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**SUPPORT TO PARCELIZATION OF  
LANDS FOR INDIVIDUAL TITLING  
(SPLIT)  
P172399**

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**Environmental and Social  
Management Framework  
(ESMF)**



Republic of the Philippines  
**DEPARTMENT OF AGRARIAN REFORM**  
February 2020

## SUPPORT TO PARCELIZATION OF LANDS FOR INDIVIDUAL TITLING (SPLIT) PROJECT

# ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

### EXECUTIVE SUMMARY

The Support for Parcelization of Lands for Individual Titling (SPLIT) Project is a project of the Department of Agrarian Reform (DAR) which has been considered for World Bank funding. The Project will involve subdivision of collective land titles (called Collective Certificate of Land Ownership Awards or CCLOAs) issued under Philippines' Comprehensive Agrarian Reform Program (CARP) into individual land titles. The Project will cover more than a million hectares of agricultural lands covered by such collective titles involving close to a million farmer beneficiaries. These CCLOA landholdings may include hilly areas or situated near the edge of forests and some overlaps with government forestland classification. The Project will mobilize around 6,000 workers consisting of locally hired and organic DAR staff nationwide. Based on the environmental and social assessment (ESA) undertaken by the DAR, the Project may involve, among others: (i) involuntary resettlement impacts; (ii) impacts on indigenous peoples; (iii) long term impact on incentivizing crop intensification that may result to increased use of chemical-based pesticides; (iv) micro watershed management issues; (v) possible overlaps with lands classified as public forests and protected areas; and (vi) labor and working conditions issues. This Environmental and Social Management Framework (ESMF) sets out the internal processes, procedures and requirements to address the environmental and social risks and impacts of the Project's activities.

*World Bank Environment and Social Framework (ESF) and Legal Framework.* The Project is not covered by the Philippine EIS system (PD 1586), the Right of Way Law (RA 10752) and other related laws. Hence, this ESMF will draw from the World Bank's Environment and Social Framework (ESF) and Environment and Social Standards (ESSs) as follows: (i) Assessment and Management of Environment and Social Risks and Impacts (ESS1); (ii) Labor and Working Conditions (ESS2); (iii) Resource Efficiency and Pollution Prevention and Management (ESS 3); (iv) Community Health and Safety (ESS 4); (v) Land Acquisition, Land Use Restrictions and Involuntary Resettlement (ESS5); (vi) Biodiversity Conservation and Sustainable Management of Living Natural Resources (ESS6); (vii) Indigenous Peoples (ESS7); (viii) Cultural Heritage (ESS8) and, (ix) Stakeholder Engagement (ESS10).

In addition to the Bank's ESSs, the Project will rely on the existing country labor laws. For labor and working conditions, PD 442 (The Philippine Labor Code) and RA 10058 (OHS Compliance) are applied to the Labor Management Plan (LMP) that will guide management of project personnel and attached as integral part of this document. For biodiversity and natural habitat concerns, including possible overlaps of CCLOAs with lands classified as protection forests and protected areas, the Project will comply with and applicable national laws, international conventions. These are the Revised Forestry Code (PD 705), the National Integrated Protected Area Systems (NIPAS) Act (RA 7586) and Expanded-NIPAS (RA11038) and relevant international treaties such as the Convention on Biodiversity which the Philippines has ratified and is an active member. For indigenous peoples (ICC/IPs) risks and impacts, the requirements of the Indigenous Peoples Rights Act (IPRA) will be applied for CCLOAs within ICC/IP's ancestral domain. For cultural heritage, if there is any cultural heritage that would be

impacted by the Project based on ESS8 as informed by the Participatory Rapid Rural Assessments, the procedures and requirements of RA 10066 and International Conventions on the Protection of Cultural and Natural Heritage will be followed.

*Management Measures.* The ESMF includes E&S screening and management tools to screen for and manage E&S risks and impacts, including a Collective CLOA Environmental and Social Performance Checklist (CC-ESPC) which identifies the anticipated impacts and risks identified in the ESA and an Individual CLOA Environmental and Social Performance Plan (IC-ESPP). These tools address the issues on labor management, potential land use impacts after individual titling that may contribute to possible acceleration of soil erosion, loss of biodiversity, denudation and destruction of natural habitats and micro watersheds. For involuntary resettlement impacts, a separate Resettlement Policy Framework (RPF) has been prepared to guide the resettlement/compensation planning and implementation. A separate Indigenous Peoples Planning Framework (IPPF) has likewise been prepared to address presence of indigenous cultural communities/indigenous people (ICC/IP) in some CCLOA areas. A Stakeholder Engagement Plan (SEP) has been prepared to comply with World Bank ESS10.

*Safeguards process in CCLOA Parcelization.* The steps in ES safeguards process during the CCLOA parcelization will be as follows:

1. Initial Consultation Meeting. The project team together with the CCLOA safeguards team consisting of the Provincial and Municipal Safeguards Focal Persons, shall explain the project to the CCLOA communities and the parallel E&S safeguards activities and requirements. Issues and concerns from the communities regarding the Project will be documented and tackled in an interactive session and the output will serve to inform further measures to improve project design and implementation.
2. Participatory Rapid Rural Assessment of CCLOA area and E&S Screening to quickly determine the safeguards issues and requirements for the CCLOA area. CCLOAs with issues on forest/protected area and indigenous peoples shall be further assessed by a working group to be established for the purpose of reviewing these CCLOAs and determining appropriate management measures.
3. Preparation of CC-ESP and IC-ESP Plans based on the information gathered from Participatory Rapid Rural Assessment.
4. Review and approval of E&S Screening Forms and CC/IC-ESP Plans. The documents shall be reviewed, improved and cleared by the regional safeguards team before any activities may proceed on site.
5. ESP Plan Implementation. This would include resettlement planning and compensation in accordance with RPF and FPIC in accordance with IPPF, if required.
6. Compliance Monitoring and Audit. The CCLOA safeguards teams will submit quarterly progress reports to the regional safeguard teams. The regional and central safeguard teams may conduct random visits to some CCLOA sites.

The central project management shall prepare semi-annual progress reports on the implementation of the ESMF and the associated frameworks which it shall submit to and discuss with the World during each Implementation Support Mission.

*Institutional arrangements and capacity building.* The ESMF will be implemented through an Environmental and Social Sub-Unit (ESSU) within the SPLIT Central Project Management Office (CPMO), composed of hired full-time specialists and designated organic staff,

administratively headed by a DAR organic staff and technically led by a Senior Safeguards Specialist/Advisor. The ESSU will have approximately a total of 687 staff consisting of 17 hired specialists and 677 organic staff designated as Safeguards Officers or Safeguards Focal Persons. The Project's safeguard staff will be trained intensely on the ESMF and the associated frameworks and plans (i.e. RPF, IPPF, SEP) in a workshop that will be re-echoed to the regions and the provinces. More specific trainings will also be conducted on specific topics such as: public consultation techniques, Participatory Rapid Rural Assessment and E&S screening, ESP Plan preparation, resettlement/compensation planning and implementation and FPIC process. As the need arises, there will be regular meetings at the provincial/regional level and semi-annual coordination meetings at the national level in order to discuss and share experiences on recurring issues in the field and how to address them. These coordination meetings shall be attended by all regional safeguards staff and selected safeguards staff from the provinces and municipalities.

*Cost Estimate.* The implementation of this ESMF, including the costs of capacity building, stakeholder engagement, the resettlement/compensation measures under the RPF and FPIC process under the IPPF, is estimated to roughly cost around PhP 251 million (or USD4.5 million).

*Year 1 inventory and assessment.* Project implementation in the first year will focus on parcelization of collective CLOAs with no significant environmental and social (E&S) risks and impacts (e.g. no overlap with forest and protected areas and ancestral domains) in three pilot regions. In parallel with the inventory that will be prepared during early implementation, DAR will undertake a more detailed assessment, including consultations with key stakeholders, of E&S risks and potential impacts and propose additional mitigation measures to be incorporated into the E&S documents. Staffing, technical assistance, training and budgetary resources will be re-assessed. The revised E&S documents will be submitted, together with an assessment report, for World Bank review and approval.

In connection with the detailed assessment, DAR will set-up a working group with partners (DENR, NCIP, DA) to review options for forest and protected areas management. The working group will lead the preparation of a report of scope of overlaps between CLOAs and forest and protected areas, legal technical review, institutional review, socio-economic review, with recommended measures to address risks and impacts, including cooperation between DENR, DAR and other relevant agencies.

## ACRONYMS

ALI – Agrarian Law Implementation  
AD – Ancestral Domain  
ARB – Agrarian Reform Beneficiary  
CARP – Comprehensive Agrarian Reform Program  
CLOA – Certificate of Land Ownership Award  
CCLOA – Collective CLOA  
DA – Department of Agriculture  
E&S – Environmental and Social  
EIA – Environmental Impact Assessment  
EIS – Environmental Impact Statement  
ESF – Environmental and Social Framework  
ESP – Environmental and Social Performance  
ESMF – Environmental and Social Management Framework  
ICC/IP – Indigenous Cultural Community/Indigenous People  
ICC/IPP – ICC/IP Plan  
IPRA - Indigenous Peoples Rights Act  
NCIP – National Commission on Indigenous Peoples  
RPF – Resettlement Policy Framework

N.B: The following pairs of terminologies mean the same and have been used interchangeably throughout this document.

1. "Collective CLOA" and "Mother CLOA"
2. "Acts" and "Laws"
3. "ARBs" and "CARP beneficiaries" or "farmer beneficiaries"
4. "Subdivision" and "Parcelization"

## TABLE OF CONTENTS

Executive Summary.....	ii
Acronyms .....	v
Table of Contents.....	vi
List of Tables.....	vi
List of Figures.....	vii
I. Introduction.....	1
II. Project Description.....	1
III. Impacts and Risks And Management Measures .....	2
III. Legal Framework.....	5
Laws Related to ESS1 (Assessment and Management of ES Risks and Impacts).....	7
Laws Related to ESS2 (Labor and Working Conditions) .....	7
Laws Related to ESS3 (Resource Efficiency and Pollution Control) .....	9
Laws Related to ESS4 (Community Health and Safety) .....	10
Laws Related to ESS5 (Land Acquisition, Land Use Restriction and Involuntary Resettlement).....	10
Laws Related to ESS6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources) .....	11
Laws Related to ESS7 (Indigenous Peoples).....	11
Laws Related to ESS8 (Cultural Heritage) .....	12
Laws Related to ESS10 (Stakeholder Engagement and Information Disclosure) .....	12
Legal Framework for the Project's ES Safeguards.....	13
IV. Safeguards Process for the Parcelization of CCLOAs.....	14
Grievance and Redress Mechanism (GRM) .....	16
Report on the Status of ESMF Implementation .....	26
V. Institutional Arrangements and Capacity Building .....	26
Staffing Requirements .....	26
Training and Meetings .....	27
V. Cost Estimate .....	28
References .....	28
Attachments.....	30
Attachment 1. Collective CLOA (CCLOA) ES Screening Form .....	30
Attachment 2. Template for CCLOA Environmental and Social Performance (CC-ESP) Checklist .....	32
Attachment 3. Template for Individual CLOA Holders Environmental & Social Performance (IC-ESP) Plan .....	36
Attachment 4. Project Staff and Contractor's Workers Code of Conduct .....	40
Attachment 5. Agrarian Reform Beneficiary Eligibility Criteria.....	41
Attachment 6: Inventory of Parcels within CCLOA.....	43
Attachment 7. Protocol for the Use of Local Police or Military .....	44
Attachment 8. Joint DAR-DILG-DND Circular No. 5 s. 2002.....	47

## LIST OF TABLES

Table 1. Impacts and Risks of the Project and Agreed Management Measures .....	4
Table 2. World Bank ES Standards and counterpart Philippine laws and their applicability to SPLIT .....	6
Table 3. Summary of Basic Rights of Workers under the Philippine Labor Code (Source: Department of Labor and Employment, Bureau of Working Conditions) .....	8
Table 4. Legal framework to be adopted for SPLIT .....	13
Table 5. Steps in CCLOA Parcelization and the ES Safeguards Process at the CCLOA level .....	16
Table 6. Complaints and Grievance Committees (CGC) Machinery and Composition .....	19
Table 7. Staffing requirements for the implementation of the ESMF.....	27
Table 8. Proposed trainings, workshops and conferences for the ESSU staff .....	27
Table 9. Cost Estimate for the Implementation of ESMF.....	28

## LIST OF FIGURES

Figure 1. Major Steps in the Grievance Handling Process .....	22
Figure 2. Proposed Organizational Set-up for the Environmental and Social Sub-Unit (ESSU) .....	26

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**Environmental and Social Management Framework**  
**(ESMF)**

**Department of Agrarian Reform**  
February 2020

**I. INTRODUCTION**

1. This Environmental and Social Management Framework (ESMF) sets out the internal processes, procedures and other requirements, to address the environmental and social risks and impacts of the ground activities of Support for Parcelization of Lands for Individual Titling (SPLIT) Project. SPLIT is a project of the Department of Agrarian Reform (DAR) which will involve the subdivision of collective land titles (Collective Certificate of Land Ownership Awards or CCLOAs) issued to farmer beneficiaries under Comprehensive Agrarian Reform Program (CARP) into individual land titles (CLOAs) pursuant to the CARP law (Republic Act No. 6657). The Project is being considered for World Bank funding and is required to comply with the World Bank Standards under the new WB Environmental and Social Framework (ESF).
2. This management framework follows from the results of the Environmental and Social Assessment (ESA) conducted for the Project which points out the need for a more specific and focused assessment and mitigation planning during the project implementation of ground/on-site activities.
3. The main objective of this framework is to provide guidance to project staff and management in the assessment and management of environmental and social impacts of the Project's activities on the ground, particularly in the validation and subdivision of the collective CLOAs into individual CLOAs and in revalidating or firming up the final master lists of agrarian reform beneficiaries (ARBs). This framework will ensure that an internal control system is establish within the project organization to ensure quality compliance with the WB's Environmental and Social Standards (ESSs).

**II. PROJECT DESCRIPTION**

4. The SPLIT Project involves parcelization or subdivision of Collective Certificate of Land Ownership Awards (CCLOAs) into individual titles of agrarian reform beneficiaries (ARBs) in 78 provinces located in 15 regions nationwide. It has three (3) major components: (i) parcelization of collective CLOAs; (ii) capability building; and (iii) project management and monitoring and evaluation. The proposed total project cost estimated at USD 473.5 million will finance DAR's requirements for technical, administrative and logistical support to deliver the parcelization and individual titling of the remaining collective CLOAs in five years, from 2020 to 2024, with a push to finish as much of the task in the first three (3) years.
5. Project SPLIT aims to improve land tenure security and stabilize property rights of ARBs in their CARP-awarded lands through accelerated parcelization of CCLOAs and generation of individual titles. This objective is in support of the government's development goals of reducing poverty and promoting economic growth in the countryside by improving the

beneficiaries' tenure/control over their awarded lands to enable them to utilize the same to improve their productivity, income and/or investment decisions. The Project will help achieve this by: (i) strengthening the DAR's institutional capability through technical assistance and capacity building; (ii) provision of support to parcelization survey and individual titling of CCLOAs; and (iii) strengthening coordination and collaboration with other agencies involved i.e. DENR and LRA.

### **III. IMPACTS AND RISKS AND MANAGEMENT MEASURES**

6. The Project will not include any civil works and hence not required to undergo the government Environmental Impact Assessment (EIA) process. However, based on the ESA conducted for the Project (See the Environmental and Social Assessment), some activities in Component 1 will entail key environmental and social risks and impacts:

- i. The validation and rectification of the CCLOAs would show portions of or entire land parcels classified as forest lands (which may include protected areas and/or national parks) that were covered by the collective titles. When these forest lands will be segregated from the CCLOAs and turned over to DENR's jurisdiction, the tenurial rights of the occupants therein (both ARBs and non-ARBs) will be deemed void or invalid and the DENR will have to issue appropriate tenurial instruments to avoid displacement of affected ARBs. In addition, the affected ARBs and other non-ARB occupants will have to be assisted in the transition phase of organizing themselves and in crafting and implementing forest management or protected area resource management plans.
- ii. The subsequent revalidation of original ARBs in the CCLOAs and the determination of legal status of the actual occupants of the land parcels could result in the displacement of some of the current non-ARB occupants, who may have already been cultivating the land for a long time. In the process of revalidation, the Project will use the eligibility criteria for ARBs in accordance with RA 6657 (Attachment 5) to determine who among the non-ARB occupants are eligible as beneficiaries, and it is possible that some of them may not qualify as such under the law.
- iii. In the long term, the improved tenurial status of the original ARBs and other qualified occupants in the CCLOAs is fairly anticipated to contribute to incentivizing higher investments on intensified and/or diversified crop production which could possibly result to increased use of chemical fertilizers and pesticides, as well as higher demand on limited water resources for irrigation. The recipients of individual CCLOAs will be oriented and linked by the DAR to existing government programs on sustainable farming that they can readily access in order to avoid long-term risks of degradation of agricultural lands and resource inefficiency. These programs include trainings on resource efficiency and pollution prevention/control, capacity development, integrated pest management, organic/ natural farming systems, rainwater harvesting, soil and water conservation, slope stabilization and erosion control, among others. Environmental impacts are expected to be more on the positive side in the long run if the ARBs are linked to these programs on sustainable farm practices.
- iv. The actual physical validation and land parcel delineation would entail the mobilization of combined DAR staff and hired project personnel totaling around 6,000 workers nationwide, including those to be hired by contractors. The ground surveys and

community consultations will require deployment of less than a dozen DAR and contractor staff in each particular CCLOA site. This would require adoption and implementation of a simplified occupational health and safety policy and a labor management plan. Furthermore, the presence of these non-resident workers in the CCLOA communities have some implications on the community health and safety they will be guided by the Code of Conduct for project personnel attached to this document and the LMP.

- v. The parcelization of CCLOAs located in ancestral domains and/or the presence of Indigenous Cultural Community/Indigenous Peoples (ICCs/IPs) in the CCLOA sites may trigger potentially negative impacts on the ICCs/IPs with their distinct identities and culture, particularly on the use or occupation of lands, as some ICCs/IPs may wish to continue collective ownership in accord with their traditions and customary laws. While selected site visits in the provinces of Iloilo and Benguet show ICCs/IPs' willingness and eagerness to own individual lots, this may not be the case for ICCs/IPs in other provinces as indicated by representatives from NCIP. All CCLOAs with ICC/IP beneficiaries would have to be initially deferred or excluded from parcelization until the necessary detailed assessments are undertaken and measures based on requirements in ESS7 and IPRA are put in place to avoid or mitigate any adverse impact on the ICCs/IPs and/or their communities. The participatory process and the pertinent provisions of this document and the IPPF and RPF (when applicable) are designed to mitigate these risks. The detailed assessment of E&S risks and potential impacts to be undertaken on affected CCLOAs during the first year of implementation will identify/enhance mitigation and risk management measures and safeguards documents will be accordingly updated/revised as needed and/or required under the WB ESSs.

7. The results of the ESA have been discussed among the project preparation team of the DAR and Table 1 below shows the impacts and risks of the Project and the agreed corresponding management measures. This ESMF will be disclosed at the World Bank and DAR's websites. The impacts, risks and the proposed management measures have been discussed with the various agencies and other stakeholders involved in the Project during the disclosure period.

8. Year 1 inventory and assessment. Project implementation in the first year will focus on parcelization of CCLOAs with no significant environmental and social (E&S) risks and impacts (e.g. no overlap with forest and protected areas and ancestral domains) in three pilot regions. In parallel with the inventory that will be prepared during early implementation, DAR will undertake a more detailed assessment, including consultations with key stakeholders, of E&S risks and potential impacts and propose additional mitigation measures to be incorporated into the E&S documents. Staffing, technical assistance, training and budgetary resources will be re-assessed and updated. The revised/updated E&S documents will be submitted for World Bank review and approval.

9. In connection with the detailed assessment on forest overlaps, DAR will set-up a working group with partner agencies (DENR, NCIP, DA) to review options for forest and protected areas management. The working group will lead the preparation of a report of scope of overlaps between CCLOAs and forest and protected areas, legal/technical/institutional reviews, socio-economic review, with recommended measures to address risks and impacts, including cooperation between DENR, NCIP, DAR and other relevant agencies.

**Table 1. Impacts and Risks of the Project and Agreed Management Measures**

Impacts, Risks and Concerns	Management Measures
1. Ground survey workers and community volunteers need to observe OHS when working in, rocky areas, steep slopes and cliffs.	Bidding documents for geodetic surveys shall include occupational health and safety provisions for hired personnel. Community volunteers, when allowed to assist in surveys, shall also voluntarily agree and adhere to such provisions. Survey contractors will be required to provide their workers with necessary personal protective equipment (PPEs) such as boots, hardhats and harnesses when working on cliffs and rough or unstable slopes, as well as provide remote telecoms access.
2. Long-term potential risks of increase use of chemical pesticides and agrochemicals as lands are developed.	During the distribution of individual CLOAs, DAR will orient the ARBs on their rights and obligations as CARP awardees and facilitate their access to existing government programs on sustainable farming which include trainings on resource efficiency and pollution control, capacity development, integrated pest management, organic/natural farming systems, rainwater harvesting, soil and water conservation. DAR shall request the DA and the LGUs to provide ARBs awarded with new individual titles with training on Good Agricultural Practices, Organic Farming, IPM, and DA's SAKA KALIKASAN and Farmer Field School programs. DAR will also prioritize the ARBs in its Farm Business School program to promote environmentally sustainable farm management practices in project areas.
3. Community Health and Safety concerns	Only a few workers would come from outside the communities. Community health and safety concerns due to the presence of these workers, transmissible diseases, criminality and the gender-based violence, will be dealt with under the Code of Conduct (CoC) for Workers attached to this document as Attachment 5. The CoC will also address potential exposure of the workers to endemic vector-borne diseases in the area such as malaria and schistosomiasis. See also management options for labor and working conditions below.
4. Soil erosion and long-term land degradation due to erosive farming practices	The Project will facilitate access of beneficiaries to existing government programs on slope stabilization and erosion control to encourage farmers to plant less erosive and permanent crops in their parcels.
5. Protection of micro watersheds and biodiversity conservation	Lands within forest land and/or protected areas will be carved out of the CCLOA and reverted back to DENR's jurisdiction. The ARBs will be issued tenurial instrument appropriate for forest management or protected area resource management. These instruments will require community-based forest/protected area management plans to protect forests and natural habitats, preserve existing waterways, and regulate resource use activities applicable to protected areas. CCLOAs with forest/protected area overlaps will be subject to further assessment and a working group (composed of designated members from DAR, DENR and NCIP) will be established to review options for forest and protected areas management. The working group will lead the preparation of a report of scope of overlaps between CLOAs and forest and protected areas, conduct legal/technical/institutional reviews, socio-economic review, with recommended measures to address risks and impacts.
6. Labor management concerns. The project will hire/mobilize around 6,000 workers, mostly professionals	A separate Labor Management Plan has been prepared by DAR which includes a grievance redress mechanism for workers that conform with WB ESS2 and the national laws and regulations on labor and occupational health and safety.
7. Potential displacement due to void or invalid land tenure rights of ARBs in parcels classified as forestlands or protected areas. Potential displacement	A separate Resettlement Policy Framework (RPF) has been prepared to address potential displacements of current land occupants in the CCLOA areas. The RPF takes into consideration the measures discussed in the ESA.

<b>Impacts, Risks and Concerns</b>	<b>Management Measures</b>
of some CCLOA occupants due to disqualification upon validation	
8. Potential Conflict in Boundaries and Contested Claims.	DAR will defer or suspend the parcelization of the affected lots (including adjacent lots sharing boundaries with the affected lot) and will refer the issue to the BARC for resolution. Parcelization of the affected lots will resume when disputes are resolved.
9. Impact and risks on the ICC/IP groups' rights and culture.	A separate Indigenous Peoples Planning Framework (IPPF) has been prepared to address the potential impacts and risks. The IPPF is based on IPRA and the ESS7 and considered the management options discussed in the ESA.

10. The anticipated issues discussed above will be further validated/assessed on the ground during project implementation. As noted in the ESA, each CCLOA will likely have its own unique or peculiar sets of environmental and social issues which can only be ascertained during project implementation. Thus, each CCLOA shall undergo the following:

- (i) *Participatory Rapid Rural Assessment and E&S Screening.* Each CCLOA will undergo Rapid ESA and E&S Screening. A CCLOA Rapid E&S Screening Form has been developed and attached in this document as Attachment 1. The Participatory Rapid Rural Assessment shall be done quickly through maps, interviews and ground walkthroughs in the CCLOA areas, noting the topography; slope; denudation; soil erosion potential; drainage issues; potential forestland, protected areas and ancestral domain overlaps; presence of members of the ICCs/IPs among the ARBs whether CCLOA is inside or outside of AD; and, presence of vulnerable households, particularly, women-headed households, elderly farmers, terminally ill, nursing mothers, etc. The filled-in E&S Screening Form will indicate the safeguards requirements for each CCLOA.
- (ii) *Preparation of Collective CLOA Environmental and Social Performance Checklist (CC-ESPC) and Individual CLOA Environmental and Social Performance Plan (IC-ESPP).* Based on the results of the Participatory Rapid Rural Assessment and E&S screening, a simple CCLOA Environment and Social Performance Checklist (CC-ESPC) shall be prepared and accomplished. The CC-ESPC shall indicate if additional procedures and documents are required such as the preparation of RAP in accordance with RPF, and the conduct of FPIC in accordance with IPPF and/or the adoption of Labor Management Procedures, etc. A template for CC-ESPC has been developed and attached in this document as Attachment 2. An Individual CLOA Environmental and Social Performance Plan (IC-ESPP) template has also been developed and attached in this document as Attachment 3. Individual title holders will be required to fulfill the IC-ESPP which will be submitted to the DAR Regional Safeguards team and monitored on a regular basis.

### **III. LEGAL FRAMEWORK**

#### **Environmental and Social Safeguards Policies**

11. The World Bank ESF provides ten (10) Environmental and Social Standards (ESSs) which the Project must meet. Table 2 below shows the ESS standards, the counterpart country laws and their applicability to the Project.

**Table 2. World Bank E&S Standards and counterpart Philippine laws and their applicability to SPLIT**

WB E&S Standard	Philippine Laws and Regulations	Applicability to SPLIT
ESS1 - Assessment and Management of Environmental and Social Risks and Impacts	PD 1586 (The Philippine EIS System) and DENR AO 2003-30	The Project is not covered by PD 1586 as it does not involve any physical development works. However, ESS1 does apply as the Project will have environmental and social impacts and risks.
ESS2 - Labor and Working Conditions	<ul style="list-style-type: none"> <li>• PD 442 (The Labor Code of the Philippines)</li> <li>• RA11058 occupational safety &amp; health standards and DOLE DO 198-2018.</li> </ul>	<p>The Project will hire and/or mobilize around 6,000 workers nationwide, including contractors, DAR personnel, local government representatives and community volunteers. Less than a dozen migrant personnel will work on a CCLOA site plus LGU and community representatives.</p> <p>The country labor laws contain key elements of ESS2, including prohibition against child labor, women's rights, freedom of association, grievance and arbitration. They do not however recognize community worker as special case and does not extend requirements to supplier workers. The LMP has been prepared to fully align with ESS2.</p>
ESS3 - Resource Efficiency and Pollution Prevention Management	<ul style="list-style-type: none"> <li>• RA 3931 (National Air and Water Pollution Control Commissions)</li> <li>• PD 1152 (Philippine Environment Code)</li> <li>• RA 8749 (Philippine Clean Air Act)</li> <li>• RAP 9275 (Philippine Clean Water Act)</li> <li>• Office of the President Memorandum Order 126-93. KASAKALIKASAN program</li> </ul>	<p>The Project does not have any significant impact to air and water quality. Hence pollution prevention laws do not apply. ESS3 applies since there is a potential long-term risk that may arise from improved land tenure security which may contribute to incentivizing higher investments for intensified and diversified crop production that might result to increased use of chemical pesticides and other agrochemicals in project areas.</p> <p>The Project will ensure that individual CLOA recipients are informed of or linked to existing government programs on sustainable farming that they can readily access, including trainings on resource efficiency and pollution control, capacity development, integrated pest management, organic/ natural farming systems, rainwater harvesting, soil and water conservation, slope stabilization and erosion control, among others. ESS3 provisions are applied in the screening and assessment process.</p>
ESS4 - Community Health and Safety	<ul style="list-style-type: none"> <li>• PD No. 856 – Code on Sanitation of the Philippines</li> <li>• EO No. 489 s. 1991 – The Inter-Agency Committee on Environmental Health (IACEH)</li> <li>• National Objectives for Health (NOH) 2011-2016</li> <li>• DOH AO 2010-0021 - Sustainable Sanitation as a National Policy and a National Priority Program of the DOH</li> <li>• DOH AO 2014-0027 – National Policy on Water Safety Plan (WSP) for All Drinking-Water Service Providers</li> <li>• DOH AO 2017-0006 – Guidelines for the Review and Approval of the Water Safety Plans of Drinking-Water Service Providers</li> <li>• DOH AO 2017-0010 – Philippine National Standards for Drinking Water (PNSDW) of 2017</li> </ul>	<p>Less than a dozen workers from outside the communities will be conducting surveys and consultations and walkthroughs on each CCLOA site. ESS4 and pertinent public health laws will apply to all workers in the Project. Community workers/volunteers should be provided with the same personal protective equipment when working in dangerous terrain. ESS4 and provisions on national regulations for use of government security forces in CARP implementation are covered in this ESMF, including protocol for use of government law enforcers, primarily the national police.</p>
ESS5 -Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	<ul style="list-style-type: none"> <li>• Constitutional provisions that private property shall not be taken without just compensation.</li> <li>• RA 10752 (The Right of Way Act)</li> <li>• RA 386 (The Civil Code of the Philippines) Book IV - Damages</li> <li>• PD 1529 (Property Registration Decree)</li> </ul>	<p>RA 10752 will not apply as the Project does not require land acquisition. However, ESS5 will apply as there might be ARBs affected by the reversion or cancellation of portions of CCLOAs that fall within forest lands which would render them untenured of squatters if not granted alternative instruments. There may also be current occupants of land parcels within CCLOA who may fail to qualify for inclusion. An RPF has been prepared to guided planning and implementation of compensation measures and resettlement assistance.</p>
ESS6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources	<ul style="list-style-type: none"> <li>• PD 705 (Revised Forestry Reform Code)</li> <li>• RA 7586 (National Integrated Protected Areas System)</li> </ul>	<p>Measures under ESS6 will apply. There are CCLOAs issued in timberlands and protected areas. Some CCLOAs are also situated in lowland and upland agroecological zones requiring sustainable land</p>

WB E&S Standard	Philippine Laws and Regulations	Applicability to SPLIT
		management especially on soil erosion, and maintenance of micro watersheds.
ESS7 - Indigenous Peoples	<ul style="list-style-type: none"> <li>RA 8371 (Indigenous Peoples Rights Act)</li> </ul>	There are CCLOAs issued to ICC/IP ARBs. Some CCLOAs may also overlap with some ICC/IP group's ancestral domains. ESS7 applies to all CCLOAs with IPs, IRPA applies to CCLOAs within ancestral domains in addition to ESS7. IPPF has been prepared.
ESS8 - Cultural Heritage	<ul style="list-style-type: none"> <li>RA 10066 (The Philippine Cultural Heritage Act)</li> </ul>	RA 10066 and ESS8 are applicable for this project.
ESS9 - Financial Intermediaries	<ul style="list-style-type: none"> <li>No equivalent legislation</li> </ul>	ESS9 is not applicable for this project.
ESS10 - Stakeholder Engagement and Information Disclosure	<ul style="list-style-type: none"> <li>DENR AO 2003-30</li> <li>DENR AO 2017-15</li> <li>DAR AO no. 2 series of 2019 provide for dialogue and consultation with ARBs</li> </ul>	ESS10 applies to public disclosure and consultation with ARBs and other affected or interested parties will ensure better project design and implementation and may help/offer solutions to problems or mitigate risks and negative impacts. ESS10 is applied on the Project's public consultation and disclosure framework as contained in the SEP.

## Laws Related to ESS1 (Assessment and Management of ES Risks and Impacts)

12. *The Philippine Environmental Impact Assessment System of 1978 (Presidential Decree 1586)*. This law establishes the Philippine Environmental Impact Statement (EIS) System. This is one of the series of decrees promulgated in the late 1970s to address emerging environmental issues and concerns. The other related laws are PD 1151 (the Philippine Environmental Policy) and PD 1152 (The Philippine Environment Code). The Philippine EIS system introduced the concept of environmentally critical area (ECA) and environmentally critical project (ECP) and provides that "no person, partnership or corporation shall undertake or operate any such declared ECP or project within an ECA without first securing an Environmental Compliance Certificate (ECC)" which require the submission of an EIS. The latest implementing rules for this law is the DENR Administrative Order 30-2003 (DAO 30-2003) which provides criteria for, and detailed lists of, ECAs and ECPs. Based on these rules and criteria, Project SPLIT is not covered by the EIS System and therefore not required to undergo the Environmental Impact Assessment (EIA) process.

## Laws Related to ESS2 (Labor and Working Conditions)

13. *The Labor Code of the Philippines (Presidential Decree No. 442)*. The Labor Code of the Philippines is the main law governing labor and working conditions of employees for the private sector in the Philippines. It is a very comprehensive legislation and covers all aspects of labor rights and sanctioned working conditions. It directly addresses the key elements of ESS2, including: (i) employment of minors – the law prohibits employment of children below the age of 15, unless under the direct supervision of their parents, and restricts the hiring of minors (below 18 years of age) to limited number of hours and only in non-hazardous tasks; (ii) right of employees to self-organization and collective bargaining; (iii) non-discrimination and protection of female employees; (iv) rules for hiring of persons with disability; (v) standard hours of work, rest periods and overtime; (vi) prohibition of arbitrary termination of employees; and, (vii) enforcement of Occupational Health and Safety (OHS) standards (see Table 3). Recently a new law, Republic Act No. 11058 (2018) was passed for the purpose of strengthening compliance with occupational safety and health standards. The new law empowers the DOLE to inspect establishments and provides penalties for violations. It also affirms the workers' right to know the health hazards present in the workplace, the right of refusal to work in a hazardous situation without reprisal when there is imminent danger in the workplace and right to report accidents and hazards to their employers. The law also requires

the owner, lessee or operator of any commercial, industrial or agricultural establishment to furnish free emergency, medical and dental assistance to his employees and laborers.

**Table 3. Summary of Basic Rights of Workers under the Philippine Labor Code**

<b>Right</b>	<b>Provisions in the Law</b>
1. Equal Work Opportunities for All	The State shall protect labor, promote full employment, provide equal work opportunity regardless of gender, race, or creed; and regulate relations between employees and employers.
2. Security of Tenure	Every employee shall be assured security of tenure. No employee can be dismissed from work except for a just or authorized cause, and only after due process. Just cause refers to any wrongdoing committed by an employee; authorized cause refers to economic circumstances that are not the employee's fault.
3. Workdays and Workhours	Employees must be paid their wages for all hours worked. If they work over eight hours a day, they are entitled to overtime pay.
4. Weekly Rest Day	A day-off of 24 consecutive hours after six (6) days of work should be scheduled by the employer upon consultation with the workers.
5. Wage and Wage-Related Benefits	Wage is the amount paid to employees in exchange for the service that they rendered to their employer. Wages may be fixed for a given period.
6. Payment of Wages	Wages should be paid directly to the employee in cash, legal tender, or through a bank. Wages shall be given not less often than once every two weeks or twice within a month at intervals not exceeding 16 days.
7. Female Employees	Women are prohibited from engaging in night work unless the work is allowed by the following rules: industrial undertakings from 10 p.m. to 6 a.m., commercial/non-industrial undertakings from 12 m.n. to 6 a.m., or agricultural takings at night provided that she has had nine consecutive hours of rest. Welfare facilities, such as separate dressing rooms and lavatories, must be installed at the workplace.
8. Employment of Children	The minimum employment age is 15 years of age. Any worker below 15 years of age should be directly under the sole responsibility of parents or guardians provided that work does not interfere with the child's schooling or development. The minimum age of employment is 18 years for hazardous jobs, and 15 years for non-hazardous jobs.
9. Safe Working Conditions	Employers must provide workers with every kind of on-the-job protection against injury, sickness or death through safe and healthful working conditions.
10. Self-Organization and Collective Bargaining	Every worker has the right to self-organization, i.e., to form or to join any legitimate workers' union, free from interference of the employers or the government. All workers may join a union for the purpose of collective bargaining and are eligible for union membership on the first day of their employment.
11. Night Shift Differentials	An employee who works between 10 p.m. to 6 a.m. should be paid a night shift differential of not less than ten percent (10%) of his regular wage.

(Source: Department of Labor and Employment, Bureau of Working Conditions)

14. **Civil Service Laws of the Philippines.** The employees in the public sector are covered by the country Civil Service Laws. With the new Administrative Code, government employees' rights to self-organization and collective bargaining are explicitly recognized and the basic policies governing the exercise of such rights are specified. The major civil service legislations include Republic Act 2260 (The Civil Service Act of 1952), Presidential Decree No. 807 (The Civil Service Decree of the Philippines) and Executive Order No. 292 (The Revised Administrative Code of 1987). Book V, Title I, Subtitle A of EO 292 lays down the basic policies and the systems and procedure by which the organization and operation of the bureaucracy are to be based, including the personnel administration aspect. The laws empower

the Civil Service Commission (CSC) to issue Memoranda Circulars to manage, develop and to ensure security of tenure and welfare of government employees. The latest law guarantees, for the first time, the right of government employees to self- organization and collective negotiations.

#### Laws Related to ESS3 (Resource Efficiency and Pollution Control)

15. ***The Philippine Clean Water Act of 2004 (Republic Act No. 9275)*** aims to protect the country's water bodies against pollution from land-based sources (industries and commercial establishments, agriculture and community/household activities). It provides for a comprehensive and integrated strategy to prevent and minimize pollution through a multi-sectoral and participatory approach involving all the stakeholders. The law provides for the enforcement of Water Quality Classification Criteria and Water Quality Standards, as well as Effluent Standards.

16. ***The Philippine Clean Air Act of 1999 (Republic Act No. 8749)***. This law provides for the establishment and adoption of the Integrated Air Quality Improvement Framework which shall, among others, prescribe the emission reduction goals using permissible standards, control strategies and control measures to be undertaken within a specified time period, including cost-effective use of economic incentives, management strategies, collective actions, and environmental education and information. The law introduces the concept of "airsheds" in which planning, coordination and compliance are carried out. The law provides for the establishment of ambient air quality guidelines, values and standards, as well as emission standards.

17. ***Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (Republic Act No. 6969)***. This law regulates, restricts and/or prohibits the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment, including the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

18. ***Ecological Solid Waste Management Act of 2000 (Republic Act No. 9003)***. This legislation sets out policy direction for an effective solid waste management program in the country, addressing key activities in solid waste management from control of waste generation to storage, collection, transport, processing and final disposal. The law establishes the National Solid Waste Management Commission (NSWMC) and Solid Waste Management Board (SWMB) in each local government unit (LGU) to formulate the National Solid Waste Management Framework which includes waste segregation at sources, reuse, recycling and composting.

19. ***Energy Efficiency and Conservation Act of 2019 (Republic Act No. 11285)***. This law creates the Inter-Agency Energy Efficiency and Conservation Committee (IAEECC) which is tasked to evaluate and approve government energy efficient projects and provide strategic direction in the implementation of the Government Energy Management Program (GEMP), a government-wide program to reduce the government's monthly consumption of electricity and petroleum products through electricity efficiency and conservation, and efficiency and conservation in fuel use of government vehicles, among others.

20. ***Presidential Decree 1144 (Creating the Fertilizer and Pesticide Authority)***. This law created the Fertilizer and Pesticide Authority (FPA) to among others, protect the public from the risks inherent in the use of pesticides, and educating the agricultural sector in the use of these inputs. The law prohibits: (1) the production, importation, distribution, storage, and sale in commercial quantities without the issuance of license from FPA; (2) the use of pesticide or pesticide formulation contrary to good agricultural practices; (3) the dealing of pesticides and/or fertilizers not FPA registered, among others.

21. ***Presidential Memorandum Order No. 126, s. 1993 (Implementing Kasaganaan Ng Sakahan At Kalikasan (Kasakalikasan), The National Integrated Pest Management Program)***. This Presidential Order mandates the Department of Agriculture (DA) to implement the Kasaganaan ng Sakahan at Kalikasan (KASAKALIKASAN), the National Pest Management Program, with the long-term goal of making integrated pest management (IPM) the standard approach to crop husbandry and pest management in rice, corn, and vegetable production in the country. DA carries out programs of activities on IPM in close collaboration with farmers' organizations, non-government organizations, local government units (LGUs), and other policy makers of the National Government.

#### Laws Related to ESS4 (Community Health and Safety)

22. The scope of EIAs in the Philippines normally covers community health and safety. The scope of EIA as defined in the DAO 2003-30 is broad and includes issues outside the purview of DENR-EMB, including public health impacts and disease epidemiology. For health impacts and risks covered by the EIA, DENR seeks the assistance of the Department of Health (DOH) in the review of these risks and impacts. The DENR also coordinates with DOH on the declaration of Health Sensitive Projects and Health Sensitive Areas. For independent or stand-alone Environmental Health and Impact Assessment (EHIA), DOH will review them independently of the EIA Process, consistent with the DENR-DOH Memorandum of Agreement (MOA) on EHIA. Further, workers' HIA component of the EHIA is recommended to be coordinated by DOH with Department of Labor and Employment (DOLE) for the latter's consideration in its requirement of an Occupational Health and Safety Program from proponents.

23. The DOH has had several capacity building initiatives on environmental health impact assessments since the 1990s. In 1997, a Framework and Guidelines on Environmental Health Impact Assessment (EHIA) was released as a DOH tool to be able to participate in the Department of Environment and Natural Resources' (DENR) Environmental Impact Assessment or EIA through a Memorandum of Agreement (MOA). Moreover, the DOH has various ongoing disease control and prevention program which can be tapped as part of health risk mitigation measures of a development project. Among these programs are: (i) The Schistosomiasis Control Program; (ii) The Malaria Control Program; (iii) Dengue Control and Prevention Program; (iv) National Tuberculosis TB Control Program; and, (v) HIV/STI Prevention Program.

#### Laws Related to ESS5 (Land Acquisition, Land Use Restriction and Involuntary Resettlement)

24. ***Compensation for Land Acquired by Eminent Domain***. The Philippine laws strictly observe the principle of just compensation on property acquisition by eminent domain. Article

9 of the Bill of Rights in the Philippine Constitution states that "private property shall not be taken for public use without just compensation". Republic Act No. 10752 (the Right of Way Law) is an eminent domain law enacted specifically for government land acquisition/expropriation for public purposes, mostly infrastructure. However, this law does not apply to the potential involuntary resettlement impacts of Project SPLIT since the involved landholdings are either government-awarded lands not subject for reacquisition and erroneously titled inalienable lands that will be reverted to DENR jurisdiction. The RPF provides further discussion of how ESS5 requirements will be applied to the Project.

#### Laws Related to ESS6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources)

25. ***Presidential Decree No. 705 of 1975 (The Forestry Reform Code of the Philippines)***. Provides that no land of the public domain eighteen percent (18%) in slope or over shall be classified as alienable and disposable, nor any forest land fifty percent (50%) in slope or over, as grazing land. Lands eighteen per cent (18%) in slope or over which have already been declared as alienable and disposable shall be reverted to the classification of forest lands to form part of the forest reserves, unless they are already covered by existing titles, or approved public land application, or actually occupied prior to the effectivity of the Code on March 19, 1975.

26. ***National Integrated Protected Areas System (NIPAs) Act of 1992 (Republic Act No. 7586) and Expanded -NIPAS Act of 2018 (RA 11038)***. This law provides of the establishment and management of national protected area system. The system encompasses "outstandingly remarkable areas and biologically important public lands that are habitats of rare and/or endangered species of plants and animals, biographic zones and related ecosystems, whether terrestrial, wetland, or marine". The Act is a framework law for the more specific legislations declaring and delineating particular protected areas. It specifies five (5) categories of protected areas viz: (i) strict nature reserves, (ii) natural parks, (iii) natural monuments, (iv) wildlife sanctuary, (v) protected landscapes and seas. The NIPAS Act allows for the identification of buffer zones and/or multiple use zones where settlements, agriculture and other activities may be allowed. These zones will be managed as part of protected area resource management plans for the purpose of protecting the strictly protected zones from encroachments.

27. The NIPAS Act which predates the IPRA, also recognizes ancestral lands of ICC/IPs and their rights over them. It provides that the DENR shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent. However, under the Expanded NIPAS Act, occupants of the declared protected areas are required to apply for a Protected Area Community-Based Resource Management Agreement (PACBRMA).

28. CCLOAs will be screened for overlaps with protected areas. Lands or portions thereof with such overlaps will not be subdivided but will be covered with alternative tenure arrangements.

#### Laws Related to ESS7 (Indigenous Peoples)

29. ***Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)***. The Indigenous Peoples Rights Act (IPRA) is a landmark legislation that recognizes and respects the rights of

the various indigenous cultural communities in the Philippines, including rights of control of their ancestral lands and right to self-determination. The law created the National Commission for Indigenous Peoples (NCIP) which is tasked to implement the IPRA. The law requires, among others, that all development undertakings within the declared ancestral domains of the ICC/IPs shall be subject to free, prior informed consent (FPIC) of the ICC/IP group who owns particularly affected ancestral domains. In addition to ESS7, the IPRA will apply to CCLOAs within ADs, although they may only need NCIP validation as per Section 43 of NCIP Administrative Order No. 3 Series of 2012 (Revised Guidelines for Free and Prior Informed Consent). ESS7 applies to all CCLOAs with IPs.

#### Laws Related to ESS8 (Cultural Heritage)

30. ***National Cultural Heritage Act of 2009 (Republic Act No. 10066)***. This law was enacted to protect and conserve the national cultural heritage and also to strengthen the National Commission for Culture and the Arts (NCCA) and its affiliated cultural agencies. This law defines important cultural properties by default unless declared otherwise by agencies concerned, to include: (i) works of National Artists; (ii) archaeological and traditional ethnographic materials; (iii) works of national heroes; (iv) marked structures; (v) structures dating at least 50 years old; and (vi) archival material/document dating at least 50 years old. The law provides that all intervention works and measures on conservation of national cultural treasures, important cultural property, as well as national historical landmarks, sites or monuments and structures shall be undertaken through the appropriate cultural agency through methods and materials that strictly adhere to the accepted international standards of conservation. When the physical integrity of the national cultural treasures or important cultural properties are found to be in danger of destruction or significant alteration, the appropriate cultural agency shall immediately issue a Cease and Desist Order suspending all activities that will affect the cultural property.

31. ***Development projects***. The law provides that any government or non-government infrastructure project or architectural site development shall include anthropological, archaeological, historical and heritage site conservation concerns in their Environmental Impact Assessment System.

32. ***Chance finds***. When any cultural or historical property is discovered, the National Museum or the National Historical Institute shall immediately suspend all physical development activities that will negatively affect the site and shall immediately notify the local government unit having jurisdiction of the place where the discovery was made. The local government shall promptly adopt measures to protect and safeguard the integrity of the cultural property so discovered and, within five (5) days from the discovery, shall report the same to the appropriate agency. The suspension of physical development activities shall be lifted only upon the written authority of the National Museum or the National Historical Institute and only after the systematic recovery of the archaeological materials have been undertaken.

#### Laws Related to ESS10 (Stakeholder Engagement and Information Disclosure)

33. ***DENR Administrative Order No. 2017-15***. "Guidelines on Public Participation under the Philippine Environmental Impact Statement System." This Administrative Order requires public participation for the entire EIA process from social preparation prior to scoping up to impact management and monitoring during project implementation and abandonment. Involvement of stakeholders is initiated early through the IEC campaign. The AO sets out the

procedures and requirements for the integration of public participation in defining the scope and in the actual conduct of the EIA study. The guidelines start with stakeholder identification, public participation during scoping, stakeholder involvement in EIA study, updating of the stakeholder identification and analysis, public participation in the EIA report review, public information disclosure, public hearing and public participation in monitoring of impacts through multi-stakeholder monitoring teams (MMTs). Unfortunately, these would not apply to the project as the project is not covered by the PEISS.

## Legal/Policy Framework for the Project's E&S Safeguards

34. Table 4 below summarizes the legal framework that would apply for Project SPLIT based on the inventory of counterpart country laws and regulations, and how they will be implemented at the CCLOA levels.

35. Since the Project is not covered by Philippine EIS system (PD 1586) and Rights of Way Law (RA 10752), the Project will fully adopt the World Bank procedures and requirements in ESS1, ESS2, ESS3, ESS4, ESS5, ESS6, ESS7, ESS8 and ESS10. The project will also apply existing labor and working condition laws, particularly PD 442 and RA 1054, which have been integrated into the LMP. For concerns about indigenous peoples, in addition to ESS7, the procedures and requirements of IPRA (RA 8371) will be followed for CCLOAs within the ICC/IP's ancestral domain, while ESS7 applies to all CCLOAs with IPs (the IPPF provides detailed provisions for applying ESS7, including obtaining the free, prior and informed consent of the IPs). In terms of pesticide management concerns, the Project will facilitate linkage of ARBS to ongoing/existing government programs i.e. IPM-FFS program, KASAKALIKASAN instituted through EO 126 Series of 1993 and other programs related to sustainable agricultural farming technologies. For biodiversity conservation and natural habitat concerns, the Project will rely on country laws, particularly PD 705 and the NIPAS Act (RA 7586) and E-NIPAS Act (RA 11038) in addition to ESS6 and relevant international treaties such as the Convention on Biodiversity which the Philippines has ratified and is an active member. For cultural heritage, if there would be any cultural heritage that would be impacted by the Project based on the Participatory Rapid Rural Assessment, the procedures and requirements of RA 10066 and ESS8 will be followed, as appropriate.

**Table 4. Environmental and Social Policy/Legal Framework to be adopted for Project SPLIT**

Areas of Concerns	Legal Framework Adopted	Activities at CCLOA
Site-Specific Assessment and Management of E&S Risks and Impacts	World Bank ESS1 requirements and procedures	Participatory Rapid Rural Assessment and Screening. Preparation of simple CC-ESP Checklist and IC-ESPP
Labor and Working Conditions	PD 442 and RA 6715, supplemented by ESS2	All job hiring subject to PD 442 and RA 6715. Adoption of Labor Management Procedures for SPLIT workers
Resource Efficiency and Pollution Prevention and Control	PD 1144 (FPA Decree) EO 126 Series of 1993 (KASAKALIKASAN Program) ESS3	During CLOA distribution, facilitate linkage of ARBS to existing IPM-FFS and other relevant programs of concerned government agencies
Community Health and Safety	All relevant laws and programs of the government. ESS4	Provisions of the Employees Welfare Act of 1989 particularly on community health and safety adopted in project operations manual
Involuntary Resettlement and Land Use Restriction	World Bank ESS5	E&S Screening and Resettlement planning and implementation.

Areas of Concerns	Legal Framework Adopted	Activities at CCLOA
		A separate RPF has been prepared to guide these activities.
Biodiversity Conservation and Sustainable Management of Living Natural Resources	PD 705 NIPAS Law ESS6	CCLOA landholdings or portions thereof that are located entirely or partially in forests, protected areas or national parks will be segregated and turned over to DENR for issuance of appropriate tenurial instruments. Affected ARBs/communities will be linked to existing government programs providing technical assistance to improve their farming and resource use practices through community-based management arrangements under DENR regulations. Any potential social impact would be covered by the RPF and IPPF and further measures that will be identified by the working group that will assess, plan and implement safeguards measures in accord with ESS6.
Indigenous Peoples	IPRA and ESS7	IPRA, in addition to ESS7, will apply to CCLOA overlaps with ICC/IP ancestral domains. ESS7 applies for all CCLOAs with ICC/IP-ARBs and/or an extant ICC/IP community among ARBs and PAPs. A separate IPPF has been prepared.
Cultural Heritage	RA 10066 & ESS8	Participatory Rapid Rural Assessment on presence of Cultural Properties and project impacts and risks on them; When impacts and risks are present, appropriate measures based on the national law and ESS8 will be applied as necessary. The project management will contact authorities and the Bank for guidance.
Stakeholder Engagement and Information Disclosure	ESS10	A separate SEP has been prepared to forthwith guide project stakeholder engagement.

#### IV. SAFEGUARDS PROCESS FOR THE PARCELIZATION OF CCLOAs

36. This section outlines the entire safeguards process for each CCLOA covered by the project. Table 5 below lists the key steps in the CCLOA parcelization process as described in the DAR Admin Order No 2 S. 2019 vis-a-vis safeguards activities (i.e. screening, assessment, planning, review, implementation and monitoring of mitigation measures). These activities will be undertaken by a safeguards team composed of the provincial and municipal safeguards focal persons with technical guidance from the regional and central safeguards teams. During inventory of CCLOAs, E&S Screening Form will be accomplished based on the initial results of projection on maps and other required safeguards-related information. The regional and central safeguards teams may occasionally join particular CCLOA teams in their activities on the ground. The key safeguard activities at each CCLOA site include:

1. *Initial Consultation Meeting*. The safeguard instruments will fully apply (operationalized) during project implementation and are live documents which will be

regularly updated depending on its effectiveness in complying ESF requirements, in agreement with the Bank. The CCLOA community will participate in consultation meetings and workshops to know/learn more about the various safeguard instruments, discuss their rights and roles during project implementation beginning with the ESMF, and explore other related issues and/or feedback from stakeholders that will help enhance project design and implementation.

2. *Participatory Rapid Rural Assessment of CCLOA area and E&S Screening.* DENR-LMB will conduct an Inspection, Verification and Approval of Surveys (IVAS) to determine the boundaries of the CCLOA to be parcelized, including any overlaps with forestlands and protected areas that will be segregated and turned over to the DENR. After the results of the IVAS are discussed during consultation meetings with the ARBs and affected communities, the safeguards team shall conduct a Participatory Rapid Rural Assessment of the CCLOA area using maps, documents, interviews and ocular observation during walkthroughs. During the assessment, draft versions of the E&S Screening Form will be filled up or accomplished and then finalized at the end of the exercise. The E&S Screening Form is attached in this document as Attachment 1.
3. *Overlaps with Forestland and Protected Area.* Based on information from rapid assessment and screening, the Project will assist the ARBs affected by the overlapped areas by facilitating the issuance of the appropriate tenurial instruments. For forest lands, the tenurial instrument is a Community-based Forest Management Agreement (CBFMA). For protected areas, the tenurial instrument is a Protected Area Community-based Management Area (PACBRMA) and an approved Protected Area Management Plan.
4. *Preparation of CC-ESP Checklist (for DAR) and IC-ESP Plan (for Title holders).* The information and data gathered from the Participatory Rapid Rural Assessment and the E&S Screening shall be used to prepare the CC-ESPC and IC-ESPP provided as Attachments 2 and 3, respectively of this document.
5. *Review and approval of Screening Form and CC-ESP Checklist and IC-ESP Plan.* The ES Screening Form and CC-ESP Checklist and IC-ESP Plan templates will be submitted to the Regional Safeguards Team for quick review, improvements or clearance. These documents will indicate whether resettlement planning or FPIC/IP Plan will be undertaken. No further CCLOA activities may be allowed until the E&S Screening and CC-ESPC and IC-ESPP are cleared by the Regional Safeguards Officer.
6. *CC-ESP Checklist and IC-ESP Plan Implementation.* The CC-ESPC's measures, including resettlement/compensation planning and ICC/IP consultation/FPIC will be implemented starting from the procurement of survey services up to the distribution of the individual CLOAs. Parallel activities will be undertaken specific to resettlement/compensation plan and ICC/IP Plan/FPIC implementation that will be undertaken during this period following the requirements of the RPF and IPPF.
7. *Compliance Monitoring and Audit.* During the implementation of the CC-ESPC and IC-ESPP, the CCLOA safeguards teams shall submit quarterly progress reports to the regional safeguards teams who will consolidate the report for submission to the Central Safeguards Team. The regional teams may conduct random or purposive audits of CCLOA sites.

**Table 5. Steps in CCLOA Parcelization and the ES Safeguards Process at the CCLOA level**

Steps in CCLOA Parcelization (based on AO No. 2 S. 2019)	Safeguards Activity	Responsibility
(1) Inventory of CCLOAs	Entry Consultation Meeting as per SEP	Regional and Provincial Safeguards Team
(2) Projection of land classification to verify if the CCLOA is in A & D lands.	CCLOA Community consultation as per SEP  Conduct of Participatory Rapid Rural Assessment of CCLOA area and E&S Screening (Attachment 1)	Provincial and Municipal Focal Person
(3) Conduct of field validation and verification.	Preparation of CC-ESP Checklist (Attachment 2) and IC-ESP Plan (Attachment 3)	Regional Safeguards Unit
(4) Evaluation of field investigation report	Review and approval of CC-ESP Checklist and IC-ESP Plan	Provincial and municipal Safeguards Team
(5) Request for survey services, prepare survey modules (i) procure survey services (bidding) or, (ii) issue survey order (by admin)	Implement CC-ESP Plan and IC-ESP Plan, including the ff:	Provincial and municipal safeguards teams
(6) Conduct of "Pulong pulong" (Consultation) and field work	(a) Environmental management measures based on this ESMF	The Monitoring and Audit shall be conducted by Regional and Central Safeguards Team at random or purposively at a particular CCLOA area, based on progress report or specific issue or concern.  Responsible for reporting:  CCLOA Safeguards Implementation status reports - Municipal and Provincial Focal Persons  Consolidated Regional Report - Regional Safeguards Specialists  Consolidated National Report - Central Safeguards Team
(7) Prepares survey returns	(b) Resettlement planning and implementation in accordance with RPF	
(8) Conduct of final "Pulong pulong" (Consultation)	(c) IP Planning/FPIC in accordance with IPPF	
(9) Finalize survey returns	(d) Implementation of labor management plan	
(10) Submit survey return envelope for Inspection, Verification and Approval of Surveys (IVAS) to Land Management System	(e) Stakeholder Engagement Plan	
(11) Inspection, Verification and Approval of Surveys (IVAS)	(f) CC-ESP and IC-ESP Plan Compliance Monitoring and Audit	
(12) Receives Approved Survey Plan/Subdivision Plan		
(13) Prepares Deed of Parcelization (as agreed by the ARBs,		
(14) Generate individual CLOAs		
(15) Requests for cancelation of CCLOAs		
(16) Registers individual CLOAs		
(17) Generation of LDIS		
(18) Distribution of registered individual CLOAs	Progress Reports on the implementation of the above shall be prepared for each CCLOA and consolidated at the regional and national levels at least on a semi-annual basis.	

37. The Project will also constitute a Working Group on Forest Land composed DAR safeguards personnel, consultants and representatives from DENR and NCIP to assess, plan and manage safeguards issues of CCLOAs with parcels that overlap with forest lands (including protected areas and/or national parks) and ancestral domains of ICC/IPs.

### Grievance and Redress Mechanism (GRM)

38. The Project will establish a Grievance Redress Mechanism (GRM) designed to seek/generate feedback from and to project stakeholders and address/respond to grievances, problems, issues or complaints related to project activities and project environmental and social performance. The Project will ensure through the GRM that all project stakeholders will be aware of their rights to access and/or will have access to the GRM at all project management levels, which will be provided in a transparent manner free of costs and without fear of reprisal or retribution on the part of aggrieved parties. In addition, the Project's GRM will help ensure that the rights and interests of project stakeholders are protected from unforeseen lapses in said project performance and that all concerns arising therefrom in all project phases will be effectively addressed. To achieve these ends, the Project will regularly engage project stakeholders and provide them information on the processes and means of raising and addressing grievances through the GRM.

39. It should be noted that this GRM shall not include concerns directly involving agrarian law implementation otherwise referred to as ALI cases which will be resolved in accordance with the rules and procedures on Inclusion/Exclusion described in the ESA and RPF.

#### *Basic Principles*

40. Consistent with applicable national laws and the WB-ESF, this GRM adopts the following principles that will help guide project implementation and fulfill the Project's commitment to provide opportunities for all stakeholders to meaningfully participate, viz:

1. Transparency – To encourage comments and feedback (negative and positive) to improve the Project, stakeholders must be aware of complaints, grievances and problems reported, be involved in their redress, and kept informed on the progress made in resolving grievances.
2. Participatory – All project stakeholders are encouraged to participate or contribute in bringing up complaints, grievances and comments to the attention of the Project management.
3. Inclusive and Sensitive – Project stakeholders are given the opportunity to raise concerns and the right to be accorded a response. The GRM will allow anyone, especially the poor, the disadvantaged groups, the women, etc. to raise grievance or complaints, be heard and be involved in its redress.
4. Simple and Accessible – The procedures to file complaints and seek redress are kept simple and easy to understand by the stakeholders. Complaints and queries may be sent through different accessible means.
5. Responsive and Accountable – The GRM could strengthen channels of communication and mechanisms to enable project implementers to be accountable to all stakeholders and work transparently to resolve problems, enhancing project responsiveness and developing trust and broad support from the stakeholders.
6. Quick and Proportionate Action – Response to grievance and comments is ensured within an acceptable timeline. Corresponding action will be responsive and commensurate to a complaint or comment. The GRM demonstrates the Project's

commitment to strive more on providing solutions to address problems rather than penalize respondents to complaints from aggrieved parties.

7. Objective – The GRM entails objectivity in processing grievances so that it can render fair and unbiased actions or responses and will be perceived as such to encourage stakeholders to utilize it, thus enhancing the Project’s overall performance. In all instances, conflicts of interest or any perception of such will be carefully looked into and promptly avoided.
8. Confidentiality and Security – To remain accessible, open and trusted, the GRM shall ensure that the identities of complainants are kept confidential to encourage stakeholders to openly participate and file complaints or comments.
9. Due process – The Project upholds and respects the rights of parties who are subject to complaints to be present and be heard before the appropriate complaint/grievance committee that will hear, settle, mediate or conciliate complaints or grievance.

#### *GRM Policy Guidance*

41. The following policy guidance shall be upheld in the implementation of the GRM process:

1. Every grievance shall be resolved fairly, promptly, effectively and expeditiously in a transparent manner that is culturally appropriate, free of any cost and accessible at all times, at the lowest level possible in the project management grievance machinery. Through alternative dispute resolution processes like mediation and conciliation, project-related conflicts, complaints and grievances shall be addressed following the applicable customs and traditions in resolving land disputes in specific localities. If resolution/settlement is not achieved within the set timeframe at the lowest level, grievances will be elevated to the next higher level following the hierarchy of GRM machinery.
2. The aggrieved parties shall be informed that they are assured freedom from coercion, discrimination, reprisal and biased action on their grievances.
3. A grievance may be submitted verbally or in writing made through any of the access points and channels described in the following sections.
4. In the designation of grievance officers, coordinators and technical advisory members, the Project shall consider their integrity, probity, sincerity, credibility, availability and willingness to perform their duties as such.
5. Complaints or grievances can be made anonymously and the identity complainants may be kept confidential unless they expressly provide consent to publicly identify them and/or to allow further verification and investigation of their grievance.
6. Aggrieved parties shall be informed of their option to appeal their grievance outside of the Project-level GRM process or in another separate mediation process within the Project management structure, which will be determined by the CPMO.
7. The scope of the Project-level GRM shall include and will be made available and accessible for project stakeholders and other interested parties, including direct-hire or contracted project workers, who may want to raise questions, comments, suggestions and/or complaints, or provide any feedback from all activities funded by the Project.
8. Contractors with project-contracted workers shall be required to incorporate relevant provisions of this GRM and those in the LMP in their contracts with said contracted

workers, and shall forthwith inform such workers of their rights and obligations thereunder and the measures put in place to protect them from reprisal for its use, at the time of their recruitment to the Project.

9. For grievances of indigenous cultural communities/indigenous peoples (ICCs/IPs), all complaints shall be discussed and negotiations must be carried out within the specific communities where the affected ICCs/IPs live. The appropriate GRM machinery/level together with the tribal council concerned should facilitate this process while upholding the customs and traditions of the tribe in resolving their land disputes should the conflicts be within the tribes and clans.

As for conflicts involving both ICCs/IPs and non-ICCs/IPs, the Project must ensure that affected ICCs/IPs are properly represented. Where necessary, the Project will bring in NCIP staff to ensure that the rights of ICCs/IPs are protected. If mediation/conciliation/negotiations are stalled, or ICCs/IPs disagree with all possible options presented during these deliberations, the affected tribes can bring their grievance or complaints to the municipal-level GRM of the Project. Should this still fail the ICCs/IPs' expectations, the IPs can elevate their complaints to the Provincial representative of the NCIP and the Office of the Provincial Agrarian Reform Program Officer, with copies of the complaint furnished the Office of the Provincial Governor.

Resolution of conflicts should be encouraged at the lowest level possible, through the facilitation of municipal and/or community tribal councils. Again, the proceedings of such meetings and interactions with affected ICC/IP households/communities must be documented and distributed to relevant stakeholders.

10. All levels of the GRM machinery shall maintain a registry/database of grievances to be submitted regularly to the central GRM at CPMO which shall include the same in the Project's periodic reports to the World Bank.

#### *Project-level GRM Machinery and Composition*

42. The Project will establish Complaints and Grievance Committees (CGCs) at the central, regional, provincial, municipal and barangay levels. The installation and management of the CGCs shall be done at the initial stages of and throughout project implementation, especially prior to the start of parcelization activities. The structure and composition of the CGC machinery is proposed, as follows:

**Table 6. Complaints and Grievance Committees (CGC) Machinery and Composition**

<b>CGC Levels</b>	<b>Composition</b>	<b>Designated/responsible DAR personnel</b>
CPMO – Central CGC	Central Grievance Officer	- National Project Director
	Central CGC Coordinator	- Central ESSU Safeguards Specialist
	Central Technical Advisory Team	- Component heads - Project compliance officer or equivalent
RPMO – CGC	Regional Grievance Officer	- Regional Project Director
	Regional CGC Coordinator	- Regional ESSU Safeguards Focal Person
	Regional Technical Advisory Team	- Component heads - Project compliance officer or equivalent
PPMO – CGC	Provincial Grievance Officer	- Provincial Project Director
	Provincial CGC Coordinator	- Provincial ESSU Safeguards Focal Person

CGC Levels	Composition	Designated/responsible DAR personnel
	Technical Advisory Team	- Component heads - Project compliance officer or equivalent
MPMO – CGC	Municipal Grievance Officer  Municipal CGC Coordinator  Technical Advisory Team	- Provincial Project Director  - Provincial ESSU Safeguards Focal Person  - Component heads - Project compliance officer or equivalent
Barangay CGC or Tribal Council/ Members of ICCs/IPs conflict resolution system	Barangay Grievance Officer  Barangay CGC Coordinator (appointed from BARC)  Barangay/Tribal CGC Advisory Team	BARC Chairman/Tribal Chieftain  Barangay Safeguards Coordinator designated by the MARPO/DARPO from among the BARC members or Tribal Council  Select BARC members, Brgy. Captain/Tribal Council Members and a representative from the NCIP

### *Functions of CGC Personnel*

The functions of responsible CGC members will be, as follows:

43. The heads of the CPMO, RPMO, PPMO, MPMO and BARC will serve as the Central, Regional, Provincial, Municipal and Barangay Grievance Officers, respectively. These officers shall manage the CGCs, provide directions on grievance resolution and be responsible in the approval of mitigation measures as prescribed by the technical advisory teams at their own respective levels.

44. The organic DAR personnel designated as Safeguards Specialist (CPMO), Safeguards Focal Persons (RPMO, PPMO & MPMO) and Barangay Safeguards Coordinator (appointed from among the BARC members) will serve as the CGC Coordinators at their respective levels. The CGC Coordinators will perform the following functions, as appropriate:

1. Document and maintain a registry of grievances
2. Screen/determine validity of grievance/concerns
3. Initiate resolution process through referral to the CGC
4. Refer issues to concerned project personnel for technical advice
5. Organize team for validation of concerns, as necessary
6. Assist in the resolution process through validation of concerns and technical assistance in crafting mitigation measures
7. Provide written response to concerned project personnel/units, contractors and complainants
8. Refer unresolved complaints to the next higher level of CGC, as appropriate

45. Members of CGC Technical Advisory Teams will provide assistance in the resolution process through validation of concerns and technical assistance in crafting mitigation measures, as needed.

46. Each Technical Advisory Team shall include an organic DAR lawyer or equivalent paralegal with knowledge on labor and work-related laws who shall provide advisory on grievances related to labor or workplace conditions. The CGCs at the central, provincial, regional and national level (which include Safeguards Specialist and Focal Persons designated as CGC Coordinators) shall maintain coordination and communication exchanges with the contractors who employ project-contracted workers to ensure that all labor-related grievances are expeditiously and fairly resolved and systematically documented.

47. All CGC personnel will undergo proper training on the GRM, relevant national laws, regulations and the WB ESF Standards.

#### *Project GRM Channels*

48. The Project PMOs shall provide appropriate channels for submission of grievances before the start of project implementation, which may include the following:

1. **Grievance Drop Box:** This provides a means for anonymous complainants to raise concerns without revealing their identities. Labelling the grievance drop box in a more culturally-sensitive term will be encouraged. The box should be secured and locked before being placed in a secure but accessible area in the barangay/project sites or project offices and should be opened only by authorized CGC personnel on a regular basis (at least once a week) especially during community consultations in the presence of at least one CGC volunteer to ensure proper documentation.
2. A Project CGC email address will be established and disclosed publicly at each project level.
3. An official physical address for Grievance Desk with Contact Persons in every PMO level will be established and publicly disclosed, where complainants may send complaints or queries through letters via personal, postal or courier delivery.
4. A hotline number for call center at each project level will also be established and can be publicly accessed via voice calls or SMS.

#### *Possible Types of Grievances*

49. The Project may expect the types of grievances that may be lodged before the CGCs to include the following which will serve as reference for CGC Coordinators in documenting and facilitating resolution of such concerns:

1. Non-contentious queries, comments, and suggestions. – This type is non-contentious and merely requests for information/updates, seeks clarification or a response and suggestions to enhance the project design, improve operations and facilitate administrative/logistical support to the project.
2. Compliance with project policies, processes and implementation. – This type of grievance results from the non-observance of project policies or non-performance of obligation of any of the parties involved in project activities, processes and documents. These may be primarily addressed at the barangay-level consultations, although there may be cases especially those involving direct-hired or contracted project workers when action from various PMO levels or in a separate process for project workers in the GRM will be required.

3. Other more serious grievances or complaints. – These may include grievances or offenses pertaining to misuse of funds, allegations of corruption, falsification of public documents, etc.

### *Grievance Handling Procedures*

50. The grievance process will be accessible to individual or group stakeholders and other interested/affected parties who may wish to file a grievance or ask clarifications regarding the Project through the use of standard complaint form to be developed and provided by the CGC Coordinators. The grievance process involves major steps as outlined below:

**Figure 1. Major Steps in the Grievance Handling Process**



51. **INTAKE** – This step involves receipt/filing, recording of complaints and queries in the registry/database of grievances:

#### Step 1: Filing of complaint, feedback or query

52. A Grievance Form (to be prepared prior to project implementation) will be accomplished by the concerned individual or group of individuals or by the CGC Coordinator if needed. Complainant may be project beneficiaries, project affected persons, or other concerned project stakeholders or interested parties, including direct-hires or contracted project workers. The Form shall be filed with CGC Coordinator of the relevant CGC level.

53. Grievances may also be directed at any CGC level by means of various uptakes such as via call, text messaging, e-mail, grievance drop box, and personal appearance. At the barangay level, drop box and personal appearance will be minimum uptakes. Complainants have the right to stay anonymous depending on certain situations, provided that contact information is made available by the complainant for verification and communication purposes.

#### Step 2: Recording of queries, feedbacks and complaints in the registry/database

54. Any grievance will be recorded by the CGC Coordinator in the Registry/Database of Grievances of the relevant CGC level where the grievance is received/filed.

55. **VERIFICATION** – This activity includes gathering of facts and clarifying information in order to have a clear picture of the circumstances surrounding the grievance or complaint. It involves the assessment of validity of grievance, conduct of fact-finding meetings/interviews, when necessary. The activities at the relevant CGC level, particularly the CGC Coordinator and the technical advisory team, may include the following:

1. Analysis/review of issues that need to be validated and the persons/parties involved

2. Determination of facts to be verified and how to gather them. Validation methods include site visits, review of documents, interviews and meetings with concerned individuals/groups
3. Secure all documents/means of verifications (MOVs) that will support the findings
4. Ensure that the whole procedure is properly documented (such as minutes of meeting, recordings or photos), fair and transparent
5. Present findings/results of validation to the relevant Grievance Officer for their decision.

Thus, the next steps in the GRM will be as follows:

Step 3: Assessing validity of the query, feedback or complaint

56. The validity of the grievance will be assessed by the CGC Coordinator. If not relevant to the project, the CGC Coordinator will conduct the necessary intervention within five (5) working days such as providing an explanation or education session to the complainant. When the explanation is accepted the complainant will need to sign the Resolution Form (to be prepared prior to project implementation) as indication of acceptance of the explanation.

57. Since grievance may be directed at any level, the CGC Coordinator will also verify if the case is rightfully intended for their level. If assessed otherwise, the CGC Coordinator shall notify and endorse the grievance to the appropriate level for proper resolution.

58. If indeed the grievance is project-related, the CGC Coordinator will refer the case to the relevant CGC level which shall proceed to the next steps of the GRM process.

59. Further, if the grievance is labor-related, the CGC Coordinator will refer the matter to the member of Technical Advisory Team with knowledge on labor laws and the requirements of ESS2 who shall convene a separate GRM process for project workers that may include additional members with competence on labor matters, as needed and necessary. The labor GRM process shall follow in essence the steps described in this GRM but with specific focus on labor issues or concerns raised by aggrieved project workers.

60. Step 4: Organizing fact-finding meetings/interviews with the relevant parties, when needed or required, to further establish facts and circumstances of the case and discuss how to resolve the same.

61. If grievance is assessed as valid, project-related, and falls within the first type of grievance, within five (5) working days from the date the complaint was received, the CGC Coordinator shall respond at the point of intake or refer the matter to the appropriate project personnel or unit that can address the same and relay the response to the complainant or inquirer concerned.

62. If the grievance is of the second type, within ten (10) working days from the date the complaint was received, the relevant CGC will organize meetings/consultations/ interviews together with the relevant parties to further investigate and/or establish facts and circumstances of the case and discuss how to resolve the same. Based on these activities, the CGC shall come up with recommendations to resolve the case and present this to the aggrieved party and seek consent to implement such mitigation measure. All meetings should be recorded and copies of

the minutes of meetings will be provided to the complainant. The grievance shall be resolved within 15-30 working days upon receipt of grievance.

63. If the grievance is of the third type, within ten (10) working days from the date the complaint was received, the relevant CGC will organize meetings/consultations/ interviews together with the relevant parties to further investigate and/or establish facts and circumstances of the case and discuss how to resolve the same. Based on these activities, the CGC shall come up with recommendations to resolve the case and present this to the aggrieved party and seek consent to implement such mitigation measure. All meetings shall be recorded and copies of the minutes of meetings will be provided to the complainant. The grievance shall be resolved within 30-60 working days upon receipt of grievance.

64. **ACTION** – This step reflects the steps towards the resolution of the case. Actions to a grievance include openly discussing the issues with relevant parties and arriving at agreements and decisions.

65. In general, the process is kept simple and all grievances will be dealt with at the lowest level possible – at the barangay or municipal level. This is because the ultimate users of the system are the stakeholders of the barangay participating in the Project. They should therefore be kept informed and involved in determining actions to be taken. At this step, the CGC and aggrieved party agree on a resolution, conduct of alternative resolution process, or elevation of grievance to higher CGC level, thus:

#### Step 5: Agreeing on a resolution

66. If aggrieved party agrees with mitigation measure/resolution, the concerned CGC shall implement the agreed resolution. The Resolution Form shall be signed by the complainant and the relevant CGC with copies to be sent to the next CGC level copy furnished the Central CGC. For labor-related grievances, in addition to the copy of the Resolution Form to be furnished, the CGC shall provide guidance with recommendations to the relevant/involved contractor to improve working condition/labor management issues.

67. Confirmation that the case has been resolved from anonymous complainant(s) and those who wouldn't be able to personally sign the resolution form due to security reasons will be communicated through their provided contact information and will be asked to confirm agreement on the resolution via text message or email.

68. **FEEDBACK** – This step involves replying to the grievance sender and informing the complainant or aggrieved party of the status of his/her complaint. If complainant is unknown, the status or the redress documents covering the complaint will be posted in the appropriate medium to be provided or utilized by the Project. Response to grievances under the first type must be presented during community consultations to provide clear and complete information to persons about their queries.

69. **FOLLOW-UP** – This step involves determination of the result/outcome of resolved grievances. Follow-up must also be done to all resolved grievances immediately after feedback is provided to the complainant to determine if the final resolution yielded positive result to the aggrieved party. This involves asking whether the complainant was satisfied or not satisfied with the resolution of the issue. The Central and Regional CGCs shall conduct selected audit to review if handling of grievances conforms with the Project's GRM process.

70. APPEAL – Any person who does not agree with the decision on a complaint or grievance may file an appeal with the next higher level of the grievance redress machinery or to any appropriate project management office. The appeal shall be resolved by the receiving office within 30 working days.

*Escalation of Grievances to Higher CGC levels*

71. In cases where any grievance is not resolved at certain CGC levels, the matter shall be elevated to the next higher CGC level. Thus:

72. Step 6: If no amicable resolution is reached, conduct another resolution procedure or escalate grievance resolution to a higher level, until the case is resolved.

73. If no response is received or no action is taken by the level to which the complainant filed the grievance within 15 working days after the registration of the complaint, the complainant may appeal/elevate the grievance to the higher CGC level for appropriate action.

74. For example, if no understanding or amicable solution is reached within five (5) days for the first type of grievances, 30 days for the second type, and 60 days for the third type, OR if no response is received from the relevant CGC within fifteen (15) days after the receipt of complaint, the complainant can file another complaint or appeal, as appropriate, to the next level of CGC and shall cite the reason for elevating the grievance. The concerned higher CGC will organize meetings within ten (10) working days to discuss how to resolve the matter and offer a resolution to the complainant. This process is repeated in provincial, regional and central CGCs.

75. If the complainant finds such mitigation measures acceptable, the relevant CGC will implement the resolution. The Resolution Form shall be signed by complainant and the CGC with copies to be sent to the next CGC level copy furnished the Central CGC.

Step 7: Case resolved or closed or is outside jurisdiction of the Project GRM

76. A case shall be registered as resolved if the Resolution Form or any other document of its equivalent has been secured from the complainant. If the complainant is still not satisfied with the decision of the Central CGC, in the absence of any response within the stipulated time, the case shall be deemed closed. The complainant, as a last resort, may opt to submit the unresolved case to the courts, or in case of project workers, to proper administrative or existing arbitration procedures with the assistance of the CPMO.

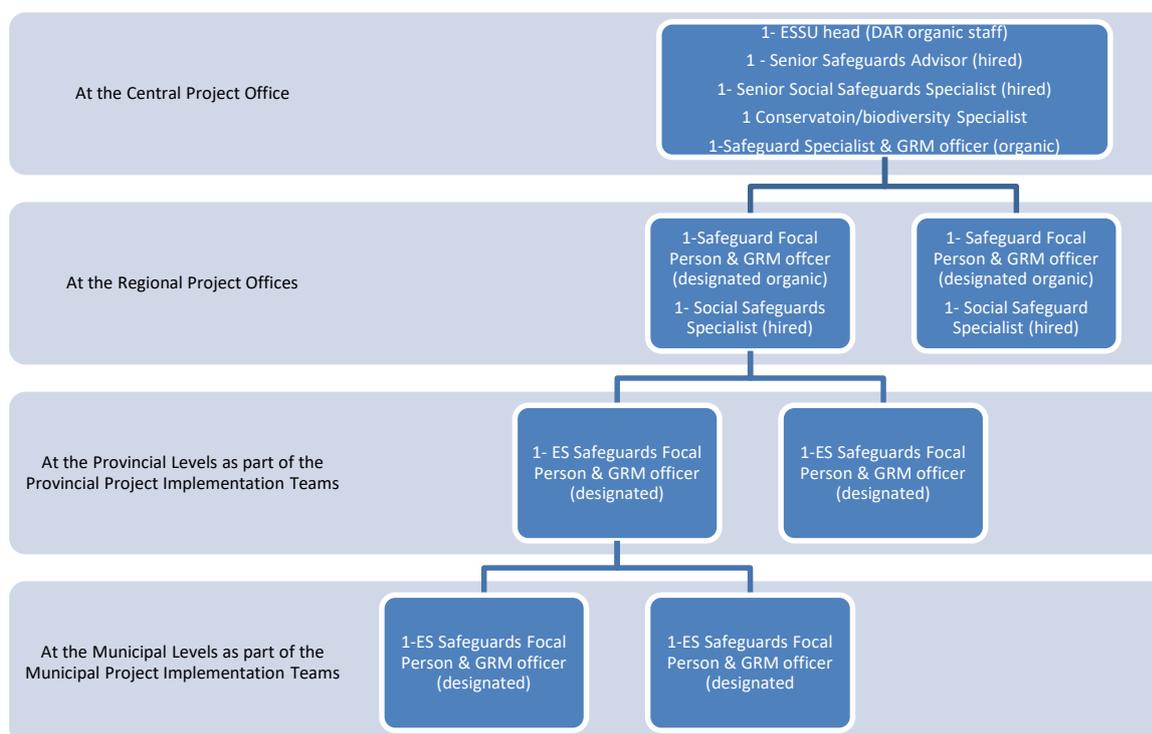
77. The CPMO Desk Officers for complaints and grievances are (1) Atty. Christine Evangelista and Atty. Mary Mae Gadon of the Bureau of Agrarian Legal Assistance of DARCO who may be contacted through the following means: (*email addresses: [director.bala@dar.gov.ph](mailto:director.bala@dar.gov.ph) & [odbala2015@gmail.com](mailto:odbala2015@gmail.com); office address: 3<sup>rd</sup> Floor, Main Building, Dept. of Agrarian Reform, Elliptical Road, Diliman, QC; Telephone No. 8-453-2220.* They shall oversee the proper handling of complaints and grievances and ensure that a summary of the entries of the CGC logs per region shall be part of the progress reports submitted to the World Bank.

## Report on the Status of ESMF Implementation

78. The Central PMO shall prepare a Semi-Annual Consolidated Status Report of the implementation of the ESMF. The report will be submitted to the World Bank before and/or during Implementation Support Missions and will be the basis of World Bank's review of Project's ES safeguards performance.

### V. INSTITUTIONAL ARRANGEMENTS AND CAPACITY BUILDING

79. This ESMF will be implemented through an Environmental and Social Sub-Unit (ESSU) within the SPLIT Project Management Office (PMO), composed of hired specialists and designated organic staff and administrative headed by a DAR organic staff and technically led by a Senior Safeguards Advisor. Figure 1 shows the proposed structure of the ESSU with respect to the PMO. The PMO is expected to have presence at the central, regional, provincial and municipal offices of the DAR. The ESSU will also have personnel who are either hired and/or designated from among the DAR's organic staff who would attend to the ES safeguards matters and GRM concerns during implementation.



**Figure 2. Proposed Organizational Set-up for the Environmental and Social Sub-Unit (ESSU)**

80. On inter-agency arrangements, the Joint DAR-DENR-NCIP-LRA Administrative Order No. 1 series of 2012 (JAO 1) will primarily serve as the Project's policy and operational framework between and among the concerned agencies involved in the Project, with the DAR taking the lead role and serving as the secretariat of the JAO.

### Staffing Requirements

81. The ESSU will have a total of approximately 687 staff consisting of 17 hired specialists and 677 organic staff designated as Safeguards Officers or Safeguards Focal Persons (Table

6). At the central office the safeguards team will be composed of one (1) DAR organic staff designated as ESSU Head, one (1) Safeguards Officer, one (1) hired Social Safeguards Specialist/Advisor and one (1) hired Environmental Specialist with strong background in biodiversity conservation. In each regional office, the project shall hire one (1) Environmental and Social Safeguards Specialist and designate 1 organic staff as Safeguards Officer. At each provincial office, one (1) organic staff shall be designated as E&S Safeguards Officer while at each strategic municipal office there will be one (1) E&S Safeguards Focal Person.

**Table 7. Staffing requirements for the implementation of the ESMF**

<b>DAR Office</b>	<b>Hired Safeguards Specialists</b>	<b>Organic (Designated as Safeguard Officers or Safeguard Focal Persons)</b>
Central Office	2	2
Regional Offices	15	15
Provincial Offices	0	60*
Municipal Offices	0	600*
<b>Total</b>	<b>17</b>	<b>677</b>

\*Assuming that are 60 provinces and 600 municipalities have CCLOAs. However, it should be noted that the actual number of staff to be assigned or designated as Safeguards Officer or Focal Persons in the provinces and municipalities would depend on the location of the CCLOAs to be covered.

82. Given that the actual workload demand for safeguards is still uncertain, the hiring of specialists may be done on a staggered or as-needed basis, starting with three (3) regions with the priority CCLOA areas, i.e. Regions I, IX and XI. This will be reassessed after the inventory and detailed assessment of E&S risks to be done during the first year of project implementation.

### Training and Meetings

83. The Project's central and regional safeguards staff as well as the other key project personnel shall undergo a one-day seminar on the World Bank ESF at the start of the project to promote understanding and appreciation of the Project's environmental and social safeguards requirements. All safeguard staff from central office down to the municipal level shall however undergo a more intense three-day hands-on training/workshop on the ESMF and the associated frameworks (i.e. RPF, IPPF, SEP and Labor Management Plan). The workshop shall be conducted at the national or central level and re-echoed to the regions and the provinces by the regional safeguards teams for the municipal safeguards focal persons. Other trainings may be conducted on specific topics such as public consultation techniques, Participatory Rapid Rural Assessment, E&S Screening and ESP preparation, resettlement/ compensation planning and implementation, and FPIC process. There will be semi-annual coordination meetings at the national level in order to discuss and share lessons and experiences on recurring issues and how to address them. These coordination meetings shall be attended by all regional safeguards staff and selected safeguards staff from the provinces and municipalities.

**Table 8. Proposed trainings, workshops and conferences for the ESSU staff**

<b>Training Topics</b>	<b>No and types of sessions</b>	<b>Total</b>
Introduction to ESF	1 National	1
Frameworks Familiarization Workshops - At Regional and Provincial Levels	1 National 15 Regional 30 Provincial	46
Consultations Techniques (Focus Group Discussions, etc.)	1 National 15 Regional	16
Household Surveys and resettlement/compensation planning and implementation.	1 National 30 Provincial	31

<b>Training Topics</b>	<b>No and types of sessions</b>	<b>Total</b>
Participatory Rapid Rural Assessment, Screening and ESP Preparation	1 National 30 Provincial	31
IP Processes Assessment, FPIC, Consultation	5 Regional	5
Semi-annual Coordination Meetings - Sharing of Experiences	1 National x 2 per year x 3 yrs = 6 (Selected participants from Regions, Provinces and Municipalities)	6
<b>Total</b>		<b>136</b>

## V. COST ESTIMATE

84. The table below provides a rough estimate of the costs of the implementation of ESMF, including the costs of capacity building, stakeholder engagement, the resettlement/compensation under the RPF and FPIC under the IPPF. Based on these estimates, the total cost of safeguards activities for the Project would be around PhP 251.6 million (or USD4.4 million).

**Table 9. Cost Estimate for the Implementation of ESMF**

<b>Items</b>	<b>Assumptions</b>	<b>Indicative Amount (in million PhP)</b>
Salaries of hired safeguard staff	2 staff at HQ 15 regions x 1 each	60.0
Staff Training and Staff Coordination Meetings	136 sessions	68.0
Office Space and Equipment	17 Staff	5.0
Coordination with Other Agencies	LRA, DENR-LMB, NCIP, DENR-FMB 4 Agencies x 15 Regions x 2 per year x 3 years = 360	3.6
CCLOA area screening, rapid environmental and social assessment and ESP Plan preparation	2000 CCLOAs	12.5
RPF implementation including compensation and resettlement	0.5 displaced PAP per CCLOA for 2500 CCLOAs at P50,000 average per PAP	60.0
IP Plan implementation, Consultation, FPIC and CP	1000 CCLOAs with overlap x P50,000 per CCLOA	40.0
Stakeholder Engagements	10 Consultations and Meetings	2.5
<b>TOTAL</b>		<b>251.6</b>

85. The estimated budget will be readjusted after the inventory and detailed assessment of E&S risks undertaken during the first year of project implementation (by March 2021) or as needed.

## REFERENCES

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**ATTACHMENTS**

**Attachment 1. Collective CLOA (CCLOA) E&S Screening Form**

**SUPPORT FOR PARCELIZATION OF LAND FOR INDIVIDUAL TITLING  
(SPLIT) PROJECT**

**Rapid Environmental and Social Screening Form for CCLOA**

**CCLOA No.** \_\_\_\_\_ **CCLOA Address:** \_\_\_\_\_

<b>A. Potentials for overlap with forestland</b>	<b>Ans</b>	<b>Requirements</b>
1. Would there be overlaps with Forest Lands based on LC maps? (Yes, Maybe, No)		If No, proceed to B
2. If yes, how many parcels are likely affected? (#, TBD, 0)		
3. Would there be overlaps with Protected Areas, National Parks and/or Natural Habitats (Yes, Maybe, No)?		
4. Would there be overlaps with Cultural or Natural Heritage Areas (Yes, Maybe, No)?		
5. In both cases, how many hectares of the CCLOA will remain to be parcelized (estimated # of hectares of remaining agricultural lands)?		
6. Can the remaining area be re-subdivided without boundary issues and each ARB would still end up with economically viable landholding? (Yes, Maybe, No)		If No, Relocation of some ARB to other areas may be necessary; and/or Compensation
<b>B. Legal status with respect to AD and Presence of IP</b>		
1. Does the CCLOA have overlaps with AD and the CCLOA was issued after AD was established? (Yes, Maybe, No)		If yes, CCLOA is not priority for subdivision. If no, proceed to C.
<b>C. Presence of Indigenous People issues</b>		
1. Does the CCLOA have overlaps with AD and CCLOA was issued before AD was established? (Yes, Maybe, No)		If yes, in accordance with IPPF, conduct FPIC per ESS7 and obtain FPIC validation from NCIP
2. Are there organized ARBs in the CCLOA (Yes, Maybe, No)?		If yes, undertake FPIC in accordance with IPPF
<b>D. Presence of Environmental and Social Issues</b>		
1. Is CCLOA located in environmentally critical areas, forestland or protected areas under the Phil. EIS System (PD 1586), PD 705 and RAs 7586 & 11038? (Yes, No)		If Yes, identify parcels and specific forest category/ classification
2. Is the CCLOA area covered by existing government programs, including DAR, DA and DENR's support services or projects related to environmentally sustainable farming practices and technologies or forest/protected area management (Yes, No)?		Facilitate linkage of Project beneficiaries to DAR support services and relevant programs of DENR & DA
3. Are the lands in the CCLOA area showing signs of unproductive and barren land that will yield low productivity due to significant loss of topsoil, denudation, parched land due to lack of water, unstable slope or eroding land due to open-faced steep slopes, waterlogged, feeding or nesting as natural habitats of threatened or endangered species? (Yes, No)		If Yes to any, identify parcels and corresponding issues
4. If CCLOA overlaps with a Forestland or Protected area, are the affected areas in the CCLOA will not be issued individual CLOAs and affected ARBs/occupants will be provided with tenurial instruments		Overlapped lands will be reverted back to their original land classification of forestland or protected area. Tenurial instruments for forestlands is CBFMA with a Forest Management Plan and protected

		area is PACBRMA and a PA Management Plan. Assess if this will result in any impacts on the livelihoods or income of farmers. If so, apply the RPF.
<b>E. Potential Disqualification</b>		
1. Are there occupants that are neither the original ARB nor rightful heir of the AORB?		If yes, prepare RAP in accordance with RPF
<b>E. Safeguards Requirements</b>		
1. All CCLOAs must be accompanied by a CC-ESP Checklist		Prepare IC-ESP Plan using the Template (Attachment 2)
If any of the answers is yes or maybe		
If any of the answers in ___ is yes		Prepare RAP in accordance with RPF
If any of the answers in ___ is yes		Prepare IPP in accordance with IPPF

Attachment 2. Template for CCLOA Environmental and Social Performance (CC-ESP) Checklist

**SUPPORT FOR PARCELIZATION OF LAND FOR INDIVIDUAL TITLING (SPLIT) PROJECT**

**Collective CLOA Environmental and Social Performance (CC-ESP) Checklist For Parcelization**

*to be filled up by SPLIT Regional Safeguards team*

(Please use landscape orientation if necessary, for more space in each column)

CCLOA No. \_\_\_\_\_ CCLOA Address: \_\_\_\_\_  
Date CCLOA was issued: \_\_\_\_\_

**I. Basic Information**

**1. Location**

Approximate Coordinates at Center: Long \_\_\_\_\_ Lat: \_\_\_\_\_  
(Please attached a Satellite Map of the Area (Google Earth Map) with outline of the boundaries superimposed.)

Distance to Nearest Town Center (km): \_\_\_\_\_

**2. Physical Profile**

Topography (Check all those that apply):

\_\_\_ Flat \_\_\_ Rolling \_\_\_ Hilly \_\_\_ Mountainous \_\_\_ Rocky \_\_\_ Waterlogged

**3. Crops Planted:**

\_\_\_\_\_

**4. Size:**

Total land area (hectares): \_\_\_\_\_ No of ARBs or Parcels: \_\_\_\_\_

**II. ESP Checklist**

Impacts, Risks and Concerns	Site Assessment (Check the ones that apply)	Management Measures	Performance indicators
1. Ground survey workers and community volunteers need to observe OHS when working in, rocky areas, steep slopes and cliffs.	[ ] Steep slopes, cliffs, rocky terrain present	Bidding documents for geodetic surveys shall include occupational health and safety provisions not only for hired personnel but also community volunteers when allowed to assist in surveys. Survey contractors will be required to provide their workers with necessary personal protective equipment	Labor Management procedures (LMP) applied during project implementation

<b>Impacts, Risks and Concerns</b>	<b>Site Assessment (Check the ones that apply)</b>	<b>Management Measures</b>	<b>Performance indicators</b>
		(PPEs) such as boots, hardhats and harnesses when working on cliffs and rough or unstable slopes.	
	<input type="checkbox"/> Presence of malaria in the area	Workers to use insect repellent during surveys.	
	<input type="checkbox"/> Presence of schistosomiasis in the area	Workers to wear boots and avoid wading through streams and pools of water.	
2. Potential long-term risk on incentivizing intensified crop production which might result to increased use of chemical fertilizers and pesticides and agrochemicals as lands are further developed	<input type="checkbox"/> High commercialization potential, proximity to market;	DAR will facilitate CLOA recipients' access to existing government programs on sustainable farming that they can readily access. These programs include trainings on resource efficiency and pollution control, capacity development, integrated pest management, organic/ natural farming systems, rainwater harvesting, soil and water conservation, slope stabilization and erosion control, among others.	No. of ARBs that receive orientation on relevant and existing government programs.
	<input type="checkbox"/> Crops being produced need significant amount of chemical inputs.		
	<input type="checkbox"/> Area already covered by DA/LGU IPM-FFS program	DAR will facilitate linkage of ARBs to existing/ongoing training programs on IPM-FFS program	No of ARBs referred to DA-LGU to be prioritized on IPM-FFS program
3. Community Health and Safety concerns	<input type="checkbox"/> Less than 10 workers would stay and live in the community; or <input type="checkbox"/> All non-resident workers will commute to and from town centers/city	Project workers/employees shall abide by the Code of Conduct for Workers	Code of Conduct indicators
	<input type="checkbox"/> More than 10 workers from other places will stay in the community during the CCLOA survey parcelization	Workers shall undergo medical screening by their employers for sexually transmitted disease and HIV/AIDs  Project workers/employees shall abide by the Code of Conduct for Workers	Code of Conduct indicators
4. Protection of micro watersheds within CCLOA areas	<input type="checkbox"/> Presence of forested areas in the CCLOA that are still classified as Protection Forest/Production Forest	CCLOA Lands within Forestland Classification will be carved out and reverted back to the management/administration of DENR FMB, with the farmers assisted to secure tenurial instrument - CBFMA. The CCLOAs will be deferred from parcelization and subject to further assessment by the Working Group to be established.	No. of CCLOAs processed for issuance of appropriate tenure instrument
		CCLOA Lands or portions within protected areas and/or national parks will be turned over to the management/administration of	No. of CBFMA issued  No. of PACBARMA issued

Impacts, Risks and Concerns	Site Assessment (Check the ones that apply)	Management Measures	Performance indicators
	<input type="checkbox"/> Protected areas/national parks	DENR FMB, with the farmers assisted to secure PACBRMA. The CCLOAs will be deferred from parcelization and subject to further assessment by the Working Group to be established.	
	<input type="checkbox"/> Presence of hilly or mountainous topography with gullies and moist creeks/water channels.	Facilitate access of ARBs in hilly and rolling areas to trainings on preservation of existing waterways, gullies and patches of natural vegetation and sustainable land management technologies from DA and DENR.	No. of ARBs facilitated to access technical support provided per parcel owner  No. of trainings actually accessed by ARBs
5. Labor management concerns	Total number of project staff and workers in the site. _____.	Strict compliance with the Philippine Labor Laws and regulations. In addition to ESS2 and the project Labor Management Procedures/Plan. This shall be checked internally by the Safeguards Team during implementation as part of the Monitoring and Audit	LMP compliance indicators
6. Potential displacement, loss or weakening of land tenure rights of ARBs in parcels classified as timberland/forestlands or Protected Areas. Potential displacement of some CCLOA occupants due to disqualification upon validation	<input type="checkbox"/> Presence of land parcels that overlap with Timberland Classification  <input type="checkbox"/> Presence of occupants and land claimants that are potentially disqualified as ARB	Undertake resettlement planning in accordance with the SPLIT RPF.	No. of RAPs
7. Potential Conflict in Boundaries and Contested Claims.	<input type="checkbox"/> Presence of ongoing boundary conflicts between two parcel owners	DAR will defer or suspend the parcelization of the affected lots (including adjacent lots sharing boundaries with the affected lot) and will refer the issue to the BARC for resolution. Parcelization of the affected lots will resume when dispute is resolved.	No. of CCLOAs with conflicts resolved and no. of ARBs with conflicts settled.
	<input type="checkbox"/> There are no boundary disputes in the CCLOA area	DAR will continue with parcelization.	No. of CCLOAs parcelized without boundary conflicts or contested claims
8. Impact and risks on the ICC/IP groups rights and culture.	<input type="checkbox"/> There are ICC/IP members among the ARBs or the current occupants of CCLOA lands <input type="checkbox"/> The CCLOA has overlap with Ancestral Domain of ICC/IP	Undertake IP Consultation/Planning, including FPIC in accordance with the SPLIT IPF.	No. of CCLOAs with IPPs

<b>Impacts, Risks and Concerns</b>	<b>Site Assessment (Check the ones that apply)</b>	<b>Management Measures</b>	<b>Performance indicators</b>
	[ ] Legitimacy of CCLOA is contested because it was issued after AD was declared.	Suspend parcelization and consult NCIP on the options to go forward.	No. of CCLOAs deferred from parcelization and consulted with NCIP

Attachment 3. Template for Individual CLOA Holders Environmental & Social Performance (IC-ESP) Plan

**SUPPORT FOR PARCELIZATION OF LAND FOR INDIVIDUAL TITLING  
(SPLIT) PROJECT**

**Individual CLOA holders Environmental and Social Performance  
(IC-ESP) Plan**

*to be filled up by Individual CLOA awardees, assisted by DAR project personnel*

Name of Individual CLOA holder \_\_\_\_\_

Date Individual CLOA was issued: \_\_\_\_\_

**I. Basic Information**

**1. Location**

Approximate Coordinates at Center: Long \_\_\_\_\_ Lat: \_\_\_\_\_

(Please attached a Satellite Map of the Area (Google Earth Map) with outline of the boundaries superimposed.)

Distance to Nearest Town Center (km): \_\_\_\_\_

**2. Physical Profile**

Topography (Check all those that apply):

\_\_\_ Flat \_\_\_ Rolling \_\_\_ Hilly \_\_\_ Mountainous \_\_\_ Rocky \_\_\_ Waterlogged

**3. Crops Planted:**

\_\_\_\_\_

**4. Size:**

Total land area (hectares): \_\_\_\_\_

**5. Individual CLOA holder Environmental and Social Performance Plan**

Impacts, Risks and Concerns	Site Assessment	Recommended Trainings/ Measures for ARB action	Performance indicators

<b>A. Land use</b>	<input type="checkbox"/> presence of natural habitat  <input type="checkbox"/> Entire land area is agricultural  <input type="checkbox"/> Some portion/s of land used as residential	Retaining natural habitats and regenerating degraded areas	Trainings attended; land area of natural habitat
<b>B. Proximity to forests/ protected areas / natural habitats</b>	<input type="checkbox"/> Near forest/ protected area  <input type="checkbox"/> Far from forest/ protected area	If near, Re-establishment of natural habitats and planting perennial trees natural fence/wind barrier	Trainings attended and measures adopted. If near, approx. distance in meters/kilometers from boundary of forest/protected area? If possible, identify name of protected area and/ or any natural habitat protected.
<b>C. Land gradient</b>	Flat terrain  Sloping – <input type="checkbox"/> < 18% <input type="checkbox"/> > 18%	Maintaining natural drainage to avoid waterlogging, slope stabilization/ protection measures	Trainings attended  Measures instituted
<b>D. Land/soil features</b>	<input type="checkbox"/> Soil productive <input type="checkbox"/> Soil type and quality <input type="checkbox"/> Abundant Water resources  <input type="checkbox"/> Existing plants and animals  <input type="checkbox"/> Natural habitat	Maintaining original landscape  Preservation of biodiversity	Trainings attended  Soil productivity measures adopted  Endemic plants and animals identified and protected

<b>E. Irrigation/ Water features</b>	Source of irrigation <input type="checkbox"/> Rain-fed <input type="checkbox"/> Irrigation system <input type="checkbox"/> Inside watershed <input type="checkbox"/> Near watercourse % land area natural habitat  % of land area Agricultural  % of land area residential	Build water reservoirs for irrigation  Install rainwater harvesting features	Trainings attended  Water available for irrigation
<b>F. Type of agricultural use</b>	<input type="checkbox"/> Vegetation <input type="checkbox"/> hectares planted with different crops  <input type="checkbox"/> Livestock <input type="checkbox"/> Agro-forestry <input type="checkbox"/> hectares planted with perennials <input type="checkbox"/> hectares planted with shrubs and bushes as natural hedge	Maintenance of healthy balance of ecosystem  Balance cultivated land with perennial crops and to regenerate groundwater  Plant trees around the land to serve as wind barrier and bring back biodiversity	Trainings attended.  No. of hectares perennial crops  No. of hectares native shrubs and bushes
<b>G. Type of vegetation cultivated</b>	<input type="checkbox"/> hectares planted food crops/ /horticulture/ plantation <input type="checkbox"/> hectares planted with cash crops <input type="checkbox"/> hectares planted with perennials <input type="checkbox"/> hectares planted with shrubs and bushes as natural hedge	Balance cultivated land with perennial crops and to regenerate groundwater  Plant trees around the land to serve as wind barrier and bring back biodiversity	No. of hectares and crops  No. of hectares perennials  No. of hectares native shrubs and bushes

<b>H. Production/ harvest scale/ livelihoods</b>	<input type="checkbox"/> High productivity <input type="checkbox"/> Low productivity <input type="checkbox"/> Value-added products	Sustainable farming practices	Trainings attended  Improvement in production
<b>I. Land management/ slope protection</b>	<input type="checkbox"/> Maintained original landscape <input type="checkbox"/> Terracing <input type="checkbox"/> Cut and fill	Protection of original landscape  Protection of modified land form with sustainable farming methods	Trainings attended
<b>J. Agricultural technologies used</b>	<input type="checkbox"/> Traditional <input type="checkbox"/> Modern <input type="checkbox"/> Combined	Sustainable farming methods/ techniques	Trainings attended
<b>K. Use of farm inputs - agrochemicals/ fertilizers/ pesticides</b>	<input type="checkbox"/> Organic fertilizers/pesticides <input type="checkbox"/> Chemical fertilizers/pesticides	Organic Farming and IPM  Require organic/natural soil enhancers/inputs	Trainings attended
<b>l. Sources of pollution</b>	<input type="checkbox"/> Excess chemicals <input type="checkbox"/> Empty/ contaminated containers <input type="checkbox"/> Plastic packaging/sacks	Identify sources of pollution and devise effective pollution management	Trainings attended  Collection and safe disposal
<b>J. Agri extension support services available</b>	<input type="checkbox"/> LGU <input type="checkbox"/> DA/DENR	Access agri support services from DAR, DENR, DA, LGU	Trainings attended, services accessed
<b>K. Access to/source of knowledge of land management technologies</b>	<input type="checkbox"/> Own <input type="checkbox"/> Government <input type="checkbox"/> Media	Strengthen IEC/training programs	Trainings attended

## Attachment 4. Project Staff and Contractor's Workers Code of Conduct

### **SUPPORT FOR PARCELIZATION OF LAND FOR INDIVIDUAL TITLING (SPLIT) PROJECT**

#### **Worker's Code of Conduct**

All DAR and contractors' employees who are working for the SPLIT Project shall abide by this Worker's Code of Conduct:

##### **A. Health and Safety at Work and Living Quarters**

1. Wear prescribed PPE when required by Superiors or Safety Officers.
2. Be aware of endemic diseases in the area and take the necessary precautions as provided by your Health and Safety Officer.
3. Avoid wading through streams and pools of water if area is infested with Schistosomiasis.
4. Use mosquito repellent lotion when working in Malaria infested area. Use mosquito nets when sleeping at night.
5. Avoid open defecation or urination. Use latrines or sanitary toilets when available at work site.
6. Practice proper personal hygiene daily.
7. Drug abuse is strictly prohibited in the Project's workplace and living quarters.

##### **B. Community Relations and Community Health and Safety**

1. Slow down your vehicles in residential area. If you are not the one driving, remind your driver to do so.
2. Avoid getting involved in illicit sexual relations with members of the local communities.
3. Respect the local culture: customs and traditions. Be aware of the local regional sensitivities.
4. Respect women. Avoid making remarks or actions which could be misconstrued as sexual harassment. No catcalls. Lewd and lascivious remarks and behaviors towards women in the workplace or in the community are strictly prohibited.
5. Avoid participating in open drunken sessions with local communities.
6. Participate in local community events when invited.
7. Do not engage in debate over religion or politics with any community member.
8. At work, do not discriminate any members of your team, including community volunteers. Treat everyone as equals.
9. Do not child-talk or give instructions in a condescending manner. Treat everyone as equals.
10. Report any incidence of Gender-Based Violence (i.e. violence against women whether domestic or public) involving project staff and employees, including workers from within the CCLOA community.

##### **D. Sanctions**

1. Anyone caught violating this Code of Conduct shall be subject to appropriate disciplinary actions.

## Attachment 5. Agrarian Reform Beneficiary Eligibility Criteria

### **SUPPORT FOR PARCELIZATION OF LAND FOR INDIVIDUAL TITLING (SPLIT) PROJECT**

#### **Agrarian Reform Beneficiary (ARB) Eligibility Criteria**

Under the Project SPLIT, beneficiaries are those in the Master List of Agrarian Reform Beneficiaries (ARBs) annotated in the CCLOA. In cases where there will be new ARBs resulting to the inclusion/exclusion, the same eligibility criteria as defined in Sec 22 of RA 6657 will apply, to wit:

- The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless residents of the same municipality in the following order of priority:
  - (a) agricultural lessees and share tenants;
  - (b) regular farmworkers;
  - (c) seasonal farmworkers;
  - (d) other farmworkers;
  - (e) actual tillers or occupants of public lands;
  - (f) collectives or cooperatives of the above beneficiaries; and
  - (g) others directly working on the land.
- That the children of landowners who are qualified, i.e. i) that he is at least fifteen (15) years of age; and ii) that he is actually tilling the land or directly managing the farm shall be given preference in the distribution of the land of their parents
- Provide that actual tenant-tillers in the landholdings shall not be ejected or removed therefrom.
- Beneficiaries under Presidential Decree No. 27 who have culpably sold, disposed of, or abandoned their land are disqualified to become beneficiaries under this Program.

As Project SPLIT is anchored on the existing policies and guidelines of the DAR, its implementation shall follow issuances addressing parcelization of lands, jurisdictional and operational issues between and among land-related agencies. Hence, as a matter of policy:

1. CCLOAs with whole area verified to be within inalienable areas as confirmed by way of a Certification issued by the DENR/CENRO, shall not be issued CLOAs but appropriate DENR tenurial instruments (Sec 3.6 of AO No. 2 s. 2019 and upcoming DAR-DENR JAO). Otherwise, the portion/s of CCLOA landholding classified as forest land will be segregated from the A & D lands/agricultural lands and issued with appropriate tenurial instrument in lieu of CLOA.
2. CCLOAs with derivative titles under the Torrens System issued prior to IPRA are deemed vested rights pursuant to the provision of Sec 56 of IPRA (Sec 16 of JAO No.1 s. 2012 and JMC 8-20012). This will include CCLOAs with or without derivative titles involving lands already turned over to DAR for disposition prior to IPRA even if the

corresponding CCLOAs were issued after IPRA; For untitled A & D lands under CARP involving areas identified as having contentious or potentially contentious issues, the DAR shall notify the ICCs/IPs through NCIP of coverage under the Project and in case the ICCs/IPs register an opposition /adverse claim, such coverage will be suspended by DAR until the issues are resolved (Sec 17 of JAO No. 1, s 2012).

In the subdivision of CCLOA, Project SPLIT shall adopt the following prioritization per land type:

- 1) All CCLOAs lands with no issues
- 2) LBP compensable lands
- 3) government owned lands
- 4) landed estates
- 5) lands under voluntary land transfer.

For each land type further prioritization shall be done based on the availability of documents, physical land and ARB status, and with no pending classification and/or case.

Available documents must include:

- Original copy of CCLOA (ROD)
- Owner's duplicate copy of CLOA (ARBs, DARPO/DARMO)
- Cadastral Survey/PSU/PLS/GSS
- CENRO/LES Certification as to A & D

Physical Land and ARB Status

- Agricultural
- Name of ARBs Annotated in the CCLOA
- Name of ARBs in actual possession/cultivation
- Lot Allocation Agreement (Form 70-E)

On the redocumentation of CCLOAs, the same priority and criteria as in the subdivision of CCLOA, with

Available documents must include:

- Original copy of CCLOA (ROD)
- Owner's duplicate copy of CLOA (ARBs, DARPO/DARMO)
- With approved subdivision plan

Actual/Physical Land Use and ARB Occupation Status

- Agricultural
- Name of ARBs Annotated in the CCLOA
- Name of ARBs in actual possession/cultivation
- Deed of Parcelization (Form 70-G)



## Attachment 7. Protocol for the Use of Local Police or Military

### **Philippine National Police or the Armed Forces of the Philippines Assistance in the Implementation of CARP**

1. The SPLIT Project may have special cases wherein implementation may require assistance from the police and/or military and this would be properly coordinated with concerned authorities. The DAR may seek such security assistance when needed and/or warranted, particularly on ground activities in CCLOA sites located in remote and/or conflict areas especially during actual land survey and/or installation of the ARBs on their individual lots.
2. Such assistance will be carried out in accordance with the long-standing Memorandum of Agreement between the DAR, DILG and PNP signed 3 May 1995 and the Joint DAR – DILG – DND Circular No. 5 series 2002 on Law Enforcement on Agrarian Reform Laws and Programs. The JC defines the roles and responsibilities of each agency and supplements the 1995 MOA.
3. ESS 4, Community Health and Safety encourages disclosure of government security arrangements and ensure that government personnel act in a manner consistent with the provisions of the safeguard standard. As actions of public security forces can pose a significant reputational risk and can increase tensions with the local population. Thus, security decorum must be clearly defined.
4. When DAR requests the support of government law enforcement (either police or military), it will first assess risks posed by these security arrangements to project workers and the local community. DAR will only sanction the use of government law enforcement; it will not contract, or allow survey teams, to contract private security forces. DAR will seek to ensure that government security personnel deployed to provide security services act in a manner consistent with the applicable laws and code of practices as summarized in this protocol, consistent with the Bank's ESS4. DAR will not sanction any use of force in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat. DAR will ensure that the workers and local community is informed about the arrangements and this protocol. They will also be informed about the project's GRM and DAR will review any allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent recurrence and, where necessary, report unlawful abusive acts to the relevant authorities.
5. Rule 30 of the Philippine National Police (PNP) Operational Procedure defines police assistance in the implementation of Comprehensive Agrarian Reform Program to wit:

#### **30.1 Coverage**

##### **a. Final Orders**

- (1) Final Orders/Resolutions/Decisions Issued by DAR
- (2) Order of Installation or Certificate of Land Ownership Award (CLOA)

## **b. Preliminary Agrarian Activities**

- (1) Land survey
- (2) Field Investigation
- (3) Ocular Inspection
- (4) Meeting between actual and potential Agrarian Reform Beneficiaries
- (5) Post Installation
- (6) Landholding tagging
- (7) Analogous cases

## **30.2 Requirements in the Granting of Police Assistance**

- a. Police assistance in the implementation of final orders, decisions, resolutions or CLOAs issued DAR shall be rendered only upon a written request submitted by the Agrarian Reform Officer or any authorized Officer of DAR, accompanied with the original or authenticated copy of the final decision, order or CLOA to be implemented. The request and its attachments, regardless of the place of execution, shall be submitted to the Office of the Chief, PNP for his approval
- b. Police assistance during the conduct of preliminary agrarian activities as provided in Rule 30.1b shall be rendered only upon a written request submitted by the Agrarian Reform Officer or any authorized Officer of DAR, accompanied with the original or authenticated copy of the Order issued for the activity (if applicable). The request shall be submitted to the Office of the Regional Director of the Police Regional Office having jurisdiction over the area of execution for his approval.

## **30.3 When to Render Police Assistance**

Police assistance in the implementation of CARP shall be provided only as requested by DAR. In no case shall the PNP act on its own without the request and/or representative from DAR to prevent extending police assistance in cases where same is not necessary.

## **30.4 Extent of Police Assistance**

The head of office or unit tasked to render police assistance shall have the discretion to employ sufficient number of PNP uniformed personnel after taking into consideration the scope of the resistance to be encountered, if there is any, and the general peace and order condition in the area. Unless a higher ranking Officer is necessary and more PNP personnel are required, the police team that will render police assistance should be led by a Police Commissioned Officer (PCO) with the rank of Police Senior Inspector. All members of the team shall be in prescribed uniform when rendering police assistance.

## **30.5 Role of PNP Personnel Rendering Police Assistance**

The PNP personnel shall observe maximum tolerance and respect for individual rights at all times. The use of reasonable force shall only be resorted to for self-defense and defense of strangers. Moreover, the PNP personnel shall always exercise utmost impartiality and neutrality in effecting its role. The role of the PNP when rendering

police assistance shall be limited to the maintenance of peace and order, crowd control, and the security of the duly authorized officer of the DAR. In no case shall PNP members participate in the implementation of the decision/order/resolution or in the conduct of any of the preliminary agrarian activities, which shall be undertaken by the duly authorized officer of the DAR. The duly authorized officer of the DAR leading the implementation of the decision/order/resolution/CLOA or leading the conduct of the preliminary agrarian activity shall have the final disposition whether to proceed or not with the implementation of the decision/order/resolution/CLOA or conduct of the activity.

### **30.6 When Entry to the Property is Refused by the landowner**

When the DAR personnel are refused admittance into the property, the PNP personnel cannot encroach on the property without an order from the DAR specifically for the purpose. In the implementation of final orders or in the conduct of preliminary agrarian activities, the authority to break into the property or into a building shall be specifically provided in the order or resolution or in the request for police assistance. The authority to break out to liberate themselves shall also be specifically provided.

*Source: PNP Handbook PNPM –DO-DS-3-2-13 Revised Philippine National Police Operational Procedure, December 2013*

6. Attachment 8 is a copy of the Joint DAR-DILG-DND Circular No. 5 s. 2002.

Attachment 8. Joint DAR-DILG-DND Circular No. 5 s. 2002

JOINT DAR-DILG-DND CIRCULAR No. 05  
10 June 2002

SUBJECT: Law Enforcement of Agrarian Reform Laws and Programs

Whereas, under the *Constitution* of the Philippines, specifically Article XIII, Section 4 thereof, "the State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof".

Whereas, under Executive Order (EO) 292 (25 July 1987), known as the *Administrative Code*, specifically Book IV, Title XI, Chapter 1, Section 2 thereof, the DAR "shall provide central direction and coordination to the national agrarian reform program extended to transform farm lessees and farm tenants into owner-cultivators of economic family-size farms to improve their living conditions".

Whereas, under *Administrative Code*, specifically Book IV, Title XI, Chapter I, Section 3 (16) thereof, the Department of Agrarian Reform (DAR) shall "integrate and synchronize program implementation of the Land Bank of the Philippines and other relevant civilian, military, government and private entities involved and mandated to support the agrarian reform program through Inter-Agency Committees and Agrarian Reform Coordinating Councils".

Whereas, under Republic Act (RA) 6657 (15 June 1988), known as *Comprehensive Agrarian Reform Law* (CARL), specifically Section 69 thereof, "the Presidential Agrarian Reform Council (PARC), in the exercise of its functions, is hereby authorized to call upon the assistance and support of other government agencies, bureaus and offices, including government-owned and controlled corporations".

Whereas, under the 03 May 1995 Memorandum of Agreement (MOA) between the DAR and Department of Interior and Local Government (DILG) and Philippine National Police (PNP), "the DAR and DILG are mutually desirous and committed to institutionalizing the existing full support to, and cooperate with, one another for the successful implementation of the Comprehensive Agrarian Reform Program" (CARP).

Whereas, CARP implementation likewise requires the assistance of the DND-AFP.

Now therefore, we, the DAR and DILG-PNP and DND-AFP, pursuant to the mandates of our respective offices, do hereby *SUPPLEMENT* the 03 May 1995 MOA between the DAR and DILG and PNP with the issuance of this Joint Memorandum Circular.



1. The DAR shall:
  - 1.1. Provide the DILG-PNP and DND-AFP with sufficient information about the CARP and agrarian reform laws.
  - 1.2. Deputize DND-AFP units in specific areas in order that it can assist DAR and the DILG-PNP in the implementation of the CARL and other related laws.
  - 1.3. Provide the DILG-PNP and DND-AFP with sufficient information about the organizational structure and linkages of the DAR, indicating the names and positions of key officials whom the DILG-PNP and DND-AFP may coordinate with on CARP matters.
  - 1.4. Provide the DILG-PNP and DND-AFP in advance with plans relative to implementation of the CARP whenever implementation of a plan requires specific assistance from the DILG-PNP and/or DND-AFP.
  - 1.5. Provide the DILG-PNP and DND-AFP with the list and description of properties scheduled for CARP acquisition.
  - 1.6. Provide the DILG-PNP and DND-AFP with the list and description of properties which the CARP shall subject to leasehold arrangements.
  - 1.7. Immediately notify in writing the DILG-PNP and DND-AFP of the activities which need the physical presence of law enforcement agents;
  - 1.8. Institute a system of regular consultation between the DAR Regional Directors and the regional/area level commanders of the PNP and AFP, and the DAR Provincial Agrarian Reform Officer (PARO) and the provincial/field level commanders of the PNP and AFP.
  - 1.9. Provide assistance to PNP/AFP personnel in case of injury and/or death while in the performance of DAR-connected activities and functions.
  - 1.10. Reimburse the fuel, oil, lubricants and other expenses incurred or to be incurred on each AOG (Aircraft on Ground) support case not later than five (5) working days after receipt of AFP bill for payment. DAR shall likewise reimburse the fuel and actual expenses of its aborted mission due to force majeure or should the aircraft be diverted elsewhere for safety reasons.
  - 1.11. Provide meals, lodging accommodations and transportation to and from the billeting area, to AFP personnel who shall be deployed to render support/assistance to DAR.
  - 1.12. DAR shall hold the DND-AFP harmless for any injury or death caused while on board DND-AFP vehicles as well as injuries and/or death



caused to 3<sup>rd</sup> parties while DND-AFP vehicles are being utilized to support and assist DAR.

- 1.13 Payments made under this Agreement are purely for the reimbursement of actual operating cost of AFP and not for profit, thus, are not subject to usual taxes and obligations of commercial transactions. AFP hereby undertakes to hold harmless DAR, its directors, officers, employees or agents from and against claims for taxes, fees and other charges imposed on payments made by DAR to AFP hereunder.
  - 1.14 Damage to equipments utilized to support/assist DAR shall be defrayed by DAR at such cost as shall be jointly determined by the AFP and DAR.
  - 1.15 AFP equipment dedicated primarily to perform DAR mission shall be adequately covered with insurance for equipment damages and collateral damages to persons and properties.
2. The DILG-PNP shall:
- 2.1 Provide the DAR with sufficient information about the extent of, and limitations to, the authority of the DILG-PNP.
  - 2.2 Provide the DAR with sufficient information about the organizational structure and linkages of the DILG-PNP, indicating the names and positions of key officials whom the DAR may coordinate with on matters involving the law enforcement aspect of CARP.
  - 2.3 Provide the DAR on a regular basis with information about the peace and order situation, and possible police or military operation, that may adversely affect the CARP.
  - 2.4 Upon written request by the DAR, provide security forces to DAR personnel whenever performance of their official function subjects them to peril.
  - 2.5 Upon written request by the DAR, assist DAR personnel in the exercise of administrative power to gain entry into landholdings for the purpose of conducting field investigation relative to CARP implementation.
  - 2.6 Upon written request by the DAR, allow DAR personnel to ride in transport vehicles, and/or temporarily use the communication facilities, of the DILG-PNP to gain access into areas that are not accessible by ordinary vehicles, with the condition that the DAR shall be solely



liable for all expenses attributable to the temporary use of said transportation or communication facilities.

- 2.7 Upon written request by the DAR, arrest and detain persons cited for direct or indirect contempt by the DAR Secretary, DAR Adjudication Board (DARAB), Regional Agrarian Reform Adjudicator (RARAD), or Provincial Agrarian Reform Adjudicator (PARAD).
- 2.8 Upon written request by the DAR, assist its Sheriff in enforcing its orders/decisions/resolutions.
- 2.9 Upon written request by the DAR, cooperate in prosecuting violators of agrarian laws.
- 2.10 Desist from intervening in any agrarian dispute without prior consent from the DAR Secretary or DARAB or any of its Adjudicators.
- 2.11 Authorize consultations on a regular basis between the DAR Regional Directors and the regional commander of the PNP, the DAR provincial Agrarian Reform Officer (PARO) and the provincial commanders of the PNP, and the DAR Municipal Agrarian Reform Officer (MARO) and his/her counterparts in the PNP.

3. The DND-AFP shall:

- 3.1 Provide the DAR with sufficient information about the extent of, and limitations to, the authority of the DND-AFP.
- 3.2 Provide the DAR with sufficient information about the organizational structure and linkages of the DND-AFP, indicating the names and positions of key officials whom the DAR may coordinate with on matters involving the implementation of CARP.
- 3.3 Provide the DAR with significant information about the peace and order situation.
- 3.4 Upon written request by the DAR, provide additional security assistance to DAR personnel whenever performance of their official function subjects them to peril.
- 3.5 Upon written request by the DAR, assist DAR personnel when AFP assistance is needed, in the exercise of administrative power to gain entry into landholdings for the purpose of conducting ocular inspection, field investigation, surveying and other related activities relative to CARP implementation.
- 3.6 Upon written request by the DAR, allow DAR personnel to utilize transport and communication equipments, of the DND-AFP, in order



that DAR personnel may gain access into areas that are not accessible by ordinary vehicles, with the condition that the DAR shall be solely liable for all expenses attributable to the temporary use of said transportation or communication facilities.

- 3.7. Upon written request by the DAR, when AFP assistance is needed arrest and detain persons cited for direct or indirect contempt by the DAR Secretary, DAR Adjudication Board (DARAB), Regional Agrarian Reform Adjudicator (RARAD), or Provincial Agrarian Reform Adjudicator (PARAD).
  - 3.8. Upon written request by the DAR, when AFP assistance is needed assist its Sheriff in enforcing the CARL and other related laws.
  - 3.9. Upon written request by the DAR, cooperate in enforcing agrarian reform laws.
  - 3.10. Desist from intervening in any agrarian dispute without prior consent from the DAR Secretary or DARAB or any of its Adjudicators.
  - 3.11. Authorize consultations on a regular basis between the DAR Regional Directors and the Area commanders of the AFP, the DAR Provincial Agrarian Reform Officer (PARO) and the Field/Battalion commanders of the AFP, and the DAR Municipal Agrarian Reform Officer (MARO) and his/her counterparts in the AFP.
4. This Joint Memorandum Circular adopts the Rules of Procedure of the DARAB for the execution of its orders / decisions / resolutions:
  5. Whenever the DAR requests for assistance from the DILG-PNP and/or DND-AFP, the lines and hierarchy of responsibilities shall be as follows:

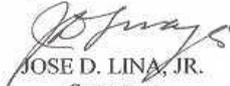
Level	DAR	DILG	DND
Region	Director or RARAD	PNP Regional Office	AFP Area Command
Province	PARO or PARAD	PNP Provincial Office	AFP Field/Battalion Unit
Municipality/City	MARO	PNP Station Office	AFP Company Unit

6. Plan for Cooperative Action - The DAR, DILG-PNP and the DND-AFP shall prepare their respective plan which will serve as the guide in the performance of their respective tasks and functions under this circular.  
  
Each party shall, as soon as possible, furnish the other parties a copy of its plan for cooperative action.
7. Board of Consultation and Cooperation - There shall be formed at each province a Board of Consultation and Cooperation.

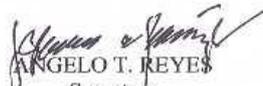
The DAR, DILG-PNP and DND-AFP shall each assign as many representatives to the Board as it may deem necessary in order to represent all branches of services within their respective organization.

The body shall serve as the forum for the exchange of information, the venue to thresh out differences, and the vehicle for mutual cooperation for the attainment and fulfillment of their respective functions.

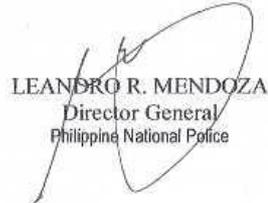
This Joint Memorandum Circular shall take effect immediately.



JOSE D. LINA, JR.  
Secretary  
Department of Interior and Local Government



ANGELO T. REYES  
Secretary  
Department of National Defense



LEANDRO R. MENDOZA  
Director General  
Philippine National Police



ROY A. CIMATU  
Chief of Staff  
Armed Forces of the Philippines



HERNANI AL BRAGANZA  
Secretary  
Department of Agrarian Reform