor had already cleared Barangay Puntian and Barangay Palacapao, both in the Municipality of Quezon, of structures within a construction limit of 10 m from the road center line in flat areas and 15 m in sloping areas. Consequently, more households than those identified in the 1999 census had been bulldozed out of their places.

This complicated the finalization of the resettlement action plan for the road project. First, it was difficult to locate some of the PAPs who had been moved out of the construction limit. Second, there was no prior documentation of the affected assets of households that were not on the original list of PAPs. Third, there were no socio-economic data gathered on these additional PAPs. Thus, to be able to come up with a useful database on the PAPs in the two barangays, households and individuals claiming to have been adversely affected by the project were called to a meeting in their respective barangay halls. During the meetings, which were attended by Municipal and barangay officials, the Resettlement Policy of DPWH was explained, and a modified questionnaire on assets was accomplished for each PAP, duly attested by barangay officials. (See Annex B for a copy of the Validation Questionnaire and Annex C for the List of Public Meetings).

Moreover, during the public meeting held in the office of the Municipal Mayor of Kitaotao on March 7, 2000, concerned barangay captains expressed their opposition to the granting of resettlement assistance as provided for in the LARR to PAPs still found within the construction limit unless those who voluntarily dismantled their structures earlier beginning in 1997 in

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1 In the preparation of this RAP, the clearance line has been adjusted to 15 m from the road center line since this is the construction limit being followed in the present works.
2 The present civil works contractor, Shinsung Corporation, took over the works started by an earlier contractor whose contract was rescinded by the government. Actual clearing and construction works by Shinsung started in the third quarter of 1999.
3 This is not to put the blame on the civil works contractor. Personnel from the EIAPO and the District Engineer’s Office who were involved in the linear mapping did not have adequate information on the detailed engineering design of the road. The fact that the road was gravel made the measurement of the construction limit inaccurate since the center line was not marked.
connection with the present road project (NOTE: then under the Highway Management Program, also IBRD-assisted) would be given the same entitlements. While this position was meritorious, it further complicated the documentation of PAPs since the affected assets were no longer in their original places. The DPWH agreed to recognize these PAPs but they had to secure a certification from the barangay government, attested by the Municipal government, describing the type and dimensions of their demolished structures, including the year of demolition. (See Annex D for copies of the Certification for Claims for Compensation).

To provide a general appreciation of the living conditions of the people in the road project, Sections 2.2.1 to 2.2.5 provide some socio-economic information on the PAPs. Said information, however, cover only those included in the census of PAPs that was conducted in mid-1999.

### 2.2.1 Household Size

Of the 151 PAPs identified in the 1999 census, 67 came from households with 4 - 6 members (44.4% of the total) and 47 PAPs (31.1%) from households with 7 – 10 members. 30 PAPs (19.9%) had 1 – 3 household members, while 7 (4.6%) had more than 10 members.

<table>
<thead>
<tr>
<th>Barangay*</th>
<th>1 – 3 persons</th>
<th>4 – 6 persons</th>
<th>7 – 10 persons</th>
<th>&gt;10</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HH</td>
<td>%</td>
<td>HH</td>
<td>%</td>
<td>HH</td>
</tr>
<tr>
<td>Buda &amp; Tawas</td>
<td>9</td>
<td>25.7</td>
<td>11</td>
<td>31.4</td>
<td>13</td>
</tr>
<tr>
<td>Sinuda &amp; Cahusayan</td>
<td>9</td>
<td>12.7</td>
<td>34</td>
<td>47.9</td>
<td>24</td>
</tr>
<tr>
<td>Palacapao and</td>
<td>12</td>
<td>26.7</td>
<td>22</td>
<td>48.9</td>
<td>10</td>
</tr>
<tr>
<td>Puntian</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

*NOTE: The census takers erroneously assigned similar codes for Buda and Tawas, Sinuda and Cahusayan, and Palacapao and Puntian.

+Not included in the count is 1 structure of the barangay government.

Not included in the count is 1 structure of the barangay government.

### 2.2.2 Distribution of Household Members by Age

The estimated number of individuals covered in the household survey was 865, yielding an average household size of 5.7. Majority of the population (538 individuals or 62.2% of the total) belonged to the working age bracket of 15 – 60 years old. 166 individuals (19.2%) belonged to the school age (i.e., elementary and high school) population of 7 – 14 years of age, while 138 individuals (16.0%) were less than 6 years of age. Only 23 individuals (2.7%) were than 60 years old.
Table 2.2: Age of Members of 151 PAP Households Covered in 1999 Census

<table>
<thead>
<tr>
<th>Barangay*</th>
<th>Ages 0 month to 6 Years</th>
<th>7 to 14 Years</th>
<th>15 to 21 Years</th>
<th>22 to 60 Years</th>
<th>61 Years &amp; Above</th>
<th>All Ages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PAP %</td>
<td>PAP %</td>
<td>PAP %</td>
<td>PAP %</td>
<td>PAP %</td>
<td>PAP %</td>
</tr>
<tr>
<td>Buda &amp; Tawas</td>
<td>22 10.8</td>
<td>38 18.6</td>
<td>38 18.6</td>
<td>99 48.5</td>
<td>7 3.4</td>
<td>204+ 99.9</td>
</tr>
<tr>
<td>Sinuda &amp; Cahusayan</td>
<td>88 19.9</td>
<td>95 21.5</td>
<td>68 15.4</td>
<td>179 40.5</td>
<td>12 2.7</td>
<td>442# 100.0</td>
</tr>
<tr>
<td>Palacapao and Puntian</td>
<td>28 12.8</td>
<td>33 15.1</td>
<td>46 21.0</td>
<td>108 49.3</td>
<td>4 1.8</td>
<td>219 100.0</td>
</tr>
<tr>
<td>Total</td>
<td>138 16.0</td>
<td>166 19.2</td>
<td>152 17.6</td>
<td>386 44.6</td>
<td>23 2.7</td>
<td>865 100.1</td>
</tr>
</tbody>
</table>

*NOTE: The census takers erroneously assigned similar codes for Buda and Tawas, Sinuda and Cahusayan, and Palacapao and Puntian.

+Not included in the count is 1 structure of the barangay government.

#Not included in the count is 1 structure of the barangay government.

2.2.3 Distribution of PAP Households by Religion

Most of the PAP households were Roman Catholic, 77.5% or 117 households. The rest of the PAPs belonged to other Christian denominations.

Table 2.3: Religion of 151 PAP Households Covered in 1999

<table>
<thead>
<tr>
<th>Barangay*</th>
<th>Roman Catholic</th>
<th>Other Christian Churches</th>
<th>Iglesia ni Cristo</th>
<th>Muslim</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buda &amp; Tawas</td>
<td>Count 27</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>35+</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>77.1</td>
<td>22.9</td>
<td>-</td>
<td>-</td>
<td>100.0</td>
</tr>
<tr>
<td>Sinuda &amp; Cahusayan</td>
<td>Count 54</td>
<td>7</td>
<td>-</td>
<td>10</td>
<td>-</td>
<td>71#</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>76.1</td>
<td>9.9</td>
<td>1</td>
<td>14.1</td>
<td>100.1</td>
</tr>
<tr>
<td>Palacapao &amp; Puntian</td>
<td>Count 36</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>80.0</td>
<td>17.8</td>
<td>2.2</td>
<td>-</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>Count 117</td>
<td>23</td>
<td>1</td>
<td>10</td>
<td>-</td>
<td>151</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>77.5</td>
<td>15.2</td>
<td>0.7</td>
<td>6.6</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*NOTE: The census takers erroneously assigned similar codes for Buda and Tawas, Sinuda and Cahusayan, and Palacapao and Puntian.

+Not included in the count is 1 structure of the barangay government.

#Not included in the count is 1 structure of the barangay government.

2.2.4 Length of Stay in the Community

All of the PAPs claimed to have been living in the area for more than 3 years at the time of the census.
2.2.5 Household Income

2.2.5.a Main Source of Income

While there was no information gathered on the types of work gainfully employed individuals were involved in, it can be surmised, as in the other road section (i.e., Calinan-Buda or CP 3), that the predominant income-earning activity of the PAPs were related to farming. It must be stressed, however, that majority of the people covered in the survey were unemployed: 142 (69.6% of the barangay total) in Buda and Tawas; 319 (72.2%) in Sinuda and Cahuayan; and 147 (67.1%) in Palacapao and Puntian. Taken together, the unemployed constituted 70.3% of the 865 total individuals. Against this number, the gainfully employed made up only 19.2% of the total population; the students, 9.2%; and the retired, 1.3%.

Table 2.5: Employment Status of Members of 151 Households Covered in 1999 Census

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>Buda &amp; Tawas</th>
<th>Sinuda &amp; Cahuayan</th>
<th>Palacapao &amp; Puntian</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gainfully employed</td>
<td>33 (16.2%)</td>
<td>87 (19.7%)</td>
<td>46 (21.0%)</td>
<td>166 (19.2%)</td>
</tr>
<tr>
<td>Student</td>
<td>26 (12.7%)</td>
<td>31 (7.0%)</td>
<td>23 (10.5%)</td>
<td>80 (9.2%)</td>
</tr>
<tr>
<td>Retired</td>
<td>3 (1.5%)</td>
<td>5 (1.1%)</td>
<td>3 (1.4%)</td>
<td>11 (1.3%)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>142 (69.6%)</td>
<td>319 (72.2%)</td>
<td>147 (67.1%)</td>
<td>608 (70.3%)</td>
</tr>
<tr>
<td>Total</td>
<td>204 (100.0%)</td>
<td>442 (100.0%)</td>
<td>219 (100.0%)</td>
<td>865 (100.0%)</td>
</tr>
</tbody>
</table>

2.2.5.b Monthly Household Income

Majority of the PAP households (86.1% or 1300 of the 151 total) were extremely poor, with an average monthly income of PhP5,000.00 or less. 8.6% (or 13 households) reported a monthly earning of PhP5,001 to PhP10,000, 4.0% (6 households) had a monthly income of PhP10,001 to PhP15,000, and 1 household (0.7%) each reported a monthly income of PhP15,001 to PhP20,000 and PhP30,001 to PhP50,000. (See Table 2.6 next page).

2.2.6 Minority Groups

The upland portion of the road project, particularly in the Barangays of Buda, Tawas and Sinuda, all in the Municipality of Kitaotao, is home to the indigenous group of the Matigsalug. The Matigsalug ethno-linguistic group is one of the two major tribes that make up the Federation of the Matigsalug and Manobo Tribal Councils (FEMMATRICS). The FEMMATRICS holds a Certificate of Ancestral Domain (CADC) covering 20 adjoining barangays within the tri-boundary of Bukidnon Province, North Cotabato Province and Davao City. However, project affected members of the Matigsalug Tribe are concentrated in Barangay Sinuda. Members of the tribe in the barangays of Buda and Tawas are found in the interior areas, leaving areas close to
the road to migrant farmers and traders from the Visayas (i.e., Central Philippines). For more on the subject, refer to Chapter 6 for the Indigenous People Action Plan.

Table 2.6: Monthly Income of 151 PAP Households Covered in 1999 Census

<table>
<thead>
<tr>
<th>Barangay*</th>
<th>Income Level (In Philippine Pesos)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5000 &amp; Below</td>
<td>5001-10000</td>
</tr>
<tr>
<td>Buda &amp; Tawas</td>
<td>Count</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>85.7</td>
</tr>
<tr>
<td>Sinuda &amp; Cahuayan</td>
<td>Count</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>63</td>
<td>88.7</td>
</tr>
<tr>
<td>Palacapao &amp; Puntian</td>
<td>Count</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>37</td>
<td>82.2</td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>130</td>
<td>86.1</td>
</tr>
</tbody>
</table>

*NOTE: The census takers erroneously assigned similar codes for Buda and Tawas, Sinuda and Cahuayan, and Palacapao and Puntian.

#Not included in the count is 1 structure of the barangay government.

2.2.7 Land and Building Use

In this section and onward, the PAPs referred to were the ones covered in the validation surveys conducted in March and April 2000. (April 2000, therefore, is the cut-off date for eligibility for compensation and other entitlements). Where possible, pictures of the affected structures were taken. When this was not possible (i.e., when the structures had already been demolished), certification from barangay and municipal officials were secured. Said certifications were to serve as supporting documents for any claims for compensation. As mentioned in Section 1.2, by the time clearing of the construction limit is completed in December 2000, about 342 PAP households and 7 LGUs would have been adversely affected by the project. (See Annex E for the List of PAPs).

None of the lands used by the PAPs, albeit illegally, was for agriculture. Most of the occupied lands were used for residential purposes. Table 2.7 next page illustrates this situation.

Of the total of 346 main structures that would be adversely affected by the time clearing of the construction limit was completed by the end of the year, 221 (63.9%) were used purely as dwelling units; 89 (25.7%), dwelling cum stores; and 26 (7.5%), independent shops. 336 of these main structures were privately owned, while the rest belonged to municipal and barangay local government units (LGUs).
2.2.8 **Tenure of Main Structure Occupants**

Five main structures were being rented out to tenant PAP households. 4 of these were in Sinuda, and 1 in Buda. (See Table 2.8 next page).

2.2.9 **Category of Main Structures**

Three hundred thirty six (336 or 97.1% of the total) of the affected main structures were made of temporary materials. Only 10 main structures (2.9%) were made of semi-permanent materials, while none was made of permanent materials. (See Table 2.9 on page 12).

2.3 **Impacts of the Project**

The census of affected population and inventory of affected assets that were carried out in June and July 1999 and in March and April 2000 provided the basis in determining the type, degree and scale of project impacts and in establishing the categories of PAPs (households and
Table 2.8: Distribution of Main Structure Occupants by Tenural Status

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Tenure Status</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Owner</td>
<td>Tenant</td>
</tr>
<tr>
<td>Sinuda</td>
<td>72</td>
<td>4</td>
</tr>
<tr>
<td>Buda</td>
<td>30</td>
<td>1</td>
</tr>
<tr>
<td>Tawas</td>
<td>56</td>
<td>-</td>
</tr>
<tr>
<td>San Jose</td>
<td>9</td>
<td>-</td>
</tr>
<tr>
<td>Puntian</td>
<td>51</td>
<td>-</td>
</tr>
<tr>
<td>Kiburiao</td>
<td>11</td>
<td>-</td>
</tr>
<tr>
<td>Calhusayan</td>
<td>63</td>
<td>-</td>
</tr>
<tr>
<td>Palacapao</td>
<td>45</td>
<td>-</td>
</tr>
<tr>
<td>Panilayan</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Cebole</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Salawagan</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Poblacion</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mibantang</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>341</td>
<td>5</td>
</tr>
</tbody>
</table>

A composite team of EIAPO personnel and Regional and District Office staff of DPWH conducted the census and survey of PAPs and their affected assets. Municipal and barangay officials assisted in the conduct of these activities. Following is a summary of the major impacts of the project.

2.3.1 Impacts on Land

Approximately 6,637.4 m² of land within the road ROW were being used by the PAPs (i.e., private households and LGUs). None of the PAPs held any proof of ownership over the land that occupied. Below is a breakdown of the affected land.

2.3.1.a Agricultural Land

None of the affected land was being used for agriculture.
Table 2.9: Category of Main Structures by Type of Construction

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Main Structure Category</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permanent</td>
<td>Semi-Permanent</td>
</tr>
<tr>
<td>Sinuda</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.9</td>
</tr>
<tr>
<td>Buda</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Tawas</td>
<td>Count</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>3.6</td>
</tr>
<tr>
<td>San Jose</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Puntian</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Kiburiao</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Cahusayan</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Palacapao</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Panilayan</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Cebole</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Salawagan</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Poblacion</td>
<td>Count</td>
<td></td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Mibantang</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.9</td>
</tr>
</tbody>
</table>

2.3.1.b Residential Land

PAPs were utilizing two hundred and twenty-one (221) lots purely for residential purposes. These lots had an aggregate area of 1,518.24 m².

2.3.1.c Commercial Land

PAPs were using twenty-six (26) lots, with an estimated are of 451.25 m², purely for commerce.

2.3.1.d Residential/Commercial Land

PAPs were using eighty-nine (89) lots, with an approximate area of 698.14 m², both for residence and commerce.
2.3.1.e Institutional Land

Local government units at the barangay level were using 10 lots for their multi-purpose centers and waiting sheds. These lots had an approximate area of 143.6 m².

Table 2.10: Distribution of Affected Land By Use

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Residential</th>
<th>Commercial</th>
<th>Res./Com.</th>
<th>Institutional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sinuda</td>
<td>53</td>
<td>24.0</td>
<td>23</td>
<td>25.8</td>
</tr>
<tr>
<td>Buda</td>
<td>12</td>
<td>3</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Tawas</td>
<td>49</td>
<td></td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>4</td>
<td>18</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Puntian</td>
<td>31</td>
<td>14.0</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>Kilburiao</td>
<td>10</td>
<td>4.5</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Cahusayan</td>
<td>36</td>
<td>16.3</td>
<td>46.2</td>
<td>16.9</td>
</tr>
<tr>
<td>Palacapao</td>
<td>26</td>
<td>11.8</td>
<td>30.8</td>
<td>12.4</td>
</tr>
<tr>
<td>Panilayan</td>
<td>-</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Poblacion</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mibantang</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>221</td>
<td>26</td>
<td>89</td>
<td>10</td>
</tr>
</tbody>
</table>

2.3.2 Impacts on Structures

When clearing of the construction limit would have been finished in December 2000, the road project would have adversely affected a total of 346 main structures. 10 of these belonged to local barangay governments while the rest were privately owned. These main structures had an aggregate floor area of 6,682.4 m². 221 of these main structures were used purely for residence, 89 for residence and commerce, and 26 as independent shops. Also, 12 concrete plant boxes belonging to the barangay government of San Jose, Quezon and 4 concrete posts of 2 gates of a public school in the same barangay had been destroyed in the on-going project.
Out of the 346 total, only 10 (2.9%) main structures were made of semi-permanent materials. The rest were made of temporary materials. Moreover, except for the 3 semi-permanent structures found in Sinuda and Tawas, the rest of the 10 semi-permanent structures were multipurpose centers and waiting sheds of the local barangay governments. The semi-permanent structures had an aggregate floor area of 124.58 m².

Most of the adversely affected temporary main structures were located in barangays where buses stopped for meals. These were in the barangays of Sinuda (75 structures of 22.3% of the total), Cahusayan (63 structures of 18.7% of the total), Tawas (54 or 16.1%), and Puntian (54 or 16.1%). All in all, there were 336 affected temporary main structures with an estimated total floor area of 6,557.82 m².

Table 2.11: Category, Number and Area of Main Structures Affected

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Semi-permanent</th>
<th>Temporary</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>Area</td>
</tr>
<tr>
<td>Sinuda</td>
<td>1</td>
<td>10.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Buda</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tawas</td>
<td>2</td>
<td>20.0</td>
<td>22.0</td>
</tr>
<tr>
<td>San Jose</td>
<td>2</td>
<td>20.0</td>
<td>-</td>
</tr>
<tr>
<td>Puntian</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Kiburiao</td>
<td>1</td>
<td>10.0</td>
<td>8.9</td>
</tr>
<tr>
<td>Cahusayan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Palacapano</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Panilayan</td>
<td>1</td>
<td>10.0</td>
<td>7.44</td>
</tr>
<tr>
<td>Cebole</td>
<td>1</td>
<td>10.0</td>
<td>10.8</td>
</tr>
<tr>
<td>Salawagan</td>
<td>1</td>
<td>10.0</td>
<td>7.44</td>
</tr>
<tr>
<td>Poblacion</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mibantang</td>
<td>1</td>
<td>10.0</td>
<td>64.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10</td>
<td>100.0</td>
<td>124.58</td>
</tr>
</tbody>
</table>

2.3.2.a Residential Structures

Of the 221 residential structures that were to be affected by the road project, 202 would be severe. Of these severely affected dwelling units, 67 (with a total floor area of 972.93 m²) could still be reorganized on adjacent or nearby areas, while 135 (with a total floor area of 2,157.48) would have to be relocated, albeit still within the barangay. It must be stressed here that the relocation of almost all of those from Sinuda, Tawas and Cahusayan happened not during the current clearing of the construction limit but much earlier starting in 1997 up to 1999 in connection with the HMP project. They have been included in this RAP since the continuation of the road project is being undertaken under the NRIMP. Consequently, the DPWH Resettlement must also be applied equally all PAPs. Reconstruction of pertinent data on these relocated structures and their owners were made possible through public meetings with those concerned and corroborated by their respective barangay and municipal officials. (See Annex D).
Table 2.12: Distribution of Residential Structures

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Marginal</th>
<th>Severe (Reorganize)</th>
<th>Severe (Relocate)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Area</td>
<td>Count</td>
</tr>
<tr>
<td>Sinuda</td>
<td>9</td>
<td>766.0</td>
<td>-</td>
</tr>
<tr>
<td>Buda</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tawas</td>
<td>3</td>
<td>26.4</td>
<td>-</td>
</tr>
<tr>
<td>San Jose</td>
<td>4</td>
<td>88.48</td>
<td>-</td>
</tr>
<tr>
<td>Puntian</td>
<td>-</td>
<td>-</td>
<td>31</td>
</tr>
<tr>
<td>Kiburiao</td>
<td>-</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Cahusayan</td>
<td>1</td>
<td>6.0</td>
<td>2</td>
</tr>
<tr>
<td>Palacapao</td>
<td>2</td>
<td>22.32</td>
<td>24</td>
</tr>
<tr>
<td>Panilayan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cebole</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Salawagan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Poblacion</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mibantang</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>909.2</td>
<td>67</td>
</tr>
</tbody>
</table>

2.3.2.b Residential/Commercial Structures

A total of 89 residential units cum stores were to be adversely affected by the project, 73 of which would be severe. 42 of these severely affected structures (with an aggregate floor area of 928.07 m²) could still be reorganized on adjacent lands while the rest (with a floor area of 698.14 m²) would have to be relocated within the barangay.

Table 2.13: Distribution of Affected Residential/Commercial Structures

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Marginal</th>
<th>Severe (Reorganize)</th>
<th>Severe (Relocate)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Area</td>
<td>Count</td>
</tr>
<tr>
<td>Sinuda</td>
<td>9</td>
<td>122.86</td>
<td>14</td>
</tr>
<tr>
<td>Buda</td>
<td>5</td>
<td>68.9</td>
<td>-</td>
</tr>
<tr>
<td>Tawas</td>
<td>4</td>
<td>21.25</td>
<td>-</td>
</tr>
<tr>
<td>San Jose</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Puntian</td>
<td>-</td>
<td>-</td>
<td>17</td>
</tr>
<tr>
<td>Kiburiao</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cahusayan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Palacapao</td>
<td>-</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>Panilayan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cebole</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Salawagan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Poblacion</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mibantang</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>213.01</td>
<td>42</td>
</tr>
</tbody>
</table>
2.3.2.c Commercial Structures

All of the affected independent shops were to be impacted severely. 11 of these (with an aggregate floor area of 208.74 m²) could still be reorganized on adjacent or nearby lands, while the remaining 15 (with a total floor area of 451.25 m²) would have to be relocated within the barangay.

Table 2.14: Distribution of Affected Commercial Structures

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Marginal</th>
<th>Severe (Reorganize)</th>
<th>Severe (Relocate)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Area</td>
<td>Count</td>
</tr>
<tr>
<td>Sinuda</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buda</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tawas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puntian</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kiburiao</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cahusayan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palacapao</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panilayan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cebole</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salawagan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poblacion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mibantang</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>11</td>
<td>208.74</td>
</tr>
</tbody>
</table>

2.3.2.d Institutional Structures

All of the 10 structures belonging to the local barangay governments would have to be relocated. The said structures have an aggregate floor area of 143.58 m². (See Table 2.15 next page).

2.3.2.e Other Structures

12 concrete plant boxes belonging to the barangay government of San Jose, Quezon and 4 concrete posts of 2 gates of a public school in the same barangay had been destroyed in the ongoing project.

2.3.3 Loss of Crops and Trees

The project would not affect any household due to loss of crops. Likewise, no tree of commercial value would be affected by the road project.

2.3.4 Utilities

The project damaged the underground line of the streetlights of Barangay Poblacion in the Municipality of Quezon during the road clearing that was undertaken by the former civil works
contractor. It must, therefore, be restored. Also, the water lines of Barangay Tawas in Kitaotao and Sitio (i.e., sub-unit of the barangay) Kipolot in Barangay Palacapao, Municipality of Quezon, had been damaged in the present road works.

2.3.5 Temporary Impacts

The temporary impacts of the projects during the implementation stage would be negligible since all of the proposed improvements in the projects would be carried out within the existing ROW.

Table 2.15: Distribution of Affected Institutional Structures

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Marginal</th>
<th>Severe (Reorganize)</th>
<th>Severe (Relocate)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Area</td>
<td>Count</td>
</tr>
<tr>
<td>Sinuda</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Buda</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tawas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>San Jose</td>
<td>-</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>Puntian</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Kiburiao</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cahusayan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Palacapao</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Panilayan</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cebole</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Salawagan</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Poblacion</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mibantang</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>143.58</td>
<td></td>
</tr>
</tbody>
</table>

2.3.6 Relocation Requirements

As mentioned in Sub-section 2.3.2.a, most of the PAPs who shifted from the ROW did so prior to the current clearing of the construction limit. They moved out starting in 1997 when the 2nd District Engineering Office launched an information campaign regarding the restoration of the road section under the HMP project. These PAPs have since resettled in their present locations. Under the present Resettlement Policy of the DPWH, however, these PAPs would still be compensated and assisted.

If there were additional PAPs that needed relocation in the present (NRIMP) works, they were only a few and dispersed. As such, the project would not require the development of a relocation site.

2.3.7 Summary of Impacts

The summary of impacts of the road project is shown on Table 2.16. next page.
### Table 2.16: Summary of Affected Assets

<table>
<thead>
<tr>
<th>Items</th>
<th>Unit/ Quantity</th>
<th>No.</th>
<th>Total Area</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use of Land</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Agricultural</td>
<td>m2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Residential</td>
<td>m2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Residential/Commercial</td>
<td>m2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Commercial</td>
<td>m2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Industrial</td>
<td>m2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Main Structures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Permanent</td>
<td>m2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Semi-Permanent</td>
<td>m2</td>
<td>10</td>
<td>124.58</td>
<td></td>
</tr>
<tr>
<td>- Temporary</td>
<td>m2</td>
<td>336</td>
<td>6,557.82</td>
<td></td>
</tr>
<tr>
<td>- Structures partially affected</td>
<td>m2</td>
<td>35</td>
<td>1,122.21</td>
<td></td>
</tr>
<tr>
<td>- Structures severely affected (may yet reorganize)</td>
<td>m2</td>
<td>120</td>
<td>2,109.74</td>
<td></td>
</tr>
<tr>
<td>- Structures severely affected (relocation required)</td>
<td>m2</td>
<td>191</td>
<td>3,450.45</td>
<td></td>
</tr>
<tr>
<td><strong>Other Structures</strong> (concrete flower boxes, concrete posts for gates)</td>
<td>12 boxes, 4 posts</td>
<td>2 (gov't)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Trees and crops</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Trees</td>
<td>Tree</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Crops</td>
<td>m²</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Utilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Water line</td>
<td>LM</td>
<td>500 x 2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Streetlights</td>
<td>As per job order</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
Chapter 3. COMPENSATION RATES AND ENTITLEMENTS

3.1 Introduction

This section presents the category of PAPs\(^1\) (i.e., families and institutions) and their entitlements, based on the results of the census and inventory of affected assets.

3.2 Detailed Compensation Entitlements

The impacts of the project would result in the acquisition of squatted land, structures and other fixed assets, including loss of incomes and businesses. PAPs will be compensated according to the DPWH Resettlement Policy. This section outlines compensation entitlements for each category of PAPs. The compensation entitlements are summarized in Table 3.1.

3.2.1 Loss of Arable Land:

PAPs will be eligible to compensation according to their status, thus:

a) Legal owners of affected arable land. This category includes PAPs who have full title to the land, those who hold tax declaration, those who are covered by customary laws (e.g., possessory rights, usufruct), or those who hold some other kind of acceptable proof of ownership. PAPs in this category may or may not be within the existing ROW.

- There was no PAP in this category.

b) Users of affected arable land without tax declaration, title, or any acceptable proof of ownership. This category includes PAPs who have occupied the land within the 15 m clearance corridor (i.e., construction limit) or within the realignment sections.

- There was no PAP in this category.

c) There were no tenant or lessee occupants of agricultural land in the Buda Road Project.

d) No PAP was to be affected due to the temporary use of his/her arable land for the road project.

3.2.2 Loss of Residential or Commercial Land

This category covers PAPs who have full title to the affected residential or commercial land, those who hold tax declaration, those who are covered by customary laws (e.g., possessory rights, usufruct), or those who hold some other kind of acceptable proof of ownership. PAP in this category may or may not be within the existing ROW.

\(^{1}\) Unless specifically stated as project-affected family (PAF), the term project-affected person (PAP) is used broadly to mean households, organizations and institutions.
a) There was no marginally affected PAP in this category.

b) There was no severely affected PAP in this category.

c) No PAP would be affected due to the temporary use of his/her residential or commercial land for the road project.

3.2.3 Loss of Residential and Residential cum Shop Structures

This policy applies to main residential structures (e.g., houses or houses cum shop) located within the 15 m clearance corridor or within the realignment sections, with or without a building permit.

a) Partially affected main structures, i.e., structures are not completely lost but are still viable for continued use:

- No PAP, whose land was covered with full title, tax declaration, customary law, or some other acceptable proof of ownership, would have his/her/its main residential structure partially affected.

- 35 PAPs, who did not have any acceptable proof of ownership over the land they used for their main residential structures, were marginally affected by the on-going project. Of this number, 16 also had small variety stores in their residence (i.e., house cum shop). These 16 PAPs, whose business had been affected, would receive subsistence allowance for loss income equivalent to the number of days the PAPs would need to reconstruct their main structures multiplied by the daily net proceeds from their stores. This would be verified and computed by the Municipal Resettlement Implementation Committee (MRIC). Said reconstruction period should not exceed a period of 1 month, however.

The 35 marginally affected PAPs would each be entitled to:

- Cash compensation in cash at replacement cost (i.e., the cost in materials and labor to build a similar structure at current prices) for the affected portion, including the cost of restoring the remaining structure, as determined by the MRIC and without deduction for salvaged materials.

- No marginally affected residential structures was occupied by tenant PAPs.

b) The entire main residential structures (house or house cum shop) are affected, or when the remaining residential structure is no longer viable for continued use. This category covers PAPs who will either reorganize their structures on adjacent or nearby lots or those who will have to relocate or shift elsewhere.
- No PAP, whose land was covered with full title, tax declaration, customary law, or some other acceptable proof of ownership, would have his/her/its main residential structure severely affected.

- 275 PAPs, who did not have any acceptable proof of ownership over the land they used for their main residential structures, were to be severely affected by the road project. 202 of the main structures of these PAPs were being used purely for residence, of which 135 had to shift elsewhere within the barangay. The other 67 had been reorganized on adjacent lands. On the other hand, 73 of the severely affected main structures were used both for dwelling and business (i.e., house cum store), of which 31 had to shift elsewhere within the barangay. The other 42 were reorganized on adjacent lands. The 73 severely-affected owners of the residence cum shop would each be entitled to a subsistence allowance for income loss within the duration of the reconstruction of the said structures but not to exceed 1 month. This would be verified and computed by the MRIC.

The 275 severely affected PAPs would each be entitled to:

- Cash compensation for the entire structure at replacement cost as determined by the MRIC without deduction for salvaged materials.
- If the PAP did not own any land to relocate to, he/she/it would be allowed to move back behind the construction limit but still within the ROW until such time that the same would be able to acquire a legitimate land or when the government would need the rest of the ROW (NOTE: a pledge of undertaking for this purpose would be executed by the PAP).
- Free transportation would be provided for hauling belongings.
- None of the PAPs was entitled to a Rehabilitation Assistance equivalent to PhP 15,000 as provided for in the DPWH Resettlement Policy since their means of livelihood prior to the project remained the same.

- 5 severely affected residence cum shops were occupied by tenant PAP households. The owners of these residential structures had been included already the 275 severely affected PAP households who lost their residential structures. The tenant PAP households would be entitled to:

  - 3 month notice on the schedule of demolition.²
  - A transitional allowance equivalent to one-month rent of a similar structure within the same area.
  - Subsistence allowance for income loss within the duration of the reconstruction of the said structures but not to exceed 1 month. This would be verified and computed by the MRIC.

² Notice of demolition, through massive and sustained information drive by the 2nd District Engineering Office of DPWH, was issued starting in 1997. The attitude of a number of the affected population was to wait until the bulldozers are actually at the site.
- None of the PAPs was entitled to a **Rehabilitation Assistance** equivalent to PhP15,000 as provided for in the DPWH Resettlement Policy since their means of livelihood prior to the project remained the same.
- Free transportation to haul belongings.

### 3.2.4 Loss of Independent Shops/Stores:

This policy applies to stores and other commercial shops that were not attached to, or part of, the main residential structures (e.g., houses) and were located within the 15 m clearance corridor or within the realignment sections, with or without a building permit.

a) Partially affected commercial main structures, i.e., they are not completely lost but are **still viable** for continued use:

- There was no PAP, who had full title, tax declaration, or other acceptable proof of ownership over the land where his/her/its affected main commercial structure stood, in this category.

- There was no **partially affected** PAP who did not have any acceptable proof of ownership over the land where his/her/its affected main commercial structure was located.

- There was no tenant PAP in this category.

b) The entire commercial main structures are affected, or when the remaining structures are **no longer viable** for continued use. This category covers PAPs who will either reorganize their commercial structures on adjacent or nearby lots or those who will have to relocate or shift elsewhere.

- There was no PAP, who had any acceptable proof or ownership over the land where his/her/its affected main commercial structure stood, in this category.

- 26 PAPs, who did not have any acceptable proof of ownership over the land where their affected commercial structures were located, had been **severely affected** by the on-going project. 11 of the shops of these PAPs could be reorganized on adjacent lands, while 15\(^3\) others would have to be relocated, albeit probably within the same barangay.

The 26 PAPs would each be entitled to:

- Cash compensation for the entire structure at replacement cost (i.e., the cost in materials and labor to build a similar structure at current prices) as determined by the concerned appraisal committee without depreciation for salvaged materials.

---

\(^3\) Most of these had shifted to adjacent areas already when the tracer survey was conducted in year 2000.
- Subsistence allowance of PhP15,000.

Moreover, the 15 PAPs who, on their own, might have relocated already, would each be entitled to:

- Transportation reimbursement of PhP1,000 (Funds for this would be drawn from the budget contingency)
- Provisional permission to rebuild his/her shop within the ROW but outside the construction limit of 15 m, if he/she did not have any place else to go (NOTE: Since 12 of the independent shops were located in one place, a bus stop, the PAPs would be given the first option to relocate within the same area. If the possible relocation site for the shops needs leveling, this would be undertaken by the project).
- Rehabilitation assistance in the amount of PhP15,000 if, during the disclosure meeting to be conducted by the MRIC in early December 2000, it would be ascertained that he/she had to abandon his/her trade and engage in some other form of income earning activities on account of the project. (Funds for this would be drawn from the budget contingency).

- There were no tenants under this category.

3.2.5 Loss of Other Fixed Structures

This policy applies to other fixed structures stores, such as fence, gate, concrete pavement, that are located within the 15 m clearance corridor or within the realignment sections, with or without a building permit.

Owners of partially or severely affected other fixed (miscellaneous) structures are entitled to cash compensation for the affected portion of the structure, including the cost of restoration.

12 concrete plant boxes of the San Jose Barangay and 4 concrete posts of the gates of a public school also in San Jose had to be replaced.

3.2.6 Loss of Standing Crops and Trees

No standing crop or trees of commercial value belonging to any particular individual would be lost.

3.2.7 Loss of Service Facilities

For the loss of utilities, such as water supply and electric connections, PAPs would be compensated to cover the cost of re-connection.

The underground line of the streetlights of Barangay Poblacion in the Municipality of Quezon was damaged during the road clearing and must, therefore, be restored. Moreover, the water lines of Barangay Tawas in Kitaotao and Sitio (i.e., sub-unit of the barangay) Kipolot in Barangay Palacapao, Municipality of Quezon, would have to be restored.
The underground line of the streetlights of Barangay Poblacion in the Municipality of Quezon was damaged during the road clearing and must, therefore, be restored. Moreover, the water lines of Barangay Tawas in Kitaotao and Sitio (i.e., sub-unit of the barangay) Kipolot in Barangay Palacapao, Municipality of Quezon, would have to be restored.
### Table 3.1: Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Entitled Person</th>
<th>Compensation</th>
</tr>
</thead>
</table>
| 1. Arable land | Actual area needed by the road project and the remaining land is still economically viable | Owners with full title, tax declaration or who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership | For the portion of the land needed:  
  - Cash compensation equivalent to zonal value + 10% (AO 50)  
  - The Municipal Resettlement Implementation Committee (MRIC) will appeal with the Bureau of Internal Revenue (BIR) for the upgrading of the zonal value of the property to make it at par with the land’s fair market value as determined by the independent land appraiser to be hired by the project.  
  - Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee  
  - PAP will be given sufficient time to harvest crops on the subject land |
| Nil | | PAPs without title, tax declaration, or are not covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership | For the portion of the land needed:  
  - PAP will be given sufficient time to harvest crops  
  - Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee  
  - Measures introduced by the PAP to make the land productive, such as leveling, riprap, embankment, will be valuated based on actual cost analysis and the PAP will be paid for them as part of the improvements introduced to the land. |
| Remaining land becomes economically not viable (i.e., PAP losing >20% of land holding or even when losing <20% but the remaining land is not economically viable anymore) | Owners with full title, tax declaration or who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership | Cash compensation equivalent to zonal value + 10% (AO 50) or, if feasible, ‘land for land’ will be provided in terms of a new parcel of land of equivalent productivity, at a location acceptable to PAP, and with long-term security of tenure.  
  - Topping-up supplemental assistance equivalent to the difference between the zonal value + 10% and the fair market value in the area as established by the independent appraiser to be hire by the project  
  - Subsistence allowance of PhP15,000  
  - PAP will be given sufficient time to harvest crops  
  - Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee  
  - If relocating, PAP to be provided free transportation  
  - Rehabilitation assistance (skills training and other development activities) equivalent to PhP15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and the PAP will have to engage in a new income activity |
<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Entitled Person</th>
<th>Compensation</th>
</tr>
</thead>
</table>
|             | PAPs without title, tax declaration, or are not covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership | +Financial assistance equivalent to the average annual gross harvest for the past 3 years but not less than PhP 15,000 per ha.  
+PAP will be given sufficient time to harvest crops  
+Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee. Also, measures introduced by the PAP to make the land productive, such as leveling, riprap, embankment, will be valued based on actual cost analysis and the PAP will be paid for them as part of the improvements introduced to the land.  
+If relocating, PAP to be provided free transportation  
+Rehabilitation assistance (skills training and other development activities) equivalent to PhP 15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and the PAP will have to engage in a new income activity |
| Agricultural lessees | As per RA 6389 and EO 1035:  
+Disturbance compensation equivalent to five times the average of the gross harvest on the land holding during the five preceding years but not less than PhP 15,000.  
+Rehabilitation assistance (skills training and other development activities) equivalent to PhP 15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and the PAP will have to engage in a new income activity |
| Temporary use of land | All PAPs | +Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration and damaged structures |

2. Residential land and/or Commercial land  
Nil  
| Actual area needed by the road project and the remaining land is still viable for continued use | Owners with full title, tax declaration or who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership | For the portion of the land needed:  
+Cash compensation equivalent to zonal value + 10% (AO 50). The MRIC will appeal with the Bureau of Internal Revenue (BIR) for the upgrading of the zonal value of the property to make it at par with the land’s fair market value as determined by the independent land appraiser to be hired by the project.  
+Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee |
### Buda-Maramag Road Section Resettlement Action Plan

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Entitled Person</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remaining residential or commercial land becomes not viable for continued use.</td>
<td>Owners with full title, tax declaration or who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership</td>
<td>+Cash compensation equivalent to zonal value + 10% (AO 50). The MRIC will appeal with the Bureau of Internal Revenue (BIR) for the upgrading of the zonal value of the property to make it at par with the land's fair market value as determined by the independent land appraiser to be hired by the project. If feasible, 'land for land' will be provided in terms of a new parcel of land of equivalent productivity or value, at a location acceptable to PAP, and with long-term security of tenure. The replacement land should be of acceptable in size under zoning laws. When the affected holding is larger in value than the replacement plot, cash compensation will cover the difference in value. +Cash compensation for perennials of commercial value as determined by the DENR or the concerned appraisal committee +If relocating, PAP to be provided free transportation</td>
<td></td>
</tr>
<tr>
<td>Temporary use of land</td>
<td>All PAPs</td>
<td>+Compensation to be provided for loss of income during the period, standing crops, cost of soil restoration and damaged structures</td>
<td></td>
</tr>
<tr>
<td>3. Main Structures (e.g., house, shop)</td>
<td>Structure, with or without a building permit, partially affected and the remaining structure is still viable for continued use.</td>
<td>Owners of structure with full title or tax declaration to the land or those who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership</td>
<td>+Compensation in cash for 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. +PAPs who have business affected due to partial impact on the structure are entitled to a subsistence allowance for lost income during the reconstruction period. (Such will be verified and computed by the MRIC).</td>
</tr>
<tr>
<td>310 PAPs</td>
<td>35 PAPs</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>19 PAPs (residential) 16 PAPs (house cum shop)</td>
<td>Owners of structures, including shanty dwellers in urban areas, have no title or tax declaration to the land or other acceptable proof of ownership</td>
<td>+Compensation in cash for affected portion of the structure, including the cost of restoring the remaining structure, as determined by the MRIC with no deduction for salvaged building materials. +Shanty dwellers in urban areas 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 +PAPs who have business affected due to partial impact on the structure are entitled to a subsistence allowance for lost income during the reconstruction period. (Such will be verified and computed by the MRIC). +Professional squatters will not receive compensation but they can collect their salvageable materials</td>
<td></td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Application</td>
<td>Entitled Person</td>
<td>Compensation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Entire structure affected OR when the remaining structure becomes not viable for continued use, with or without a building permit | Renters (tenants) of leased affected structures, including renters of shanty dwellings in urban areas | +Given 3 month notice on the schedule of demolition  
+If shifting is required, PAP is given transitional allowance equivalent to one month rent of a similar structure within the same area  
+For house tenants renting structures outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided  
+Renting shanty dwellers in urban areas 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 |  
  

| Owners of structures with full title or tax declaration to the land or those who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership | +Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials  
+Inconvenience allowance of PhP10,000 per PAP  
+PAPs who have business affected due to the severe impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. (Such will be verified and computed by the RIC)  
+If relocation is necessary, free transportation will be provided  
+Rehabilitation assistance in the form of skills training and other development activities and equivalent to PhP 15,000 will be provided in coordination with other government agencies if the present means of livelihood (e.g., house cum shop) is no longer viable and the PAP will have to engage in a new income activity |  

| Owners of structures, including shanty dwellers in urban areas, have no title or tax declaration to the land or other acceptable proof of ownership  
67 houses & 42 house cum shops to reorganize;  
135 houses & 31 house cum shops to relocate | +Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials  
+Substitute lot of equal or bigger area and, preferably, near the PAP household’s original place  
+Shanty dwellers in urban areas 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  
+PAPs who have business affected due to the severe impact on the structure are entitled to a subsistence allowance for the loss of income during the reconstruction period. (Such will be verified and computed by the RIC)  
+If relocation is necessary, free transportation will be provided  
+NO rehabilitation assistance is needed since the livelihood activities of the PAPs did not change even with the implementation of the project  
+Professional squatters will not receive compensation but they can collect their salvageable materials |  
| Nil |  

29
## Buda-Maramag Road Section Resettlement Action Plan

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Entitled Person</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent shops (structures)</td>
<td>Shops, with or without building permit, partially affected and the remaining structures are still viable for continued use.</td>
<td>Renters (tenants) of leased affected structures, including renters of shanty dwellings in urban areas</td>
<td>+Given 3 month notice on the schedule of demolition +PAP is given transitional allowance equivalent to one month rent of a similar structure within the same area +Subsistence allowance for lost income during the reconstruction period. (Such will be verified and computed by the MRIC). +For house tenants renting structures outside of, or within the ROW, and who have to transfer elsewhere, free transportation will be provided +NO rehabilitation assistance is needed since the livelihood activities of the PAPs did not change even with the implementation of the project.</td>
</tr>
<tr>
<td>26 PAPs</td>
<td>Nil</td>
<td>+As determined by the RIC, PAPs would be entitled to transitional allowance to cover for their computed income loss during the demolition and reconstruction of their shops, but not to exceed a 1 month period.</td>
<td></td>
</tr>
</tbody>
</table>

4. Independent shops (structures)  

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Entitled Person</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entire shop affected OR when the remaining structure becomes not viable for continued use, with or without a building permit</td>
<td>Owner of structure with or without full title or tax declaration to the land or those who are covered by customary law (e.g., possessory rights, usufruct) or other acceptable proof of ownership</td>
<td>Renters (tenants) of affected shops</td>
<td>+Compensation in cash for 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. +As determined by the RIC, shop renters will be entitled to a transitional allowance to cover for their computed income loss during the period that their business is interrupted.</td>
</tr>
<tr>
<td>11 to reorganize 15 to relocate</td>
<td>Nil</td>
<td>+Compensation in cash for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials. +Subsistence allowance of Php15,000 to each PAP +NO rehabilitation assistance is needed since the livelihood activities of the PAPs did not change even with the implementation of the project. +Professional squatters will not receive compensation but they can collect their salvageable materials +For those relocating, assistance in hauling belongings</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Entitled Person</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renters (tenants) of affected shops</td>
<td>Nil</td>
<td>+Given 3 month notice on the schedule of demolition +Subsistence allowance of Php15,000. +If shifting, either permanently or temporarily is required, shop renters are entitled to free transportation +Rehabilitation assistance in the form of skills training and other development activities and equivalent to Php15,000 will be provided in coordination with other government agencies if the present means of livelihood is no longer viable and the PAP will have to engage in a new income activity</td>
<td></td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Application</td>
<td>Entitled Person</td>
<td>Compensation</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>5. Other fixed assets or structures</td>
<td>Loss of, or damage to, affected assets, partially or entirely</td>
<td>PAP HH, 1 LGU, 1 School</td>
<td>Compensation in cash for affected portion of the structure, including the cost of restoring the remaining structure, as determined by the MRIC, with no depreciation nor deduction for salvaged building materials.</td>
</tr>
<tr>
<td>6. Electric and/or water connection</td>
<td>Loss of, or damage to, affected assets, partially or entirely</td>
<td>PAP HH</td>
<td>Compensation to cover cost of restoring the facilities</td>
</tr>
</tbody>
</table>
3.3 Resettlement Costs and Budget

Funds for RAP implementation, which include resettlement costs, would be part of the Project budget. Cost estimates were based on the prevailing rates in September 2000 when validation of impacts was conducted. Only households, individuals and organizations covered in the census undertaken in March-April 2000 (cut-off date) were included in the RAP and were eligible for compensation. The implementation of the RAP commenced in the last quarter of 2000. It will be recalled that the road project is a continuation of the one started under the HMP, which is why much of the work involved in the preparation of the RAP involved tracer survey of those already displaced by the construction of the road. If, for some reasons, there are still PAPs whose assets have not yet been removed from the construction limit and who have not yet received their compensation and entitlements as provided in this RAP, the MRIC will determine if the compensation due them is still equivalent to the replacement of their lost assets and income at current costs. Additional payment will be given to these PAPs, if needed.

3.3.1 Procedures for Flow of Funds

On the basis of the estimates in the RAP, funding for the implementation of the resettlement plan would be forwarded to the 2nd District Engineering Office of the Province of Bukidnon, which in turn is tasked to prepare and process the vouchers for payment of compensation to PAPs, relocation expenses, operational costs, etc. Requests for payments for the aforementioned will be made by the 2nd District Engineering Office, which is principally tasked to spearhead the implementation of the RAP.

3.3.2 Cost Estimates and Inflation Adjustment

DPWH, in consultation with relevant agencies, will determine the annual inflation rate and will ensure that annual adjustments are made to compensation rates and to other cash entitlements.

3.3.3 Implementation, Administration and Contingency Costs

Implementation costs include costs of stake-out and demarcation, payment of allowances and per diem to the concerned EIAPO staff and DPWH regional and district personnel, participating municipal staff, barangay officials and MRIC members. Administration costs represent 6.0% of the total project costs. The cost estimates for RAP implementation also include a provision for contingencies equivalent to 15.0% of the total project cost. DPWH will ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of the resettlement activities.

3.3.4 Unit Prices for Cost Estimation

Cost estimates for compensation are based on the provisions of the Resettlement Policy of DPWH. Table 3.2 presents the cost estimates for the RAP.
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>No.</th>
<th>UNIT</th>
<th>RATE P/UNIT</th>
<th>QUANTITY</th>
<th>AMOUNT Peso (Counterpart Fund)</th>
<th>AMOUNT USD (Loan Fund)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compensation for Land and Structures and other fixed assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land (AO 50)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- Agricultural</td>
<td></td>
<td>M2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Residential/Commercial</td>
<td></td>
<td>M2</td>
<td></td>
<td></td>
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<tr>
<td>Structures (Residential and Shops)</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Permanent</td>
<td></td>
<td>M2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Semi-Permanent</td>
<td>10</td>
<td>M2</td>
<td>2,300</td>
<td>124.58</td>
<td>286,534.00</td>
<td>5,246,256.00</td>
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<tr>
<td>- Temporary</td>
<td>336</td>
<td>M2</td>
<td>800*</td>
<td>6,557.82</td>
<td>5,246,256.00</td>
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<tr>
<td>Other Fixed Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Flower boxes</td>
<td>12</td>
<td>Lump</td>
<td>1,000/box</td>
<td>12</td>
<td>12,000.00</td>
<td></td>
</tr>
<tr>
<td>- Concrete posts for 2 gates</td>
<td>4</td>
<td>Lump</td>
<td>7,500/gate</td>
<td>2 gates</td>
<td>15,000.00</td>
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<tr>
<td>Repair cost:</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>- Permanent structures</td>
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<td></td>
</tr>
<tr>
<td>- S. Permanent</td>
<td></td>
<td>M2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Temporary</td>
<td>35</td>
<td>HH</td>
<td></td>
<td>1,122.21</td>
<td>44,888.40</td>
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</tr>
<tr>
<td>Loss of Electric and Water Connection</td>
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<td></td>
</tr>
<tr>
<td>- Streetlights</td>
<td>1</td>
<td>PAP</td>
<td></td>
<td></td>
<td>75,000.00</td>
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<tr>
<td>- Water lines</td>
<td>2</td>
<td>PAP</td>
<td>35,000/line</td>
<td>2</td>
<td>60,000.00</td>
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<tr>
<td>Crops/Trees</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Arable crops</td>
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<td>M2</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>- Trees/Perennials</td>
<td></td>
<td>Number</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,739,678.40</td>
<td></td>
</tr>
<tr>
<td>Supplemental Assistance ('Topping-up')</td>
<td></td>
<td>M2</td>
<td></td>
<td></td>
<td>260,000.00</td>
<td></td>
</tr>
<tr>
<td>Transitional allowance to cover income loss for partially and severely-affected house cum shops and partially-affected independent shops</td>
<td>94</td>
<td>HH</td>
<td>750.00 (actual loss will be computed by the MRIC)</td>
<td>89 owners of structures + 5 tenants with stores</td>
<td>70,500.00</td>
<td></td>
</tr>
<tr>
<td>Subsistence Allowance (severely-affected titled land, severely-affected shop owners with/without title to the land)</td>
<td>26</td>
<td>HH</td>
<td>10,000</td>
<td>26</td>
<td>260,000.00</td>
<td></td>
</tr>
<tr>
<td>Inconvenience Allowance (severely-affected house owners with land title)</td>
<td></td>
<td>HH</td>
<td>10,000</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Financial Assistance (severely-affected settlers, de facto owners of agricultural land, etc.)</td>
<td></td>
<td>HH</td>
<td>15,000</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Rehabilitation Assistance (severely-affected PAPs)</td>
<td></td>
<td>HH</td>
<td>15,000</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Land Preparation Assistance (marginally-affected de facto owners of agricultural land)</td>
<td></td>
<td>M2</td>
<td>150</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Disturbance Compensation (lessees)</td>
<td></td>
<td>HH</td>
<td>15,000</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Rent Allowance (severely-affected house tenants)</td>
<td>5</td>
<td>HH</td>
<td>500.00</td>
<td>5</td>
<td>2,500.00</td>
<td></td>
</tr>
<tr>
<td>Material Transport Allowance to Relocating PAPs</td>
<td>191</td>
<td>HH</td>
<td>1,000 (for fuel of DPWH truck)</td>
<td>13</td>
<td>191,000.00</td>
<td></td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>524,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Based on actual appraisal of materials of the affected structures, the amount the MRIC is giving for each structure ranges between PhP300 (e.g., plastic sheets and tree branches) and PhP1,000 (e.g., split board). The amount indicated above is a ball-park estimate pending final computation by the MRIC.
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>No. of HHs</th>
<th>UNIT</th>
<th>RATE P/UNIT</th>
<th>QUANTITY</th>
<th>AMOUNT Peso (Counterpart Fund)</th>
<th>AMOUNT USD (Loan Fund)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation Area (site development &amp; access road)</td>
<td></td>
<td>Lump Sum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>External Monitoring and Post-implementation Evaluation</td>
<td>-</td>
<td>Lump Sum</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7,000.00</td>
</tr>
<tr>
<td>Fee of Independent Land Appraiser</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Assistance for Sinuda (completion of single-span bailey bridge)</td>
<td></td>
<td>Lump sum</td>
<td></td>
<td>2,000,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8,263,678.40</td>
<td>7,000.00</td>
</tr>
<tr>
<td>Management cost 6%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>495,820.70</td>
<td></td>
</tr>
<tr>
<td>Price contingencies 15%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,239,551.76</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9,999,050.86</td>
<td>7,000.00</td>
</tr>
</tbody>
</table>
CHAPTER 4. IMPLEMENTATION SCHEDULE

4.1 Approval of the RAP

The RAP will be presented to the DPWH and the World Bank for approval in August 2001. Once approved by the Bank and the DPWH, the RAP will become legally enforceable. Although the salient points of the RAP have already been discussed, starting in November 2000, in previous meetings with officials of the affected municipalities and barangays, additional disclosure meetings will be held with them if the features of the approved RAP are significantly different from what were earlier disclosed. Copies of the approved RAP will also be given them for posting in the municipal and in the barangay halls. Moreover, while the Municipal RAP Implementation Committees (MRICs) were formed as early as the middle of last year as these committees were mobilized to assist the DPWH District Engineering Office in the conduct of tracer survey of PAPs and the validation of the land acquisition assessment and socio-economic survey that were conducted in 1999, including the computation of resettlement costs and payment to PAPs, the same will still be mobilized to check whether or not there is a need for adjustments in the compensation of PAPs who until now have not yet been paid.\(^1\) As in the past, the EIAPO will extend technical assistance to the MRIC when needed. Following activities will take place sequentially for the implementation of the RAP.

4.2 Resettlement Implementation Activities

Following are the activities to be undertaken in connection with the implementation of the RAP. Said activities are in consonance with the DPWH Operational Framework on Public Participation and Consultation. (See Annex F for a copy of the Public Participation Policy).

4.2.1 MOU with LGU and Establishment of the MRIC

Prior to the start-up of the implementation of the RAP, a Memorandum of Understanding (MOU) will be executed between the DPWH and the municipal governments of Kitaotao, Quezon and Maramag.\(^2\) Among others, the MOU will facilitate the formation of the MRIC in these Municipalities. The MOU is important not only for resettlement purposes but also because it will serve as a venue wherein the DPWH could enlist the active involvement of the LGUs in maintaining the cleared construction limit even after completion of the road project. (See Annex G for a copy of the MOU).

---

\(^1\) It will be recalled that in the first semester of 2000, the DPWH and the World Bank mission agreed to adopt this kind of arrangement even while the RAP has yet to be approved since the road improvement project is an on-going one and PAPs were already being displaced by the works.

\(^2\) As mentioned earlier, the MRICs were formed in the first semester of 2000 although the MOU was officially signed only in November 2000.
4.2.2 Training of the MRIC

Immediately following the formation of the MRIC, its members will be oriented on the work of the Committee. Specifically, the MRIC members will be trained in RAP policies and implementation procedures.

4.2.3 Establishment of Detailed Compensation Rates

Upon completion of their orientation seminar, the MRIC members will validate the list of PAPs, review and update, where necessary, the rates for compensation payable for lost assets and incomes.

4.2.4 Conducting Public Information Campaign and Validation of Affected Assets

Since the conduct of the census and socio-economic survey in 1999 and, especially during the data gathering and validation activities in March, April, September and October 2000, the local municipal and barangay governments have been actively involved in the dissemination of information regarding the road project and the Resettlement Policy of the DPWH. The LGUs have also been in the forefront in the conduct of additional data gathering and/or validation of affected assets and in addressing complaints of stakeholders and PAPs.

In the conduct of validation of affected assets and other damages, a prepared form for this had to be completed and signed by each PAP to indicate his/her concurrence with the estimates of the affected assets. A copy of the signed copy of the form was given to the PAPs for their own reference. Any disagreement on the inventory details was promptly tackled.

With the formal formation of the MRIC in Kitaotao and Quezon in the first week of November, the conduct of information had been more systematic. Pamphlets about the project have also been distributed to the PAPs through the barangay representatives in the MRIC. (See Annex C for the List of Public Meetings).

By the end of October 2000, the EIAPO was ready to wrap up its data gathering activities and complete the preparation of the RAP.

4.2.5 Stake-out

Since this is an on-going project, this activity will no longer be undertaken by the MRIC. Should there be any questions on the construction limit, the survey team of the civil works contractor would be consulted by the MRIC.

4.2.6 Finalization of Compensation and Other Entitlement of PAPs

Following completion of data gathering by the end of October, the MRIC in each affected municipality reviewed the draft compensation and entitlement spreadsheet prepared by the technical staff (i.e., staff of the Bukidnon 2nd District Engineering Office). The approved
compensation and entitlement spreadsheet was presented to the PAPs in public meetings held in the last quarter of 2000.

4.2.7 Public Meeting

Upon completion of the compensation and entitlements estimates for all the PAPs, public meetings were arranged in each barangay to inform the PAPs of the schedule for the payment of compensation and entitlements. These public meetings were scheduled to be held in the second week of December. Any disagreements on compensation and entitlement were to be tackled in the same meetings as provided for by the DPWH Resettlement Policy. The MRICs were expected to exert all efforts to settle all complaints amicably and at the MRIC level.

Since this is an on-going road project, efforts have been made by the DPWH and the contractor to inform the local population in advance about the schedule of the road works. However, their efforts may still fall short of the expected level of public involvement as what is desired for in NRIMP projects.

4.2.8 Payment of Compensation and Other Entitlements

All payment of compensation would be done in a public place. The place, date and time of the compensation payment would be announced in advance and barangay officials would be requested to ensure that all PAPs within their administrative jurisdiction were informed.

4.2.9 Reorganization and Relocation

As mentioned earlier, this is an ongoing project, civil works continue while the DPWH District Office and the EIAPO were yet in the process of preparing this RAP. The ideal requirement of the DPWH Resettlement Policy that civil works could only commence at least one month after completion of resettlement activities could not be applied in this project.

4.2.10 Handing Over the Site for Civil Works

Since the project is ongoing under the IBRD-assisted Highway Management Program, the same would not be funded under the NRIMP unless all PAPs were paid full compensation as per the DPWH Resettlement Policy and as certified by the external monitoring agent hired for the purpose.

4.3 Monitoring and Supervision of RAP Implementation

The implementation of the RAP would be supervised by the EIAPO, with assistance from the Project TA. The EIAPO would also carry out internal monitoring of the implementation of the RAP and provide periodic progress reports to the IBRD-PMO. The supervision and monitoring of the implementation of the RAP would be done through the EIAPO counterpart staff at the district level. An external agent would be contracted to carry out external monitoring and post-evaluation study.
<table>
<thead>
<tr>
<th>Activities</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission of RAP for WB and DPWH approval</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>MOU and formation of MRIC</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Validation of impacts and finalization of compensation</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Vouchering</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Payment</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Public information</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Monitoring by EIAPO</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Monitoring by external agent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submission of compliance monitoring reports to WB</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

Table 4.1: Schedule of Activities
CHAPTER 5. ORGANIZATIONAL SET-UP

The existing IBRD-PMO will exercise overall management and supervision of the implementation of civil works and the RAP.

The provisions and policies of this RAP will serve as the legal basis for implementing the project.

5.1 Institutions for Resettlement

5.1.1 DPWH

DPWH, through the IBRD-PMO, is overall responsible for implementing the project. In coordination with relevant agencies, the IBRD-PMO will manage and supervise the overall project, including resettlement activities and land acquisition. The IBRD-PMO will ensure that funds are available for the successful implementation and completion of the RAP, including the proper accounting of expenses. In this connection, the office will facilitate and ensure payment for the hiring of the external monitoring agent. The IBRD-PMO will be assisted by the Environmental Impact Assessment Project Office (EIAPO) of the Planning Service in providing technical guidance and support in the implementation of the RAP.

5.1.2 Environmental Impact Assessment Project Office (EIAPO)

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

- guide the Municipal Resettlement Implementation Committee (MRIC) in implementing the resettlement activities in accordance with the Department’s Resettlement Policy and as specified in the RAP;
- amend or complement the RAP in coordination with concerned government agencies and with the prior approval of the World Bank in case problems are identified during the internal and/or external monitoring of RAP implementation;
- overall planning of the RAP;
- guide and assist the MRIC in carrying out the verification of inventory, finalization of entitlements, and assessment of final compensation;
- submit compensation/assistance costs for approval by concerned DPWH offices for the allocation of needed resources;
- monitor the compensation payment process and the implementation of the RAP in all the affected barangays;
- provide training to the MRIC on the planning and implementation of resettlement activities and on the principles of resettlement in accordance with the RAP; and
- prepare periodic supervision and monitoring reports on RAP implementation for submission to IBRD-PMO and the Bank.

Successful implementation of the RAP will require close coordination between DPWH, other government agencies, and city authorities.
5.1.3 Municipal Resettlement Implementation Committee (MRIC)

As provided in the Operational Framework on Public Participation and Consultation, an MRIC for each affected municipality will be set up and will be composed of the following:

a. Representative of the Municipal Government
b. Representative of the PAPs per barangay
c. A senior member of the staff of the Regional Counterpart of the EIAPO
d. A senior member of the staff of the District Counterpart of the EIAPO
e. Representative of the concerned Barangay Governments
f. Supreme Datu (chieftain) of the Federation of Matigsalug-Manobo Tribal Council, Inc.

The MRIC will have the following functions:

a. assist EIAPO in (i) establishing compensation prices for structures, crops and other fixed assets; (ii) validating tenure status of land and structure; (iii) procedures of land recovery and allocation; and (iv) coordinating resettlement activities with other agencies.
b. assist the DPWH District Office in the conduct of public information campaign, public participation and consultation;
c. inform PAPs of their entitlements in coordination with local government authorities;
d. assist EIAPO in finalizing compensation and entitlement forms for each PAP;
e. assist the DPWH District Office in the payment of compensation and entitlements;
f. plan and implement all RAP activities in the affected Municipalities;
g. receive and act on complaints and other grievance of the PAPs as per DPWH Resettlement Policy;
h. maintain record of all public meetings, grievances, and actions taken to address complaints and grievances; and
i. in coordination with concerned government authorities, assist in the enforcement of laws/ordinances regarding encroachment into the project road corridor.

5.2 External Monitoring

An individual expert specializing in the social sciences will be identified and contracted to carry out the external monitoring of RAP implementation. This external monitoring agent will also be contracted to conduct post-implementation evaluation of the RAP to assess whether the objectives of the resettlement policy have been achieved. A TOR for external monitoring and evaluation will be provided by the EIAPO. The external monitoring agent will be required to submit to the IBRD-PMO and World Bank a compliance monitoring report upon completion of payment of compensation and entitlements to PAPs and a final report at the end of NRIMP Phase 1.
CHAPTER 6. INDIGENOUS PEOPLE ACTION PLAN

6.1 Background

As mentioned in Chapter 2, the upland portion of the road project, specifically in Brgy. Buda, Brgy. Tawas, and Brgy. Sinuda, all in the Municipality of Kitaotao, is home to the indigenous people of the Matigsalug and Manobo. The Matigsalug and Manobo ethno-linguistic groups make up the Federation of the Matigsalug Manobo Tribal Councils (FEMMATRICS). The Tribal Council holds a Certificate of Ancestral Domain Claim (CADC) over twenty adjoining barangays, inclusive of the three in the project area, covering an area of more than 77,000 ha. Said CADC was granted to the Tribal Council in 1995. The 20 barangays are located at the tri-boundary of the provinces of Bukidnon and North Cotabato and the City of Davao.

Project-affected members of the Matigsalug and Manobo tribes are concentrated in Brgy. Sinuda. Tribal members in Brgy. Buda and Brgy. Tawas are generally found living outside the 60m ROW or farther in interior areas. It is said that they leased or sold lands close to the road to migrant farmers and traders from the Visayas (i.e., Central Philippines).

In the validation census of PAPs in March and April 2000, 32 households had been identified to be members of the Matigsalug Tribe. It must be clarified, however, that the said PAPs had already resettled elsewhere within the barangay but outside of the present construction limit of 15m from the road centerline. Demolition and relocation of the dwelling units of these PAPs were done between 1997 to 1999, prior to the mobilization of the present civil works contractor. They have been included in the list of PAPs for the present project since the continuation of the Buda-Maramag Section Restoration Project, which was started under the Department's Highway Management Program (HMP), also World Bank-assisted, is proposed for continuation under the NRIMP. As such, the DPWH Resettlement Policy also applies to these PAPs.

Since the 32 Matigsalug PAPs have been included already among the other PAPs who would be receiving compensation for their dwelling units as discussed in Chapters 2 and 3, this Indigenous People Action Plan (IPAP) is intended to provide the basic framework within which resettlement activities for the said PAPs would be undertaken. Among the specific objectives of this IPAP are:

a. to provide compensation to the tribal PAPs for damages to assets in a manner that is equitable (i.e., similar to PAPs in other barangays) and consonant to their cultural practices;
b. to extend additional assistance to the IP community in Sinuda which is geared towards helping the Matigsalug people improve their standard of living without undermining their cultural practices and beliefs; and
c. to provide a framework which will govern the conduct of work of project personnel (i.e., DPWH and civil works contractor’s personnel) when operating within the areas of the FEMMATRICS.
Table 6.1: Barangays Under the CADC of FEMMATRICS

<table>
<thead>
<tr>
<th>Bukidnon</th>
<th>North Cotabato</th>
<th>Davao City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digongan</td>
<td>Datu Mantangkil</td>
<td>Baganihan</td>
</tr>
<tr>
<td>Panganan</td>
<td>Kulaman Valley</td>
<td>Salumay</td>
</tr>
<tr>
<td>Kiulom</td>
<td>Sumalili</td>
<td>Buda*</td>
</tr>
<tr>
<td>Kipilas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lorega</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cahusayan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tawas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gatalid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Cabalantian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sagundanon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Kulaman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Dalurong</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Dalurong</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sinuda</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*NOTE: Jurisdiction over Brgy. Buda is being contested by Bukidnon and Davao City. Part of Buda falls within the jurisdiction of the DPWH Bukidnon 2nd District Engineering Office, while another part falls under the jurisdiction of the Davao City DPWH District Engineering Office.

6.2 General Socio-economic Characteristics of the Matigsalug and Manobo Tribes

6.2.1 Sub-groups

Legend has it that the Matigsalug and the Manobo Tribes, including their sub-groups, descended from a family of 12 siblings that lived in the central part of Mindanao. They were originally identified as Manobo. Later, however, the eldest of the children preferred to be identified as a Matigsalug. On the other hand, the descendants of the other siblings came to be known as the Matig-Pulangui or Pulanguihon, Tigwahanon, Matig-Talomo, Tinananon, Kulamanon, Matig-Langilan, Matig-Libahanon, Matig-Tahalawon, Matig-Simong, and Tala-ingod. While these sub-groups have their own dialects, it is said that they share a common culture and tradition.

6.2.2 Demography

Based on an indicative survey of the population by the FEMMATICS in 1996, an estimated 17,058 persons were estimated to be living within the CADC area of the Tribal council. Of this number, 52% were male, and 48% female. 10,259 individuals belonged to the working age population of 16 – 65 years old.

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\(^1\) As culled from informal interviews with members of the Matigsalug Tribe and from an un-published document of the FEMMATRICS, entitled *Baseline Survey of the Matigsalug Manobo Ancestral Domain Claim* (circa 1996).
Specific to Brgy. Sinuda, the National Census and Statistics Office (NCSO) put the population of the barangay in 1995 at 6,014 persons, coming from 1,202 households. Moreover, given an approximate land area of 18,000 ha, Brgy. Sinuda had a population density of 2.99 in 1995. On the other hand, according to the survey conducted by FEMMARICS in 1996, the average household size in Sinuda was 5.

The survey conducted by the FEMMATRICS in 1996 in the entire CADC area revealed that, of the 7,163 household heads (i.e., husband and wife) covered, 3,775 (52.7%) belonged to the Matigsalug Tribe; 1,535 (21.4%) came from the Visayas region; 1,405 (19.6%) were Manobo; and 16 (0.2%) came from the Ilocos (in Northern Luzon). The rest of those surveyed belonged to other minor tribal groups found in Central Mindanao, namely, the Tagabanua, Pulangihon, Tiruray, Bagobo, Diangan, Talaandig, Ilianon, and Mansaka.

Inter-marriage between the tribal groups and migrants from the Visayas region is practiced, albeit on a limited scale. Christianized Matigsalug and Manobo residents are said to be the ones who usually intermarrry with migrant settlers.

6.2.3 Livelihood Activities and Sources of Income

The economic base of areas within the CADC of FEMMATRICS is agriculture. Traditional farming (i.e., using traditional varieties and techniques, such as swidden farming) is the predominant system used.

In Brgy. Sinuda, irrigated rice farming is concentrated along the national highway, as against rainfed rice agriculture, which is more common in interior areas. Aside from rice, the Matigsalug in the barangay also plant root crops that serve as their alternate staple. Rice from irrigated farms is produced for cash and consumption, while rainfed rice is generally produced for consumption. Moreover, it has been learned that most of the irrigated rice fields is cultivated by migrants from the Visayas region. The original owners of these farms reportedly leased them to the migrants who then developed the same.

As source of cash and meat, backyard livestock raising is also practiced in areas covered by the CADC of FEMMATRICS. Preferred livestock are chicken and hog. Brgy. Sinuda is known to have the most livestock raised.

The people within the CADC area prefer carabao and horse as draft animals.

The 32 Matigsalug PAPs are basically farming families. They are involved in both wet and dry agriculture. Aside from rice, corn is also grown. They also plant root crops, legumes and vegetables, basically for family consumption. Some members of the families work in urban areas as government or private employees. These families have better access to government services, such as education and health care, than the majority who live in the interior. Private ownership of land is practiced, based on customary law. There are also communal grazing grounds and woodlands (Brgy. Sinuda has all been logged over).
6.2.4 Income and Expenditures

In 1996, most of the residents living within the CADC of the FEMMATRICS were reportedly earning between PhP6,000 to PhP20,000 per year. However, some 30.5% (1,095 persons) of those surveyed could not estimate their annual income. This is said to be not surprising in a subsistence economy, which characterizes the economic activity of tribal people living in the interior areas.

On the other hand, most of those surveyed were reportedly spending between PhP1,000 to PhP20,000 per year. Also, about 31.0% (1,113 persons) could not estimate their annual expenses.

Table 6.2: Annual Household Income and Expenses

<table>
<thead>
<tr>
<th>Income/Expense Bracket (PhP)</th>
<th>No. of HH</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000-5,000</td>
<td>395</td>
<td>11.0</td>
</tr>
<tr>
<td>6,000-10,000</td>
<td>431</td>
<td>12.0</td>
</tr>
<tr>
<td>11,000-15,000</td>
<td>266</td>
<td>7.5</td>
</tr>
<tr>
<td>16,000-20,000</td>
<td>235</td>
<td>6.8</td>
</tr>
<tr>
<td>21,000-25,000</td>
<td>341</td>
<td>11.0</td>
</tr>
<tr>
<td>26,000-30,000</td>
<td>215</td>
<td>6.0</td>
</tr>
<tr>
<td>31,000-35,000</td>
<td>144</td>
<td>4.0</td>
</tr>
<tr>
<td>36,000-40,000</td>
<td>269</td>
<td>7.5</td>
</tr>
<tr>
<td>41,000- Up</td>
<td>1,095</td>
<td>30.5</td>
</tr>
<tr>
<td>Could not estimate</td>
<td>3,590</td>
<td>100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses No. of HH</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>539</td>
<td>15.0</td>
</tr>
<tr>
<td>503</td>
<td>14.0</td>
</tr>
<tr>
<td>341</td>
<td>9.5</td>
</tr>
<tr>
<td>395</td>
<td>11.0</td>
</tr>
<tr>
<td>215</td>
<td>6.0</td>
</tr>
<tr>
<td>108</td>
<td>3.0</td>
</tr>
<tr>
<td>72</td>
<td>2.0</td>
</tr>
<tr>
<td>108</td>
<td>3.0</td>
</tr>
<tr>
<td>197</td>
<td>5.5</td>
</tr>
<tr>
<td>1,113</td>
<td>31.0</td>
</tr>
<tr>
<td>3,590</td>
<td>100.0</td>
</tr>
</tbody>
</table>

6.2.5 Education

Only Brgy. Buda and Brgy. Sinuda had elementary and high schools in 1996. 8 other barangays in the CADC had elementary schools only, while, the other 10 only had primary schools. Moreover, of the 17,058 persons surveyed in 1996 by FEMMATRICS, 25.1% (4,278 persons) did not attend any school at all. Only 6.0% (1,021 persons) finished high school, and 2% (258 persons), college. IP parents are said to be apprehensive about sending their children to school for fear that they might abandon their family and community to work elsewhere once they finished graduate from school.

6.2.6 Health, Nutrition and Sanitation

Corn grits, rice and root crops are the preferred staple of the people within the CADC of FEMMATRICS. Vegetables are also the preferred viand of the people. Of 3,590 households surveyed in 1996, majority (56.0% or 2,021 families) reported that their source of potable water were natural springs. 33.5% (1,202 families) drew water from artesian wells.

44
Twenty three per cent (826 families) were using water sealed toilets, 31.0% (1,113 households), *Antipolo* type (i.e., toilet bowl that is not water sealed), while the rest did not have sanitary toilet facilities. It can be fairly assumed that families using sanitary toilet facilities were the ones found along the road corridor.

The 4 leading causes of ailments reported by the households surveyed were cough and cold (41.7% or 1,503 families), fever (21.4% or 750 families), diarrhea (13.4% or 487 families), and malaria (11.4% or 415 families). Western medicine, in addition to traditional herbal medicine, was the common remedies used for ailments.

Households surveyed reported that the 3 leading causes of death in the CADC area were pneumonia, diarrhea, and accidents.

There is a barangay health center, which is manned by a nurse and a midwife, in Brgy. Sinuda. Also, Christian missionaries run a primary health program in the community.

### 6.3 Formal and Traditional Socio-political Structures

Traditional and formal socio-political structures co-exist and complement each other in the CADC area of FEMMATRICS. The barangay government represents the formal socio-political structure. It is headed by the Barangay Captain as the chief executive and the Barangay Council as the legislative. The Barangay government also has its judiciary, made up of selected members of the community, which handles minor civil and criminal cases.

There is also a tribal council in each barangay within the CADC area of FEMMATRICS. The tribal council is made of *Datus* (i.e., chiefs) who are called upon to preside over the resolution of conflict and the performance of rituals. The council passes judgment on cases based on customary law when the parties involved are members of the tribe.

There seems to be an “indigenization” of the Western-type of formal structure of governance, especially in areas where there is a concentration of IP households. It is uncommon to see a Datu holding office in the barangay government also. In Brgy. Sinuda, for instance, the incumbent barangay captain is a Datu. A number of the members of the Barangay Council in Sinuda are Matigsalug. A Datu presides over the adjudication of minor conflict (i.e., not a major criminal offense) between IP members in Brgy. Sinuda.

There may be more than one Datu in one barangay. It is gathered that the title of Datu is not inherited. It is earned. Individuals who have displayed leadership traits are accorded the title. Thus, it may be inferred that a Datu does not lord over a specific sub-area within a barangay. The duties of some Datus are said to be more political in natures, while others function as local priests. There are no women Datus, however.

### 6.4 Impacts of the Project on the Indigenous People Along the Road Corridor

Based on the information gathered in June-July 1999 and in March-April and June 2000, all of the Matigsalug PAPs counted were residents of Brgy. Sinuda. These Matigsalug households
were part of the Matigsalug and Manobo Tribes that were re-settled in the barangay by the national government in the early 1970s, following the surrender of members of the Tribes who took up arms also in the early 1970s as a result of the encroachment of outsiders into the IP’s ancestral domain.

The principal government arm that handled the resettlement of the Matigsalug and Manobo households, who reportedly were living originally in the Municipality of Quezon, was the Presidential Assistance on National Minorities (PANAMIN). As per agreement among themselves, IP members who did not marry outside their Tribe reportedly resettled in Brgy. Sinuda, while the few who married Christian lowlanders resettled in neighboring Brgy. Tawas. Tribal members who resettled in Brgy. Sinuda were allotted home lots of equal dimensions similar to a subdivision. These home lots were arranged along the old segment of the road that traversed the center of Brgy. Sinuda and which eventually had been transformed into an airstrip by PANAMIN. With the conversion of the road into an airstrip, a new road alignment was opened on the northern part of the barangay. The new road has since then been used by commuters who traveled from Bukidnon to Davao City and vice versa.

The team from EIAPO and the local DPWH Regional and District Offices who conducted the census and survey of PAPs in 1999 and 2000, did not see the resettlement area prepared by PANAMIN in Brgy. Sinuda. The airstrip has not been used since the time of PANAMIN. The supposed home lots were no longer in existence, as these have been converted into irrigated rice paddies. Most of these rice paddies are said to have been developed and are presently held by Christian lowlanders who knew the technology of wet agriculture. The original owners of the home lots reportedly “leased” their property to these lowlanders. A number of the Matigsalug households who leased or sold their home lots moved their dwelling units within the realigned road section in the barangay. The 32 Matigsalug PAPs were among them.

When the DPWH 2nd District Engineering Office in Bukidnon conducted in 1997 an information drive regarding the restoration works of the Buda-Maramag Road Section under the HMP (see Chapter 1 for more information on this project), the 32 Matigsalug PAPs were among those who obliged to moved back from the construction limit of 15 m from the centerline. Some of these PAPs actually moved out of the 60 m RROW. They were not compensated for their damaged dwelling units. The relocation did not seem to have directly affected their main source of income, which was farming. However, they have to spend some time and resources in the demolition, transporting and reconstruction of their dwelling units. No assistance was extended to them by the government.

These Matigsalug PAPs have since re-established themselves. However, with the proposal that the continuation of the road project be funded under the NRIMP, it is but correct that they also be provided the same entitlements as those who have recently shifted their homes.

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2 Matigsalug households do not necessarily live in cluster communities. They are said to be semi-nomadic, moving from one place to another every two years.

3 The agency was dissolved in mid-1980s.
The on-going works will not entail any realignment of the road. The works will be limited to the clearing of the RROW within a confined corridor of 15 m from the road centerline. As such, the 32 Matigsalug PAPs are safe in their present locations.

At the moment, the FEMMATRICS is raising other grievances and demands that are quite outside the purview of the present road project. Nonetheless, these issues merit the immediate and sincere attention of the government. (For more on these grievances, see Annex H).

### 6.5 Resettlement Package

The resettlement package proposed for the 32 Matigsalug PAPs is not simply based on the principle of replacement cost for damaged assets. It goes beyond the 32 PAPs, as it tries to address issues that concern the Matigsalug and Manobo Tribes who live in the CADC area of the FEMMATRICS, in general, and those that live in Brgy. Sinuda, in particular.

This IPAP is anchored on the view that, indeed, the Tribal Filipinos living within the CADC area of FEMMATRICS have legal and moral rights over their ancestral domain. On the other hand, this IPAP also recognizes the sovereign right of the State to push for development programs for the common good, BUT with due recognition of the rights of affected citizens, indigenous people included. Extra sensitivity and care must be exercised in areas where there are affected indigenous people. The IPs hold the particular distinction of having retained their indigenous ways and beliefs to date. They need not be patronized; they need to be respected.

Taking from this standpoint, the IPAP is also of the position that the Matigsalug and Manobo residents of Brgy. Sinuda must be extended assistance, on top of the compensation to be given to the 32 PAPs for direct damages to their assets. The additional assistance is aimed at helping them in their daily struggle to survive. Since the people’s main livelihood is based on agriculture, then such assistance must be geared towards helping them along this line.

In consideration of the aforementioned, the following are proposed to make up the resettlement package for the Matigsalug and Manobo residents of Brgy. Sinuda:

- a. Personnel of the civil works contractor, the Supervising Engineer, the DPWH Regional and District Offices, the IBRD-PMO, and the EIAPO must be provided adequate orientation on the FEMMATRICS and their CADC. These personnel must, at all times, observe protocol when dealing with the members of the tribes – i.e., the FEMMATRICS is the official channel of communication. Project personnel must be sensitive to the customs and views of the tribal people. Towards this end, the Project personnel will designate their representative(s) who are tasked to deal with IP matters. Their counterpart in the FEMMATRICS must likewise be identified.

- b. A ritual that is meant to dramatize the acceptance by project personnel of the ways and beliefs of the Matigsalug and Manobo residents, including appeasing the spirits of the dead and ancestors of the indigenous population, will be performed soonest and in accordance with local customs.
c. The Supreme Datu or his representative will sit as regular member of the MRIC of Kitaotao for CP 8, covering the barangays of Sinuda, Tawas, and Buda.

d. As presented in Chapter 3, the 32 Matigsalug PAPs are entitled to compensation and other assistance as provided for by the DPWH Resettlement Policy. Compensation and other forms of assistance, as needed, will be given directly to the PAPs in cash.

e. To help ease the burden of the residents of Brgy. Sinuda in transporting their farm produce, it is proposed that DPWH, through the road project, will complete the unfinished single span bridge in the barangay with the provision of a bailey bridge. This will be started immediately.

Other issues raised by the FEMMATRICS will be relayed and properly endorsed by the DPWH Region X Office to appropriate government agencies, such as the Regional Office of the Department of Agriculture that is involved with the MRDP in connection with the PhP600,000 demand of the Tribal Council.  

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4 The resettlement package was formally presented by the DPWH to the FEMMATRICS on 7 January 2001 and was accepted by the IP group, with some amendments. First, aside from the completion of the bailey bridge, the DPWH concurred to improve the gravel road leading to and around the FEMMATRICS main office. This project will be undertaken by the DPWH 2nd DEO and a program of work will be prepared for this. The works are estimated to cost PhP2 million and will be completed within 2001. Second, the FEMMATRICS reiterated its demand for PhP600 thousand, but the Council accepted just the same the explanation of the DPWH that it could not grant the same. Instead, it was announced by representatives from the DPWH that about PhP1.5 million was being arranged through contacts with the World Bank country mission and the Mindanao Rural Development Program for the FEMMATRICS for its livelihood activities.
ANNEXES

Annex A: DPWH Land Acquisition, Resettlement and Rehabilitation Policy Framework
Annex B: Validation Questionnaire
Annex C: List of Public Meetings Held
Annex D: Certification for Claims for Compensation
Annex E: List of PAPs
Annex F: Operational Framework on Public Participation and Consultation
Annex G: Memorandum of Understanding
Annex H: Report on the PhP600,000 Demand of FEMMATRICS
Annex A

Land Acquisition, Resettlement and Rehabilitation Policy Framework
Buda-Maramag Road Section Restoration Project

INVENTORY OF AFFECTED FIXED ASSETS

I. Name of Project-Affected Person (PAP) Household/Institution/Organization: 

II. Code of PAP: 

III. Ethnic Origin of PAP: 

IV. Location of Property Affected: 

V. Fixed Assets Affected:

A. LAND

1. FOR LANDS THAT ARE TITLED, COVERED BY TAX DECLARATION OR BY CUSTOMARY LAW (Tick appropriate box to indicate land use. Get number of title, a copy of tax declaration or a certification from the Municipal Government/DENR that the affected property is an ancestral land):

   □ 1.a Residential
   □ 1.b Commercial
   □ 1.c Residential/Commercial
   □ 1.d Agricultural

   a) Classification of Affected Land:

      □ a.1 First Class
      □ a.2 Second Class
      □ a.3 Third Class
      □ a.4 Fourth, etc.

   b) Total Area of Land: 

   c) Area of the Affected Portion of Land: 

   d) Remaining Land Viable for Continued Use or Not (Tick appropriate box):

      □ d.1 Viable
      □ d.2 Not Viable (The Entire Property Will Have To Be Acquired)
IF NOT VIABLE, preferred mode of compensation:

☐ d.2.1 Cash
☐ d.2.2 Land for Land Swap

e) Fair Market Value of Land (To be determined by the Independent Land Appraiser): PhP_________ per m2.

f) Other Entitlements/Assistance to the PAP: ________________________________

__________________________________________

2. FOR UNTITLED LANDS AND THOSE THAT ARE NOT COVERED BY TAX DECLARATION OR BY CUSTOMARY LAW (Tick appropriate box to indicate land use).

☐ 2.a Residential
☐ 2.b Commercial
☐ 2.c Residential/Commercial
☐ 2.d Agricultural

IF LAND IS USED FOR AGRICULTURE:

2.d.1 Total Area of Land: _____________ m2

2.d.2 Area of the Affected Portion of Land: _____________ m2

2.d.3 Remaining Land Viable for Continued Use or Not (Tick appropriate box):

☐ 2.d.3.1 Viable
☐ 2.d.3.2 Not Viable (The Entire Property Will Have To Be Acquired)

2.d.4 Other Entitlements/Assistance to the PAP: ________________________________

__________________________________________

B. MAIN STRUCTURE (Tick appropriate box to describe the type of main structure affected)

☐ B.1 House
☐ B.2 Store
☐ B.3 House cum Store
☐ B.4 Restaurant
☐ B.5 Inn
☐ B.6 Bodega
☐ B.7 Others (Identify) ________________________________

1. Total Area of the Main Structure: _____________ m2
2. Area of the Affected Portion of the Main Structure: ____________ m²

3. Remaining Main Structure Viable for Continued Use or Not (Tick appropriate box):
   □ 3.a Viable
   □ 3.b Not Viable (The Entire Property Will Have To Be Acquired)

   **IF VIABLE**

   3.a.1 Fair Market Value of Affected Structure: PhP ____________

   3.a.2 Cost to Restore Remaining Structure: PhP ____________

   3.a.3 Services Affected and Cost of Reconnection (Tick appropriate box):

   □ 3.a.3.1 Electricity (PhP ____________)  
   □ 3.a.3.2 Water (PhP ____________)  
   □ 3.a.3.3 Telephone (PhP ____________)  
   □ 3.a.3.4 Cable Television (PhP ____________)  
   □ 3.a.3.5 Others (specify) (PhP ____________)  

   3.a.4 If Business is Affected (e.g., store, restaurant):

   □ 3.a.4.1 Estimated Daily Gross Income: PhP ____________  
   □ 3.a.4.2 Estimated Duration of Business Disruption: _______ days  
   □ 3.a.4.3 Estimated Business Loss: PhP ____________

   **IF NOT VIABLE**

   3.b.1 Fair Market Value of Main Structure: PhP ____________

   3.b.2 If Relocating, PAP has land to relocate to:

   □ Yes  
   □ No

4. Other Entitlements/Assistance to the PAP: ___________________________  
   ___________________________  

C. OTHER AFFECTED STRUCTURES (e.g., gate, driveway, fence): ___________

   ___________________________  

   1. Fair Market Value of Affected Other Structure(s): PhP ____________
   2. Cost to Reconstruct/Repair Affected Other Structure: PhP ____________
D. TREES, PERENNIALS and PLANTS of COMMERCIAL VALUE (Specify species, number and estimated fair market value):

1. 
2. 
3. 
4. 
5. 
6. 
7. 
8. 

DATE ACCOMPLISHED: ______________

PREPARED BY: CONFORME:

__________________________    __________________________
MRIC Member                PAP

WITNESSED BY:

__________________________
Barangay Representative
List of Public Meetings

1. June 1999. In connection with the conduct of the Land Acquisition Assessment, the team from the Region X Office and the Bukidnon 2nd District Engineering Office, together with the staff of EIAPO, met with the mayors and other local officials in the respective Municipal Halls of Quezon and Kitaotao. Discussed in the said meetings were the salient points of the World Bank’s Social Policy. The meeting was followed by the conduct of land acquisition assessment and socio-economic survey of PAPs along the Buda-Maramag Road Section.

2. February 10, 2000. Met with the Mayor of Quezon and later with Brgy. Puntian officials and the teachers of the Puntian Elementary School about the then on-going road works in the barangay. The meeting was occasioned by the complaint of school officials that the road works were the cause of the destabilization of the school grounds, which is located on an upslope. The engineers explained in detail that the instability of the school grounds is attributable to the on-going project but is inherent within the location of the school buildings. Nonetheless, the project contractor agreed to construct slope protection structures to support the school grounds from collapsing.

3. March 1 – 15, 2000. During this period, validation and reconstruction of data on PAPs and their affected assets were conducted. It was also during this time that the DPWH conducted its information drive on the new Resettlement Policy of the Department for NRIMP. Meetings were held to orient the Regional and District Office personnel involved in the RAP regarding the Resettlement Policy. Also included in the orientation were the Resident Engineers and their counterparts from the IBRD-PMO. At the municipal level, meetings were held in the Municipal Halls of Kitaotao and Quezon. In the said meetings, the Resettlement Policy was discussed. Presented also was the partial impact of the project. It was during these meetings that the problem on validating the list of PAPs and impact was raised on account the fast pace of the clearing works of the contractor.

A meeting was held also during the period, first with Governor Carlos Fortich, who voiced strong opposition to the Resettlement Policy and second, with the barangay captains of all affected barangays in Quezon.

A barangay meeting was held in Tawas to discuss the demand of PAPs who resettled earlier, starting in 1997, that they too be included among beneficiaries of the RAP.

4. April 13 – 19, 2000. As per agreement with the World Bank Mission, a reconstruction of data of all relocated PAPs (both earlier in 1999 and on account of the clearing activities of the present civil works contractor) was conducted. In this connection, meetings at the Municipal Halls of Kitaotao and Quezon were conducted to
brief local officials regarding the need for completing the information requirements for the RAP and in soliciting their assistance in arranging for barangay level public meetings with affected households.

Thus, barangay meetings were held in Cahusayan, Palacapao, and Puntian, all in the Municipality of Quezon. These were attended by municipal and barangay officials and affected households. During these meetings, the validation questionnaires were accomplished. Similarly, based on the resolutions of the barangay governments of Sinuda and Tawas, validation activities were conducted with the active participation of barangay officials and affected households.

5. **September 15, 2000.** Representatives from the 2nd DEO and the EIAPO, the Resident Engineers (Renardet) of CP 7 and CP 8 and their counterpart from the PMO-IBRD met with key officials of the FEMMATRICS in the office of Kitaotao Mayor Godifreda R. Gumahin to discuss the nature of the Tribal Council’s PhP600,000 demand.

6. **September 18, 2000.** Key officials of FEMMATRICS informed representatives from the 2nd DEO and the PMO-IBRD in a meeting in the office of the Kitaotao Mayor that the Board of Trustees of the Council was reiterating its earlier demand for PhP600,000.

7. **Evening of October 28, 2000.** Representatives from the MRDP and the 2nd DEO met with Supreme Datu Lorenzo A. Gawilan, Jr. and community leaders in Brgy. Sinuda to explore the possibility of tapping the resources of the MRDP for the livelihood program of FEMMATRICS.

Earlier in the morning, representative from the 2nd DEO in collaboration with barangay officials held a public meeting in Brgy. Cahusayan for the purpose of presenting to the PAPs the Resettlement Policy and to verify the list of PAPs and the assets damaged in the on-going road project.

In the afternoon of the same day, a public meeting in a cockpit in Brgy. Tawas was held with PAPs of Brgys. Buda and Tawas. The meeting was officiated by Vice-Mayor (and concurrent FEMMATRICS Supreme Datu) Gawilan, local barangay officials and personnel from the 2nd DEO.

8. **October 29, 2000.** Representatives from the 2nd DEO met with key officials of the FEMMATRICS in the office of Kitaotao Mayor Gumahin. Aside from the Mayor, those present included the Vice Chairman, Datu Manahan E. Sulang, the Secretary General, Datu Cosme M. Lambayon, and Datu Tumindog, the Attorney-In-Fact. The meeting was still part of the continuing discussion on the PhP600,000 demand of the Tribal Council.

The meeting coincided with the public meeting held with PAPs from Brgy. Sinuda who were transported to the Municipal Hall of Kitaotao.
Annex D

Certifications of Claim for Compensation
Annex E

List of PAPs

Brgy. Buda

1. Medardo Mercado
2. Medardo Mercado
3. Ernesto Sawalan
4. Leonora Cnania
5. Gloria Vallar
6. Remedios Man-on
7. Rosaleo Camosa
8. Corazon Cabajis
9. Rogelio Balabag
10. Rufino Quilaton
11. Artemio Rosales
12. Marina Cabajis Tapay
13. Pedro Bongay
14. Policarpio Alo
15. Carlos Monderondo
16. Fredo Nabua
17. Benjamin Batiquuin
18. Jack Agipo
19. Moises Babao
20. Justininana Estacoja
21. Sanny Borja
22. Danny Timtim
23. Raul Delos Santos
24. Dionisio Hizo
25. Acorda
26. Nelson Fernandez
27. Merlyn Langi
28. Pelagio Taban
29. Federico Arendain
30. Antonio Cepeda
31. Nestor Abito
32. Quirino Velencio
33. Dennis Librando
34. Denis Librando
Brgy. Tawas

1. Melfa Cabaluna
2. Igmedio Gaula
3. Boy Arellano
4. Jose Baroro
5. Joedet Exchaure
6. Yolly Collantes
7. Joede Collantes
8. Ruferto Llorico
9. Bernard Policarpio
10. Bernard Policarpio
11. Gloria Ely
12. Beinvindo Fernandez
13. Andres Feranel
14. Rolan Daing
15. Susan Leño
16. Ernesto Exchaure
17. Arnel Mansalinta
18. Bonifacio Mandic
19. Rita Casupan
20. Bienvinido Comanda
21. Nelson Ody
22. Edna Batulanon
23. Dominguez Ombol
24. Tony Ombol
25. Trining Maclunas
26. Andres Libres
27. Eddie Bacara
28. Rustica Suello
29. Saturnino Ely
30. Rudy Cabsag
31. Ruferto Llorico
32. Allan Canete
33. Guillermo Sonsona
34. Vicente Ellana
35. Librado Lastimado
36. Miguel Tropel
37. Patricio Rebollos
38. Rogelio Sebial
39. Myrna Capul
40. Vicente Handumon
41. Jimmy Dalogdog
42. Florito Pontijon
43. Saturnino Banaag
44. Nestor Banaag
45. Miguel Banaag
46. Arthur Mabilin
47. Julian Morales
48. Jonathan Alcantara
49. Rolando Lacubtan
50. Narciso Vergara
51. Anaclito Bihag
52. Avelino Vergara
53. Justiana Opalla
54. Boy Aliwate
55. Inocencia Dahan
56. Alfonso Corpus
57. Mila Langgcuban
58. Sally Macalipay
59. Dionisio Alamacen
60. Anastacia Palapar
61. Johnny Mendoza
62. Rominador Rebalde
63. Elpedio Sabuero
64. Madot Tawas
65. Felipe Mantilla
66. Boy Bihag
67. Ricky Binan
68. Tacio Consacio
69. Tawas Health Center

Brgy. Sinuda

1. Bobby Herana
2. Sixto Paquibot
3. Eduardo Pangakat
4. Eduardo Pangakat
5. Eduardo Pangakat
6. Eduardo Pangakat
7. Eleuterio Lasdoje
8. Faustoro Cuarto
9. Oliver Mendez
10. Ben Hernane
11. Marcial Calacat
12. Felicida Oca
13. Arcelyn Navarro
14. Rogelio Sebial
15. Carlito Bagas
16. Marcelo Noble
17. Dahines Cabantao
18. Eusebio Henterlizo
19. Jeffrey Collantes
20. Gina Milo
21. Amando Pangkat
22. Edito Lawas
23. Liberato Brignas
24. Noli Claridad
25. Loyloy Baltazar
26. George Gawilan
27. George Gawilan
28. Joseph Racho
29. Loyloy Galveso
30. Segundo Baclaon
31. Rocky Nolado
32. Edgardo Padilla
33. Zenaida Marcos
34. Paterno Daquiado
35. Florencio Nacario
36. Sopriano Villarta
37. Romeo Casanos
38. Ligaya Bongcahid
39. Simplicia Bongkahid
40. Samuel Pontimayor
41. Tomas Pansacala
42. Mamerto Estopito
43. Mario Suner
44. Jimmy Embac
45. Rose Pulao
46. Dionisio Pendo
47. Jojo Collantes
48. Romeo Villarmea
49. Allan Adimat
50. Basilio Tumindog
51. Leon Lantong
52. Roque Lacubay
53. Dominador Omanan
54. Moreno Tumindog
55. Dionesio Pangkat
56. Carlito Ansul-og
57. Tinoy Mandanuay
58. Alberto Pangkat
59. Paquito Ayubat
60. Ayang Dumcatal
61. Manahan Sulang
62. Vicente Gumanon
63. Quirino Gawilan
Buda-Maramag Road Section Resettlement Action Plan

64. Victor Bagas
65. Vicente Gumanon
66. Quirino Gawilan
67. Loreto Tawas
68. Pascual Lacaran
69. Julieto Binantalan
70. Rene Bulawan
71. Mansor Abas
72. Ayid Banggaan
73. Romeo Malicon
74. Godofredo Bonggo
75. Benjamin Macasampay
76. Nedy Suganos
77. Alex Dacao
78. Cecilio Gawilan
79. Towing Dumacon
80. Fernan Latawan

Brgy. Cahusayan

1. Enriqueta Mondejar
2. Enriqueta Mondejar
3. Arman Nunez
4. Cita Delarama
5. Jaime Jimenez
6. Marcelo Pepito
7. Felipe Dela Rama
8. Marcelo Pepito
9. Jesus Clarin
10. Fernando Clarin
11. Rawari Multi Purpose
12. Napoleon Omandam
13. Rospe Garol
14. Bartolome Tinoy
15. Samuel Henubyagon
16. Domingo Sambweri
17. Dodong Jabutay
18. Jesus Villaniso
19. Romeo Obatay
20. Edgar Obatay
21. Pedro Mandipol
22. Rolando Pilotos
23. Garlito Martorillos
24. Thelma Jimenez/Jaime
25. Samuel Macaraya
26. Joel Jimenez
27. Leonordo Arendain
28. Roger Mahinay
29. Edwino Navares
30. Samuel Lopez
31. Samuel Lopez
32. Saveniano Villanueva
33. Edgar Coleta
34. Filomina Ribajado
35. Ellen Rebajado
36. Nilo Lanzaderas
37. Mauro Soterio
38. Primo Soterio
39. Balodoy Pedrozo
40. Mario Dodalo
41. Maximo Dodalo
42. Andres Asterio
43. Ramon Samontanez
44. Victor Rebajado
45. Pilomino Briones
46. Luciano Quelaton
47. Dioscuro Tacgoctoc
48. Esabito Tacgoctoc
49. Andres Biais
50. Ruben Ficialiano
51. Rodrigo Delarama
52. Fortunato Consuelo
53. Victoria Doydora
54. Richard Langcuban
55. Eddie Colita
56. Marina Pilotos
57. Gorio Consuelo
58. Torebio Omandam
59. Lito Ytang
60. Jose Taolada
61. Mario Amancio
62. Rudy Rebajado
Brgy. Palacapao

1. United Palacapao
2. Merlinda Diaz
3. Domingo Abalos
4. Mauricio Oted
5. Rodolfo Gadena
6. Elmer Abalos
7. Joel Saba
8. Fortunato Sabit
9. Francisco Sanggutan
10. Leony Arizo
11. Dominado Abalos
12. Anacita Lopez
13. Leonardo Buhawe
14. Ricardo Amores
15. Luz Nazareno
16. Willy Bagayon
17. Alfredo Sapid
18. Bonifacio Laurel
19. Jesus Abendan
20. Felomino Perez
21. Nimfa Pajo
22. Esmeraldo Adecer
23. Pilar Padecio
24. Betellano Hementiza
25. Sarah Hatud
26. Albert Dupinde
27. Alex Boter
28. Cesar Paring
29. Remedios Pajo
30. Rustico Maloloy-on
31. Leopoldo Nahine
32. Rizalino Nahine
33. Mario Hortillano
34. Flavio Sanggutan
35. Fulgencio Armella
36. Conchita Tapanero
37. Emiliano Raynosa
38. Antonio Neri
39. Adelina Ramos
40. Palacapao Coop
41. Bonifacio Autentico
42. Anastacio Alperez
43. Arcadio Sumile
44. Arcadio Sumile
Brgy. Puntian

1. Perfecto Togoctoc
2. Quirino Momo
3. Rodolfo Cabatingan
4. Plaza Rosalino
5. Jeanette Ong
6. Rolando Adlaon
7. Wilmor Sicalit
8. Ponciano Largo
9. Danilo Alcansado
10. Isidro Labial
11. Allaga Cirilo
12. Lydia Ebo
13. Rolando Monsato
14. Edwin Landeza
15. Prudencio Sabit
16. Orlando Monsato
17. Edwin Landeza
18. Prudencio Sabit
19. Orlando Pagquil
20. Armando Moncano
21. Irene Lascuña
22. Veronica Ibarra
23. Segundo Matorillas
24. Camillo Dagano
25. Rolando Navarro
26. Marcella Laurel
27. Rosalinda Zarraga
28. Gregorio Daclison
29. Arcadio Navarro
30. Alexander Monsato
31. Hermelindo Sabillera
32. Victor Palmitos
33. Melquirades Cabahe
34. Rosita Talucdo
35. Renato Verador
36. Romeo Segarino
37. Christena Pagas
38. Antonio Saraslejo
39. Pedro Caliso
40. Erwin Ranay
41. Danilo Navarro
42. Mario Sarabia
43. Ricky Segarino
44. Joel Galera
45. Natalio Tagupa
46. Marcelo Dapar
47. Eden Madola
48. Ronnie Gomez
49. Alfredo Delima
50. Librando Gonzaga
51. Pedro Clemencia
52. Artemio Monsato Jr.
53. Wenceslao Clavancio
54. Ricardo Caliso

**Brgy. Panilayan**

1. Waiting Shed

**Brgy. Cebole**

1. Waiting Shed

**Brgy. San Jose**

1. Loreto Borja Sr.
2. Paterna Alestre
3. Fernando Durog
4. Salvador Adan
5. Purok 16 San Jose
6. Purok 15 San Jose
7. Purok 11 San Jose
8. Purok 12 San Jose
9. Purok 3 San Jose
10. San Jose Elem. School
11. San Jose Brgy. Gov’t.
Buda-Maramag Road Section Resettlement Action Plan

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**Brgy. Salawagan**

1. Waiting Shed

**Brgy. Poblacion**

1. Street Light
2. Rehab of Pipes

**Brgy. Mibantang**

1. Purok Center

**Brgy. Kiburao**

1. Romulo C. Villegas
2. Norma Hilot
3. Gerry Rumo
4. Helen Rumo
5. Furtonato baldon
6. Memorito Lumabos
7. Purok Center
8. Godofreda Dragon
9. Romualdo Agut
10. Jose Galanta
11. Rosita Jaluedo
Annex F

Operational Framework on Public Participation and Consultation
MEMORANDUM OF UNDERSTANDING

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
(DPWH)

and

MUNICIPAL GOVERNMENT(S) OF MARAMAG, QUEZON
and KITAOTAO
MEMORANDUM OF UNDERSTANDING

KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF UNDERSTANDING, made and executed this ___ day of September 2000 in Bukidnon, Philippines, by and between:

The Department of Public Works and Highways, a government agency existing under the laws of the Republic of the Philippines, with main office at Bonifacio Drive, Port Area, Metro Manila, and represented by its Director for Region X, ROBERT G. LALA, herein referred to as the “DPWH”;

and

The Municipal Governments of Maramag, Quezon and Kitaotao, all in the Province of Bukidnon, Region X, and represented by their respective Mayors, herein referred to as the “LGUs”.

WITNESSETH THAT:

WHEREAS, the DPWH is one of the major agencies responsible for the planned and sound development of the infrastructure system in the country;

WHEREAS, the LGUs are committed to protect and safeguard the interest of their constituents;

WHEREAS, as a way of ensuring the success of the various development programs of the government, all concerned public and private organizations and institutions must strive to work closely together in policy and program formulation and implementation;

WHEREAS, the National Government, through the DPWH and with financial support from the World Bank, will undertake the National Roads Improvement and Management Program (NRIMP) in three phases over a nine-year period;

WHEREAS, the overall objective of the NRIMP is to achieve effective management and financing of the national road network, the upgrading of this road network to all-weather standards, and the preservation of the same to sustainable operating conditions;
WHEREAS, the Land Acquisition, Resettlement and Rehabilitation Policy Framework (to be referred hereinafter as the Resettlement Policy) of DPWH requires that, in the design and implementation of NRIMP projects, all efforts must be exercised to ensure that:

a) adverse social and physical impacts are avoided, minimized and/or mitigated;
b) everybody, including project-affected persons (PAPs), will benefit from the projects;
c) PAPs are provided with sufficient compensation and assistance for lost assets which will assist them to improve or at least maintain their pre-project standard of living; and
d) project stakeholders (which include PAPs) are consulted regarding the project’s design, implementation and operation;

WHEREAS, the Operational Framework for Public Participation and Consultation of DPWH defines Participation as an active and continuous process of interaction among a project’s stakeholders, including the communities adversely and/or positively affected, national and local government instrumentalities, civil society and international aid agencies;

WHEREAS, the term Participation as used by DPWH encompasses information exchange (i.e., dissemination and consultation) and varying forms of decision-making (i.e., collaboration);

NOW, THEREFORE, for and in consideration of the foregoing premises, the PARTIES do hereby mutually agree and commit themselves to the following:

1. To assist one another in ensuring that the Resettlement Action Plan (RAP) for the Buda-Maramag Section Project is implemented as planned. (Copy of the Compensation Matrix of the DPWH Resettlement Policy is attached as ANNEX 1).

2. To be guided by the DPWH Resettlement Policy, especially with regard to ensuring the active involvement of PAPs and other stakeholders. (Chapters 6 and 7 of the DPWH Resettlement Policy are attached as ANNEX 2).

3. In connection with the aforementioned, to set up the Municipal Resettlement Implementation Committee (MRIC) in each municipality affected by the road project. With the DPWH District Engineer or his/her representative as Chairperson and Convenor, the MRIC will be composed of the following:
a) City/Municipal Mayor or his/her representative  
b) DPWH District Engineer or his/her representative  
c) Chairperson of the Barangay or his/her representative  
d) A representative of the PAPs in the barangay  
e) A representative of the tribe in the barangay in the event that the road will impact a cluster ("community") of indigenous people  
f) A representative of a municipal-wide Non-government Organization (NGO), if there is any, endorsed by the other members of the MRIC.

The Barangay Chairperson or his/her representative and the representative of the PAP will take active part in the activities of the MRIC on matters concerning their respective communities. The MRIC will have the following functions:

a) Validate the list of PAPs.  
b) Validate the assets that will be affected by the project and compute the compensation and other entitlements due to the PAPs as per DPWH Resettlement Policy and pertinent Department Guidelines (see ANNEX 3) and submit the same to the DPWH District Engineering Office for appropriate action.  
c) Assist the EIAPO in the conduct of public information campaign, public participation and consultation  
d) Assist the District Engineering Office in the payment of compensation to PAPs  
e) Receive complaints/grievance from PAPs and other stakeholders and act on the same within 15 days upon receipt thereof, except for complaints and grievances that specifically pertain to the valuation of affected assets, since such will be decided upon by the proper courts. (The PAP may refer his/her grievance to the DPWH Regional Director, or even to a court of law, if he/she is not satisfied with the action of the MRIC or the Regional Director).  
f) Maintain a record of all public meetings, complaints, and actions taken to address complaints and grievances

4. Once the Mandatory Clearance Line of 15.0 m from the road center line has been cleared of illegal structures, the LGUs will help DPWH ensure and enforce the law that no new illegal structures are constructed therein.

5. Transparency and collegiality will govern the relationship of the parties to this Memorandum of Understanding.
This **MEMORANDUM OF UNDERSTANDING** shall take effect immediately upon its signing by the parties herein.

**IN WITNESS THEREOF,** the parties, through their duly authorized representatives, have hereunto entered into this Understanding and affixed their signatures below on the date and place herein aforementioned.

**WITNESSES:**

**ROBERT G. LALA**
Regional Director, DPWH

**ANTONIO S. DOROMAL**
Mayor, Maramag

**GREGORIO LL. GUE**
Mayor, Quezon

**GUDIFREDA R. GUMAHIN**
Mayor, Kitaotao

**CARLOS O. FORTICH**
Governor, Bukidnon

**MAURO D. BRAVO, JR.**
DPWH-DEO
Report on the PhP600,000 Demand of FEMMATRICS

(Following are excerpts from the report of the local advisor to DPWH Undersecretary Teodoro T. Encarnacion regarding the demands of the FEMMATRICS for damages and disturbance brought about the ongoing road works along the Buda-Maramag Road Section.)

1. The upland portion of the road project, particularly in Brgy. Buda, Brgy. Tawas and Brgy. Sinuda, all in the Municipality of Kitaotao, is home to the indigenous group of the Matigsalug and Manobo. The Matigsalug ethno-linguistic group is one of the two major tribes that make up the Federation of the Matigsalug Manobo Tribal Councils (FEMMATRICS). The FEMMATRICS holds a Certificate of Ancestral Domain (CADC) covering 20 adjoining barangays within the tri-boundary of the Provinces of Bukidnon and North Cotabato and the City of Davao. Specific to the road project, the barangays included in the CADC of the FEMMATRICS are Buda, Tawas and Sinuda. (NOTE: in CP 3 or in the Calinan-Buda Road Section, the barangays found within the CADC are Buda, Salumay, and Marahan). However, project affected members of the Matigsalug and Manobo Tribes are concentrated in Brgy. Sinuda. Members of the tribe in Brgys. Buda and Tawas are found in the interior areas, having leased or sold lands within the road to migrant farmers and traders from the Visayas.

2. On 8 April 2000, the Board of Trustees of the FEMMATRICS passed Resolution No. 023 demanding from the Shinsung Corporation the amount of PhP600,000.00 as payment for damages and disturbance to the group’s “sacred places, burial grounds, fishing and hunting grounds within...their ancestral domain...” as a result of the on-going “…widening and asphalting of (the) Davao-Bukidnon Highway...” Board of Trustee member Datu Moreno Tumindog has been designated as FEMMATRICS’ Attorney-In-Fact with full powers to negotiate in behalf of the Tribal Council.

3. On 13 June 2000, Datu Moreno Tumindog wrote the 2nd District Engineering Office (DEO) located at Brgy. Pinamaloy, Don Carlos, Bukidnon manifesting FEMMATRICS’ resolve to push through with its demand for compensation as contained in its Resolution No. 023. The said letter cited specific provisions of R.A. 8371 (aka Indigenous People’s Rights Act or IPRA) to back-up the group’s demand for compensation arising from disturbance and damages to their ancestral domain. The group holds a Certificate of Ancestral Domain Claim No. RX-CADC-005 (issued on 15 May 1995) that covers 20 barangays. In particular, the letter mentioned:

a. the need for the free and prior informed consent of the FEMMATRICS before any development project could be initiated within their area;
b. the FEMMATRICS’ right to be compensated fairly for any damages to their domain on account of the project;

c. their right to maintain, protect and have access to their religious and cultural sites; and

d. their right to benefit from the use, exploitation and development of natural resources within their ancestral domain.

4. On 15 September 2000, representatives from the 2nd DEO and the EIAPO, the Resident Engineers (Renardet) of CP 7 and CP 8 and their counterpart from the PMO-IBRD met with key officials of the FEMMATRICS in the office of Kitaotao Mayor Godifreda R. Gumahin. Highlights of the meeting were as follows:

a. Leaders of FEMMATRICS explained that their demand for compensation was in consonance with the IPRA and that it was occasioned by the on-going construction works at the Buda-Maramag Road Section.

b. When it was clarified that there were no realignments in the on-going works and that the clearing activities of the contractor were confined within the demarcated ROW of 30m from the road centerline, the leaders countered that the spirits of their dead were everywhere.

c. It was learned that a segment of the road, specifically the one traversing Brgy. Sinuda, was re-aligned in the 1970s. The old road was developed into an airstrip for the use of the Presidential Action for National Minorities (PANAMIN), following the surrender and relocation of members of Matigsalug and Manobo Tribes. Said tribes took up arms in protest, among others, to the encroachment of outsiders into their ancestral lands. It was unclear if the conversion of that part of the road into an airstrip and the conversion of the mountainside into the new road were undertaken with the consent of the Tribes.

d. It was pointed out to the tribal leaders that the IPRA or the CADC granted the FEMMATRICS did not cover the transfer of ownership over the national highway from the State to the tribe.

e. It was further explained to the leaders that the present project, much less the civil works contractor, had nothing to do with the realignment of the section of the road in Brgy. Sinuda in the 1970s. Likewise, if the FEMMATRICS had any complaint regarding the road, this should be brought to the attention of the DPWH Secretary and not the civil works contractor.

f. A related issue that cropped up during the dialogue revolved around sensitivity to the presence and rights of the tribes, especially now that they have been granted a CADC. In view thereof, the resident engineer for CP 8 agreed to advise Shinsung on the matter of protocol when entering the CADC area of the FEMMATRICS.

g. In lieu of the PhP600,000.00 demand of FEMMATRICS, it was suggested to the tribal leaders that the group should think of some development projects that were within the mandate and resources of the DPWH to provide assistance to.

h. The tribal leaders agreed to call for an emergency meeting of the Board of Trustees of FEMMATRICS to explore alternatives to their PhP600,000.00 demand.

5. On 18 September 2000, the key officials of FEMMATRICS informed representatives from the 2nd DEO and the PMO-IBRD in a meeting in the office of the Kitaotao Mayor that the
Board of Trustees of the Council was reiterating its earlier demand for PhP600,000.
Highlights of the meeting were:

a. The team from DPWH explained that, as far as they knew, the demand of the FEMMATRICS had no legal basis and that it would difficult for the DPWH to accede to the Tribal Council’s demand.
b. It was learned that the PhP600,000.00 being demanded by the FEMMATRICS represented the balance that the group needed to be able to push through with a livelihood project that would involve the purchase and distribution to member communities of grain mills.
c. It was agreed that the undersigned would study the possibility of including the need of FEMMATRICS for additional funding for its livelihood project in the Indigenous People’s Action Plan which was to be prepared alongside the Resettlement Action Plan for the Buda-Maramag Road Section.

6. The undersigned consulted with key staff of the EJAPO and Dr. Mary Judd of the World Bank regarding the possibility of extending livelihood assistance to the FEMMATRICS in lieu of the group’s PhP600,000.00 demand. The consensus was that the livelihood assistance being sought for (or the demand) was not within the purview of the on-going project for the following reasons:

a. There was no violation of the IPRA or the CADC, especially since the project merely involves the restoration of an existing national road;
b. The IPRA, much less the CADC, did not supercede existing laws on roads and highways;
c. The request (or demand) was not occasioned by the on-going road restoration works but by the explicit need of the FEMMATRICS to raise additional funds for it to be able to push through with its livelihood project.
d. Said livelihood project was not exclusively intended for barangays within the CADC. Of the 20 barangays under the CADC, only 5 are traversed by the Buda-Maramag Section (CP 8) and the Calinan-Buda Section (CP 3).

In view of the foregoing, Dr. Judd suggested to explore the possibility of linking FEMMATRICS with another World Bank-assisted project, the Mindanao Rural Development Program, which is being implemented by the Department of Agriculture (DA). The Bank resident mission was to arrange for a meeting between the staff of the MRDP, FEMMATIRICS, and the undersigned.

7. On 28 October 2000, representatives from the MRDP, the 2nd DEO met with Supreme Datu Lorenzo A. Gawilan, Jr. and community leaders in Brgy. Sinuda. It was suggested during the meeting that the undersigned would act as link between the FEMMATRICS and the MRDP, specifically the DA. Highlights of the meeting were:

a. The MRDP representatives explained that their area of operation was presently confined to the 5 poorest provinces in Mindanao, which included Northern Cotabato but not Bukidnon. However, since 3 of the barangays within the CADC of the FEMMATRICS were in Northern Cotabato (i.e., Municipality of Arakan), it might be possible for these 3
communities to avail of the MRDP. However, they clarified that the FEMMATRICS would have to submit a proposal or a request to the MRDP Management and that there was no certainty that the proposal would be acted favorably.

b. One community leader complained that FEMMATRICS should not be asked to seek assistance from MRDP. Since the PhP600,000.00 demand of the Tribal Council was addressed to the DPWH, it should be up to the Department to tap or approach other agencies in response to the same.

c. It was agreed that, since the undersigned was not in the position to represent the DPWH or with any entity, he would, instead, prepare a memo for Undersecretary Teodoro T. Encarnacion to apprise him on the issues. It would be up to the concerned officials of the Department to take any action as they would deem fit. The undersigned agreed to maintain the line of communication with MRDP, through Dr. Judd who happens to be connected with the MRDP project also.

8. On 29 October 2000 and representatives from the 2nd DEO met with key officials of the FEMMATRICS in the office of Kitaotao Mayor Gumahin. Aside from the Mayor, those present included the Vice Chairman, Datu Manahan E. Sulang, the Secretary General, Datu Cosme M. Lambayon, and Datu Tumindog, the Attorney-In-Fact. The meeting coincided with the public meeting held with PAPs from Brgy. Sinuda who were transported to the Municipal Hall by the Office of the Mayor. Highlights of the meeting with the key officials of FEMMATRICS were:

a. The tribal leaders doubted that their livelihood project would be accommodated by the MRDP since only 3 of their barangays were within the area of operation of the Program. They also pointed out that the MRDP budget for the year must have already been obligated for planned activities of the Program.

b. The tribal leaders reiterated the justness of their demand, claiming that the PhP600,000.00 demand was pittance and could easily be given by the DPWH. The staff from the 2nd DEO countered that the tribal group’s demand had no legal basis.

c. When pressed to provide the legal basis for their demand, the tribal leaders clarified that it was not only the road section at Brgy. Sinuda that was unilaterally built in the 1970s without their prior consent, but the whole stretch of the road from the municipal boundary of Quezon and Kitaotao to Brgy. Buda in the boundary of Bukidnon and Davao City. They claimed that they could not possibly oppose the opening of the said section since the country was under the state of martial law at that time.

d. The undersigned opined that if the tribal leaders’ claim were true, that would add a new dimension to their demand for compensation. However, the demand for compensation was still outside the purview of the present road project.

e. Since the demand of FEMMATRICS was a complicated matter and could not be resolved in the meeting, the undersigned inquired if the indigenous people in Sinuda were in need of some development assistance. (As to ethnicity, the PAPs in Sinuda are made up of 33 Matigsalug households, 3 Manobo, 1 Muslim, 1 Talaandig [another minority group indigent to Bukidnon], and 116 who traced their roots to the Visayas).

f. To this the tribal leaders mentioned an unfinished 1 span bridge. The discussion, however, shifted back to the PhP600,000.00 demand. (It was apparent that at this
juncture that the tribal leaders were more interested in the tribal group’s monetary demand).

g. Realizing that they were not talking with people in authority who could act on their demand, the tribal leaders said that they were more than prepared to present their case directly to the Secretary of DPWH and the President of the World Bank. They added that they could mobilize their network of tribal organizations and NGOs in Manila to support their demand for compensation.

h. At this juncture, the undersigned requested that the FEMMATRICS wait for 2 weeks for him to apprise Undersecretary Encarnacion and Dr. Mary Judd on the issues before making their next move.

9. In view of the foregoing, the undersigned wishes to forward the following recommendations:

a. The DPWH, the Supervising Engineers (Consultants), and the civil works contractor must at all times follow protocol when entering the ancestral domain of the FEMMATRICS. They must be extra sensitive to the local practices and customs of the Matigsalug and Manobo in the area.

b. The FEMMATRICS, through the Office of the Supreme Datu, must sit as regular member of the Municipal Resettlement Implementation Committee (MRIC). Among others, the MRIC is tasked to assist the DEO in the verification of damages to assets and incomes and in the finalization of compensation and other entitlements for PAPs, including the documentation and resolution of grievances and complaints.

c. As token of the Department’s concern for the Matigsalug and Manobo families who might have been affected by the restoration of the Buda-Maramag Road Section (starting in 1997 up to the present), the unfinished bridge in the barangay road of Sinuda will be completed with the provision of a bailey bridge. Said bridge would facilitate the transport of people and goods from and to the barangay.

d. The DPWH cannot accede to the PhP600,000.00 demand of the FEMMATRICS. While the amount is not substantial, the demand is without legal and moral bases. Nonetheless, through the personal connection of individuals at the EAIPO and Dr. Judd of the World Bank, the possibility of tapping MRDP for assistance in support of the livelihood program of FEMMATRICS would still be pursued.

e. The line of communication with FEMMATRICS shall be maintained.

ROMEO B. CLETO