INFRASTRUCTURE
RIGHT-OF-WAY
[IROW]
PROCEDURAL
MANUAL

01 APRIL 2003
Table of Contents

Acronyms .............................................................................................................................................. v

1. INTRODUCTION .......................................................................................................................... 1
   1.1 Purpose of the Manual ............................................................................................................. 1
   1.2 The Improved DPWH IROW Process .................................................................................... 1

2. PROCEDURES FOR THE IROW PROCESS ........................................................................... 7
   2.1 Project Identification, Feasibility Study, and Preparation of IROW Action Plan .................. 8
   2.2 Environmental Impact Assessment ....................................................................................... 13
   2.3 Update IROW Action Plan Based on Result of Detailed Design ......................................... 21
   2.4 Conduct of Parcellary Survey ............................................................................................... 24
   2.5 Relocation of Public Utilities ............................................................................................... 30
   2.6 Preparation of the LAPRAP .................................................................................................. 33
   2.7 Turnover of IROW Through Donation ................................................................................ 37
   2.8 IROW Acquisition Through Purchase ................................................................................ 40
   2.9 Preparation of Deed of Absolute Sale .................................................................................. 43
   2.10 Transfer of Title/Tax Declaration ....................................................................................... 46
   2.11 Acquisition Procedures for Mortgaged Properties .............................................................. 53
   2.12 Expropriation Proceedings ................................................................................................. 55
   2.13 Turnover of IROW Through Deed of Exchange ................................................................ 59
   2.14 Clearing of Structures Along the IROW ........................................................................... 62
   2.15 Clearing of Other Improvements Along the IROW ............................................................ 65
   2.16 Clearing of Perennial Trees Along the IROW ..................................................................... 67
   2.17 Preparation of the IROW Completion Report ..................................................................... 69
   2.18 Processing of Title Documents ........................................................................................... 71
   2.19 Management of IROW ........................................................................................................ 73

3. PROCEDURES FOR SPECIAL CASES ..................................................................................... 81
   3.1 IROW Acquisition by Execution of Quit Claim .................................................................... 82
   3.2 IROW Acquisition by Easement of Right-of-Way ............................................................... 85
   3.3 Turnover of IROW by Conversion ......................................................................................... 87
3.4 IROW Acquisition of Untitled Lands ............................................................. 90
3.5 IROW Acquisition of Lands Wherein Owner is Deceased............................. 94
3.6 IROW Acquisition of Lands Wherein Landowner is a Corporation ...................... 95
3.7 IROW Acquisition of Lands Wherein Property is Under Guardianship or Administratorship ............................................................... 97
3.8 IROW Acquisition of Lands Wherein the Vendor is represented by an Attorney-in-Fact ............................................................. 99
3.9 IROW Acquisition of Lands When There are No Claimants ................................................................. 101

APPENDICES

A1 D. O. No. 5, Series of 2003
A2 D. O. No. 79, Series of 2003
B1 Republic Act 8974
B2 Implementing Rules and Regulations (IRR) of RA 8974
B3 Memorandum Circular 137
B4 Ministry Order 65, Series of 1983
C1 IROW Action Plan Preliminary Cost Estimate for Land
C2 IROW Action Plan Preliminary Cost Estimate for Improvements
C3 IROW Action Plan Data Checklist
D IROW Action Plan Report Outline
E DENR-DPWH Memorandum of Agreement
F1 Scoping Report Template
F2 Environmental Impact Assessment (EIA) Template
F3 Environmental Management Plan Template
F4 Environmental Monitoring Plan Template
F5 Screening Form Template
F6 DENR Enform-1
F7 Initial Environmental Examination (IEE) Template
G1 Updated IROW Action Plan Final Cost Estimate for Land
G2 Updated IROW Action Plan Final Cost Estimate for Improvements
H1 Department Order No. 147, Series of 2001
H2 Parcellary Survey IROW Land Data
I Guidelines for Validating Claims
J  IROW Compensation Matrix
K  IROW Completion Report Outline
L1 Department Order No. 52, Series of 2003
L2 Department Order No. 217, Series of 2000
L3 Implementing Rules and Regulations to Ensure the Observance of Proper and Humane Relocation and Resettlement Procedures Mandated by the Urban Development and Housing Act of 1992
L4 IROW Management and Action Plan (IMAP) Report Outline
L5 IROW Monthly Report Outline
M  Commonwealth Act 141
N1 Deed of Donation
N2 Deed of Exchange
N3 Agreement to Demolish and Remove Improvements (ADRI)
N4 Agreement to Demolish, Remove, and Reconstruct Improvements (ADRRI)
N5 Quit Claims Deed
N6 Easement of IROW Agreement
N7 Permit to Enter
N8 Deed of Absolute Sale
LIST OF WORKFLOWS

Workflow for the Improved IROW Process Flow ......................................................... 6
Workflow for Project Identification, Feasibility Studies ............................................. 12
Workflow for Environmental Impact Assessment ...................................................... 20
Workflow for Land Acquisition and IROW During Detailed Design ......................... 23
Workflow for the Conduct of Parcellary Survey ....................................................... 29
Workflow for Relocation of Public Utilities .............................................................. 32
Workflow for the Preparation of the LAPRAP ......................................................... 36
Workflow for the Turnover of IROW Through Donation ....................................... 39
Workflow for IROW Acquisition Through Purchase .............................................. 42
Workflow for the Preparation of the Deed of Absolute Sale ................................... 45
Workflow for the Transfer of Title/Tax Declaration ............................................... 52
Workflow for IROW Acquisition Through Expropriation ..................................... 58
Workflow for the Turnover of IROW Through Deed of Exchange ......................... 61
Workflow for the Clearing of IROW ................................................................. 68
Workflow for the Processing of Title Documents ................................................. 72
Workflow for the Management of IROW ............................................................ 80
Workflow for the Turnover of IROW Through Conversion ..................................... 89A
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC</td>
<td>Appraisal Committee</td>
</tr>
<tr>
<td>ADRI</td>
<td>Agreement to Demolish and Remove Improvements</td>
</tr>
<tr>
<td>ADRRI</td>
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</tr>
<tr>
<td>BIR</td>
<td>Bureau of Internal Revenue</td>
</tr>
<tr>
<td>BOC</td>
<td>Bureau of Construction</td>
</tr>
<tr>
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<td>Bureau of Design</td>
</tr>
<tr>
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<td>Commonwealth Act</td>
</tr>
<tr>
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<td>Certificate of Ancestral Domain Claim</td>
</tr>
<tr>
<td>CFMS</td>
<td>Comptrollership and Financial Management Service</td>
</tr>
<tr>
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<td>Certificate of Land Ownership Award</td>
</tr>
<tr>
<td>CLUP</td>
<td>Comprehensive Land Use Plan</td>
</tr>
<tr>
<td>CNC</td>
<td>Certificate of Non-Coverage</td>
</tr>
<tr>
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<td>Commission on Audit</td>
</tr>
<tr>
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<td>City Planning and Development Officer/Coordinator</td>
</tr>
<tr>
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</tr>
<tr>
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<td>Department of Agrarian Reform</td>
</tr>
<tr>
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<td>Deed of Absolute Sale</td>
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<td>District Engineering Office Planning and Design Section</td>
</tr>
<tr>
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<td>Department of National Defense</td>
</tr>
<tr>
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<td>Department of Public Works and Highways</td>
</tr>
<tr>
<td>ECA</td>
<td>Environmentally Critical Areas</td>
</tr>
<tr>
<td>ECC</td>
<td>Environmental Compliance Certificate</td>
</tr>
<tr>
<td>ECP</td>
<td>Environmentally Critical Project</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EIAPPO</td>
<td>Environmental Impact Assessment Project Office</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
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<td>Environmental Management Bureau</td>
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</tr>
<tr>
<td>EO</td>
<td>Executive Order</td>
</tr>
<tr>
<td>EP</td>
<td>Emancipation Patent</td>
</tr>
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<td>Feasibility Studies</td>
</tr>
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<td>General Appropriations Act</td>
</tr>
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<td>Housing and Land Use Regulatory Board</td>
</tr>
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<td>Independent Land Appraiser</td>
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<td>Indigenous People Action Plan</td>
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<td>IROW Completion Report</td>
</tr>
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<td>IROW PMO</td>
<td>Infrastructure Right-Of-Way and Resettlement Project Management Office</td>
</tr>
<tr>
<td>IRR</td>
<td>Implementing Rules and Regulations</td>
</tr>
<tr>
<td>KPI</td>
<td>Key Performance Indicators</td>
</tr>
<tr>
<td>LAPRAP</td>
<td>Land Acquisition Plan and Resettlement Action Plan</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<td>Original Certificate of Title</td>
</tr>
<tr>
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<td>Office of the Solicitor General</td>
</tr>
<tr>
<td>PAPs</td>
<td>Project-Affected Persons</td>
</tr>
<tr>
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<td>Public Consultation Meeting</td>
</tr>
<tr>
<td>PD</td>
<td>Presidential Decree</td>
</tr>
<tr>
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<td>Provincial Development Council</td>
</tr>
<tr>
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</tr>
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</tr>
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</tr>
<tr>
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</tr>
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</tr>
<tr>
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INTRODUCTION

1.1 Purpose of the Manual

This Procedural Manual was developed to guide various offices of the Department of Public Works and Highways (DPWH) in the proper implementation of the improved IROW Process. The preparation of this manual is in line with Department Order No. 5, Series of 2003 (Attached as Appendix A1), which aims to “implement a streamlined Infrastructure Right-of-Way (IROW) process designed to identify, acquire, and manage Right-of-Way (ROW) efficiently and in a timely manner for the implementation of infrastructure projects”.

This Manual is for the use of all offices involved in IROW acquisition within the Department, particularly the following:

- IROW PMO
- Planning Service
- Implementing Office (IO) – PMO, RO, DEO
- BOD
- BOC
- EIAPO
- Legal Service

1.2 The Improved DPWH IROW Process

One of the main features of the “improved” IROW acquisition process is the adoption of a uniform policy for all types of infrastructure projects. Whether a project is locally funded or foreign-assisted, above or below the budget ceiling for MTPIP inclusion, new construction or for upgrading and improvement, the same guiding principles shall apply. It also ensures that IROW costs are included with top priority in project budgets, and that infrastructure rights-of-way are fully acquired and cleared prior to the issuance of Notice of Awards to Contractors. Fig. 1.2-1 shows the workflow for the improved process. The succeeding sections in Chapter 2 explain in detail the procedures for the activities in the said workflow.

As stipulated in D.O. No. 5, Series of 2003, significant modifications in the improved process include:

(i) It shall be applicable to all foreign-assisted and locally funded projects.

(ii) IO shall ensure that IROW costs are always included in project budgets.

(iii) IO shall formulate a IROW Action Plan during the project identification stage. The Action Plan will contain the estimated budget for all IROW costs including inflation and contingencies, schedule of implementation, and the areas to be acquired.
(iv) The IO shall provide an estimated cost breakdown of each project to the IROW and Resettlement PMO and the CFMS prior to any disbursement of funds. The first priority of the budget for a project shall be all costs prior to construction.

(v) If IROW costs differ from the approved IROW budget after detailed design has been finalized, a budget adjustment shall be approved.

(vi) Feasibility Studies shall be conducted for all projects. The level of detail for these studies will vary, depending on the type, size, and complexity of the project.

(vii) The Environmental Compliance Certificate (ECC) shall be secured before the detailed design for all projects. However, for projects costing over P300 million, the ECC shall be secured before National Economic and Development Authority (NEDA) / Infrastructure (ICC) approval.

(viii) Parcellary Surveys shall be conducted for all projects in accordance with DO 187 series 2002.

(ix) A Land Acquisition Plan and Resettlement Action Plan (LAPRAP) shall be prepared for all projects using a standardized compensation package.

(x) The determination of Project Affected Persons (PAPs) and improvements shall be based on the cutoff date, which is the start of the census of PAPs and tagging for improvements.

(xi) The first mode of acquisition shall be to request donation from the property owner.

(xii) If the property owner does not donate the property, then negotiations for purchase of land and improvements, shall follow based on the provisions of Republic Act 8974 and its IRR. Hence, the first offer shall be the current BIR zonal value for land, and replacement cost for improvements (there shall be no salvage value). If the first offer is not accepted, the value of the second offer shall be based on the Resolution of the appropriate Appraisal Committee subject to the approval of the Implementing Office (IO). If the IO does not agree with the Appraisal Committee’s Resolution, then the IO shall engage the services of an Independent Land Appraiser to determine the value. The value of the second offer shall be the lower of the two values. In case the property owner refuses the second offer, the IO initiates expropriation proceedings.

(xiii) It is the responsibility of the IO to obtain and validate all necessary documents for IROW claims.

(xiv) IROW claims shall be screened, fully verified and validated, and the supporting documents authenticated in accordance with the checklist in the IROW Procedural Manual prior to payment.
Legal Staff in the respective Regional Office shall review Deeds of Absolute Sale (DOAS) up to PhP 5 Million. Legal Service in the Central Office shall review Deeds of Absolute Sale over PhP 5 Million.

Approvals of the appropriate activities in the IROW process are specified in the IROW Procedural Manual. Approval of the Deed of Absolute Sale is hereby established as follows:

- District Engineer up to PhP 3 Million
- Regional Director up to PhP 5 Million
- Project Director up to PhP 5 Million
- Assistant Secretary up to PhP 10 Million
- Undersecretary up to PhP 15 Million
- Secretary any amount

Valid claims for all lands, structures and other improvements will be paid in full in accordance with government rules and regulations. The IO shall pay all taxes and encumbrances of the property up to the amount in the Deed of Absolute Sale, and shall then deduct the amount of the capital gains tax and encumbrances from the payment due the property owner.

The IROW and Resettlement PMO shall monitor the releases and disbursement of IROW funds made by the IOs.

All IOs shall properly liquidate all IROW disbursements and submit quarterly reports of payments made for all claims to the IROW and Resettlement PMO.

All IROW must be fully acquired and cleared before the issuance of the Notice of Award for the project.

IO shall properly file all documents pertaining to the acquisition of IROW and shall effect the transfer of titles or other tenurial instruments in the name of the Republic of the Philippines within three months from the perfection of the Deed of Absolute Sale, or in the case of expropriation, from the date of full payment.

District Offices shall be responsible and accountable for the proper management of all IROW and ensure that encroachments, structures, and informal settlers are not allowed within the IROW limits. All District Engineers through the Regional Directors shall submit monthly reports of the status of IROW to the IROW and Resettlement PMO.

In the event that a utility company does not comply with the IO notification to relocate the utility within the specified time period, the IO shall issue a final notice to the utility company with a time period specified. If the utility company still does not comply with the final notice, the IO shall clear the utility and bill the utility company accordingly.

All utilities must be fully cleared from the IROW before the issuance of the Notice of Award for the project.
(xxv) The use of IROW for facilities and utilities shall be in accordance with DPWH guidelines and will be strictly enforced by the respective District Office.

(xxvi) The IO shall prepare the final as-built IROW Plan upon completion of the project, for submission to the IROW and Resettlement PMO.

1.3 The IROW PMO

The Project Management Office (PMO) for Infrastructure Right of Way (IROW) and Resettlement (IROW PMO) was created by virtue of D. O. No. 5, Series of 2003 to supervise the full implementation of the improved process. The said department order was subsequently amended through D. O. No. 79, Series of 2003, placing the IROW PMO under the Office of the Secretary (Please refer to Appendix A2).

The Project Director for the IROW and Resettlement PMO shall be the Project Director of the PMO – Action Office for Resettlement of Squatter Families (AORSF). As stipulated in the said D.O., the IROW and Resettlement PMO are created by merging the PMO – Action Office for Resettlement of Squatter Families (AORSF) and the PMO – Manggahan Floodway. In addition, non-legal staff of the Site Acquisition and Law Enforcement Division (SALED) involved in site-acquisition, as well other appropriate staff needed from other offices within the Department, as determined by the IROW and Resettlement PMO Project Director would be detailed to the IROW PMO.

As specified in D.O. No. 5, Series of 2003, the IROW PMO shall have the following roles and responsibilities:

1. Prepare the Action Plan for the full implementation of the new process within two months after the signing of this Order and monitor the progress of implementation.
2. Organize the PMO in accordance with its tasks within three months after the signing of this order
3. Continue with the existing functions of AORSF and Manggahan Floodway.
4. Organize regional and district office counterparts for the implementation of the improved process within three months after the signing of this Order in those offices. The appropriate Department Orders shall be prepared for the Secretary’s approval.
5. Prepare and implement, a training program to provide the skills and strengthen the capabilities of all staff in IO involved with the IROW with the assistance of the Administrative and Manpower Management Service (AMMS), within three months after the signing of this Order
6. Assist all IO in the implementation of the improved ROW policies, process, and procedures.
7. Supervise the improved IROW process in all IO.
8. Coordinate with the BIR, Appraisal Committees, and other appropriate agencies for updating of valuations.
9. Coordinate with the appropriate government agencies and the private sector, particularly the utility companies, among others, to ensure the successful implementation of the improved ROW process.

10. Consolidate and validate the monthly IROW monitoring reports for submission to the Secretary through the USEC for Operations.

11. Consolidate and validate the summaries of payments made by the IO and submit a report to the Secretary through the USEC for Operations.

12. Prepare other guidelines needed to clarify issues that may arise from the implementation of the improved process.

13. Implement the computerized ROW Management System once it has been developed or purchased.

14. Ensure the proper recordkeeping of all relevant documents and the archiving of titles with the National Archives. The IROW PMO shall also keep copies of all relevant documents and titles.

15. Prepare quarterly accomplishment reports for submission to the Secretary through the USEC for Operations.

16. Perform other duties as may be assigned by the Secretary.

D.O. No. 5, Series of 2003 also includes a provision that enables the IROW PMO and the counterpart offices in the regions and districts to have the appropriate funds for their day-to-day operations. Such funds can be sourced from operating budgets, project funds, and other available subject to the usual government accounting and auditing rules and regulations. The IROW PMO is also authorized to utilize all necessary and appropriate offices within the Department in carrying out the improved IROW process.
2 PROCEDURES FOR THE IROW PROCESS

This chapter embodies the procedures to be carried out in the IROW acquisition and management process, in accordance with existing and relevant laws, rules and regulations, department orders, and other guidelines. Specifically these are:

- Republic Act 8974 otherwise known as “An Act to Facilitate the Acquisition of Right-of-Way, Site, or Location for National Government Infrastructure Projects and for Other Purposes”, and its corresponding Implementing Rules and Regulations

- Republic Act 7279 otherwise known as the “Urban Development and Housing Act of 1992” and its corresponding Implementing Rules and Regulations


- Department Order No. 5, Series of 2003 “Creation of the Infrastructure Right-of-Way and Resettlement Project Management Office (PMO) and the Implementation of the Improved IROW Process”

Each of the procedures is complemented with workflows which, as mentioned in Chapter 1, were developed through a series of workshops organized by the BIIP Package C05 Consultants and RIMSS Office. Participants of this workshop included key representatives of Central, and Regional and District Offices involved in IROW Acquisition.

The IROW Process Design Report that was prepared ahead of this manual embodies the operational guidelines for the acquisition of properties needed for infrastructure right-of-way. Aside from a comprehensive description of the improved IROW Process, the said Design Report also provides the following: (i) legal framework within which the improved Process was developed; (ii) institutional arrangements needed within the Department; (iii) “To-Be” processes, including the identification of Key Performance Indicators (KPIs) and feedback mechanisms, and (iv) basic data requirements for the IROW Database.

It is important to note at this point that the IROW Process is a significant improvement of the existing right-of-way acquisition procedures, and is in conjunction with Memorandum Circular No. 137 (September 1977) and Ministry Order No. 65, series of 1983, except those provisions that are in conflict with D. O. No.5 Series of 2003. Meaning, all other procedures stipulated in the previous guidelines that are not in conflict with any other succeeding laws and regulations, and not covered by this Procedural Manual are still applicable. For this reason, a copy of said memorandum circular and ministry order are attached as Appendices B3 and B4, respectively.
2.1 Project Identification, Feasibility Study, and IROW Action Plan Preparation

Objectives:
(a) To include IROW costs in identifying projects for inclusion in the Medium Term Infrastructure Investment Plan (MTPIP)
(b) To prepare an IROW Action Plan that will enable inclusion of IROW costs in project budget

Lead Office/Person:
For projects at the Central Office:
Project Director, Implementing Office
For other projects
Director, Regional Office
District Engineer, DEO

Support:
- IROW and Resettlement PMO
- Bureau of Design
- Bureau of Construction
- PMO-FS
- Planning and Design Division, RO
- Planning and Design Section, DEO
- IROW Engineers
- Junior CE/Field Researchers

Overview:
This procedure is one of the main features of the improved IROW Process which helps ensure that IROW costs are included in project budgets. This will be carried out by formulating an IROW Action Plan during the project identification stage. The said Action Plan shall include the estimated budget for all IROW costs including inflation and contingencies, schedule of implementation, and the areas to be acquired.

Another improvement in the IROW acquisition process is the conduct of feasibility studies for all projects. The level of detail for these studies shall vary, depending on the type, size, and complexity of the project (Please refer to the Guidelines on the Conduct of Feasibility Studies).

The IROW Action Plan shall be prepared as part of Project Identification. However, for large scale projects (over P300M), the Action Plan may be prepared during the Feasibility Study. The IROW Action Plan shall consist of cost estimates that are based on preliminary survey conducted at the municipal level.

The Planning Chief of the concerned Regional or District Office shall supervise gathering of pertinent information. IROW Engineers, assisted by field researchers shall undertake field survey, dialogues/interviews with key LGU informants, and data gathering.
**Procedure:**

1. Once the necessity for a particular project is established during Project Identification, prepare an IROW Action Plan as part of the preliminary work to be done, including the preparation of overall project cost.

   *(Note: Planning Service shall continuously update the information regarding the NEDA inflation rate)*

2. Prepare brief Project Description consisting of the following:
   - Type of proposed structure (road, bridge, dam, etc.)
   - Scope of Work; Specify project type according to the following:
     - **Development** - Construction of a new productive unit
     - **Rehabilitation** - Restoration of an existing unit to essentially the same condition as when it was first constructed
     - **Reconstruction** - Construction involving major modifications to the existing unit in terms of design, magnitude, and efficiency
     - **Improvement** - Restoration of an existing unit to a condition better than that of the present
   - Project Technical Description - A short and concise description of the physical and technical nature of the project, including the standard units of physical measurement of the category, e.g., for buildings—in square meter; for roads—in kilometer; for flood control—in lineal meter, etc.
   - Municipality(ies) to be traversed/affected by the project
   - Justification/benefits of the project
   - Location Map of Project

3. For projects implemented by the Central Office, initiate consultation meetings with the concerned Governor, Provincial Engineer, Provincial Planning and Development Officer/Coordinator (PPDO/PPDC), and present Project Description prepared. Seek comments and opinions, without allowing any party to manipulate conditions to favor their personal advantage.

4. For all projects, initiate consultation meetings with the concerned Mayor(s), City/Municipal Engineer(s), City/Municipal Planning and Development Coordinator(s) (CPDCs/MPDCs), and City/Municipal Assessors, present Project Description and brief outcome of meeting with Provincial Officials. Seek comments and opinions, without allowing any party to manipulate conditions to favor their personal advantage. Arrange for separate appointments with the City/Municipal Assessor and Planning Coordinators.

5. Inquire about availability of sites allotted for socialized housing. Request for inclusion of Project Affected Persons (PAPs) in their shelter plan in case relocation becomes necessary.

6. Meet with CPDC/MPDC and request for possibility of including the project in the Land Use Map, or better yet, in their Comprehensive Land Use Plan (CLUP), if it is due for revision. Request for the following data:
   - Socio-Economic Profile
   - Copy of CLUP

7. Request City/Municipal Assessor for the following data:
   - Available cadastral maps of the areas to be traversed/affected by the project
   - Latest Land Valuation Map
- Pricing of land based on tax declaration
- Availability of technical descriptions for lots to be affected by the project
- Schedule of payments for improvements

8. If cadastral maps are not available or incomplete at the City/Municipal Assessor’s Office, go to the concerned DENR Regional Office, Land Management Section and request for copy of said maps

9. Go to the nearest BIR District Office and request for a copy of the latest applicable zonal valuation in the area of interest

10. Conduct ground survey, taking note of the following:
   - Number and names of barangays to be traversed/affected
   - Number of structures that will probably be affected
   - Type of land use (agricultural, residential, commercial, etc.)
   - Most common type of structures (concrete, wood, light materials)
   - Type of plantations/orchards (mango, banana, etc.)

11. Using the data gathered in Steps 6-9, prepare the Preliminary IROW Cost Estimates following the templates provided in Appendix C1 (for Land) and Appendix C2 (for Improvements).

12. Prepare an IROW Data Checklist, following the template provided in Appendix C3 showing the data gaps, including information on the type and status of these gaps. For example, during the preparation of the Action Plan, the BIR zonal valuation was still incomplete, or in the process of finalizing, the checklist must reflect the estimated schedule of completion so that whoever will conduct parcellary survey will be properly guided. The said Checklist must also specify the sources of information for the data gathered, as well as the gaps identified.

13. Integrate the Project Description prepared in Step 1, with the table generated in Step 11, the data gathered in Steps 6-8, and the Checklist prepared in Step 12 as Appendices, into an IROW Action Plan (Please refer to Appendix D for an outline of the IROW Action Plan).
   (Note: The NEDA inflation rate and contingencies shall be factored in as part of the preparation of the IROW Action Plan).

14. Submit IROW Action Plan to the Head of the Implementing Office for review and proper endorsement. The said Head of IO refers to the following:
   - If IO is a DEO, Head of the IO is the District Engineer
   - If IO is a RO, Head of the IO is the Regional Director
   - If IO is a PMO, Head of the IO is the Project Director

15. If IO is a DEO, submit IROW Action Plan to the concerned DPWH Regional Office (RO) for review and comments. If there are corrections or changes to be made, the RO must send back the Action Plan to the concerned DEO as soon as possible. Otherwise the RO should endorse it to the IROW-PMO within the same period.

16. If the IO is a PMO or RO, submit the IROW Action Plan to the IROW-PMO for review and approval.

17. IROW-PMO shall then review the Action Plan, approve it, and furnish copies to the Implementing Office and the PMO-FS, for inclusion into the Feasibility Study to be prepared.
IROW Procedural Manual

(Note: All IROW Action Plans shall be kept at the IROW and Resettlement PMO for distribution to the appropriate Implementing Offices)

18. The Feasibility Study shall then be submitted to the Planning Service of the Central Office for review of economic viability and inclusion in the MTPIP for funding.
Land Acquisition And All Right Of Way
Project Identification, Feasibility Study
2.2 **Environmental Impact Assessment**

As stipulated in D. O. No. 5, Series of 2003, Environmental Compliance Certificates (ECCs) for projects shall be secured before the Detailed Design stage. However, for projects costing over P300M, the ECC shall be secured before NEDA/ICC approval.

To secure an ECC, an Environmental Impact Assessment (EIA) must be undertaken. The level of detail of the EIA depends on the type, size, and extent of environmental impact. In accordance with DENR Administrative Order (DAO) 96-37, all major infrastructure projects are classified as Environmentally Critical Projects (ECPs), and as such shall be subject to the preparation of Environmental Impact Statement (EIS) prior to the issuance of an Environmental Compliance Certificate (ECC). All national roads and bridges are classified under this category. Projects that are not classified as ECPs but are situated in Environmentally Critical Areas (ECAs) are required to submit an Initial Environmental Examination (IEE) or an IEE Checklist to merit an ECC. Projects that do not fall under the Philippine EIS System are required to apply for a Certificate of Non-Coverage (CNC). In March 1999, Memorandum of Agreement was executed between the DENR and the DPWH. This MOA embodies important provisions that were mutually agreed upon by the two line agencies, particularly the criteria adopted in the classification of infrastructure projects into the categories that were previously mentioned. A copy of the said MOA is attached as Appendix E.

The EIA report (i.e., either one of the following, depending on the type of project---EIS, IEE, IEE Checklist, or Project Description for CNC application) shall be submitted to the concerned DENR Office for review and approval, after which an ECC is issued.

Provided in the following sections are procedures for preparing documents that form part of the requirements to merit an ECC. Please refer to the SEMS OPERATIONS MANUAL for further details. Said Manual is available at the EIAPO.

### 2.2.1 Environment Impact Statement (EIS) Preparation

**Objective:** To prepare an Environment Impact Statement for submission to the DENR

**Lead Person:** Study Team Leader

**Support:**
- Project Manager
- Module Experts
- Technical Reviewer
- Editorial Reviewer

**Overview:**
The EIAMG contains sufficient information in the management of this task and should be thoroughly consulted together with DAO 96-37.

The activity is triggered by the completion of a project design from the Implementing Office (IO) to the EIAPO.

A project manager and a team leader should be selected among the staff of the concerned office such as EIAPO, IO, regional or district office. Although one person may be assigned to
these roles, they are best given to two people for major projects. The project manager (PM) should look after the budget, disbursement and other administrative concerns in order to allow the team leader (TL) to focus on the technical aspects of the EIA and the integration of the report. The PM should be from the concerned office preparing the EIA, while the TL may be a consultant.

Procedure:

1. Obtain a description of the project from the IO. The description should contain the following:
   - Type of proposed structure (road, bridge, dam, etc.)
   - Scope of Work: Specify project type according to the following:
     - Development - Construction of a new productive unit
     - Rehabilitation - Restoration of an existing unit to essentially the same condition as when it was first constructed
     - Reconstruction - Construction involving major modifications to the existing unit in terms of design, magnitude, and efficiency
     - Improvement - Restoration of an existing unit to a condition better than that of the present
   - Project Technical Description - A short and concise description of the physical and technical nature of the project, including the standard units of physical measurement of the category, e.g., for buildings—in square meter; for roads—in kilometer; for flood control—in lineal meter, etc.
   - Municipality(ies) to be traversed/affected by the project
   - Justification/benefits of the project
   - Location Map of Project

2. Consult DAO 96-37 and DPWH-DENR MOA to confirm that an EIA (and not an IEE or CNC) is required for project, based on the information from Step 1. When in doubt, consult or call the EIA division of the EMB-Central Office.

3. Package the information about the project into a Project Description and prepare a cover letter requesting a scoping meeting. Submit documents to the EMB-DENR Central Office. DENR's response will be to set a schedule for the First-Level Scoping Meeting. However, it may also refer the project to a regional office for submission as an EIA or IEE. A follow-up call to the DENR may be necessary if a response is not obtained within five working days.

4. Ensure that the Formal Scoping Session following Chapter 3 of the DPM and Section 2.5 of the SEMS Manual is conducted.

5. Ensure that the Technical Scoping Meeting following Section 2.6 of the SEMS Manual is conducted.

6. Prepare and submit the Scoping Report using Scoping Report Template (Please refer to Appendix F1).

7. Prepare a detailed project description following the EIA template (Please refer to Appendix F2).

8. Conduct baseline data gathering following the scoping report, DAO 96-37 and the EIA template.
• Go to the EIAPO/EIARO library to look for relevant data from previous EIAs. Check database for digital maps, reports and other electronic data.
• Please refer to Section 2.7 of the SEMS Manual for guidance on the conduct of a perception survey.
• Please refer to Section 2.9 of the SEMS Manual for guidance on baseline water quality monitoring.
• Please refer to Section 2.10 of the SEMS Manual for guidance on baseline air quality monitoring.
• Please refer to Section 2.11 of the SEMS Manual for guidance on baseline noise monitoring.

9. Conduct consultations and discussions on the proposed project, properly documenting the minutes of all activities. Please refer to guidance on the conduct of group discussions (Please refer to Section 2.8 of the SEMS Manual).

10. Prepare the Impact Assessment section (Please refer to Section 2.12 of the SEMS Manual)

11. Prepare an Environmental Management Plan (EMP) by revising the standard EMP (Please refer to Appendix F3) into a site- and project-specific plan.

12. Prepare an Environmental Monitoring Plan (EmoP) by revising the standard EMoP (Please refer to Appendix F4) to suit the proposed project.

13. Integrate the EIA using EIA template shown in Appendix F2.

14. Submit draft document to the designated technical reviewer. A meeting may be held among team members to discuss the reviewer's comments.

15. Submit revised draft for editorial review.

16. Revise document into final format and check for completeness using the DENR screening form and scoping checklist. Do not submit the EIA for screening if there are missing sections.

17. Submit one copy of the EIA to DENR for screening if the report is deemed complete.

18. The DENR should respond within three days with an accomplished screening form (Please refer to Appendix F5) indicating whether the EIA may be submitted, or is lacking in certain sections. Revise the report to include the missing requirements, then resubmit. Transmit the revised report with a cover letter identifying the pages where the missing sections have been supplied.

19. After clearing the screening step, prepare required number of copies for DENR review. Submit the report and pay the filing fee. Make sure that a dated proof of acceptance is received from the DENR.

20. Participate in EIS review process (Please refer to Section 2.13 of the SEMS Manual)

21. Organize and conduct the public hearing (Please refer to Section 2.14 of the SEMS Manual).

22. Periodically request an update on the ECC status from the DENR.

23. File ECC and submit copy to IO.
2.2.2 Initial Environmental Examination (IEE) Preparation

Objective: To prepare an Initial Environmental Examination (IEE) for submission to the DENR

Lead Person: Project Manager / Study Team Leader

Overview:
The EIAMG contains sufficient information in the management of this task and should be thoroughly consulted together with DAO96-37.

The activity is triggered by the submission of a project description from the Implementing Office (IO) to the office preparing the IEE. A project manager / team leader should be selected among the preparing office's staff.

Procedure:

1. Obtain Project Description from the IO. The description should contain the following:
   - Type of proposed structure (road, bridge, dam, etc.)
   - Scope of Work: Specify project type according to the following:
     - Development - Construction of a new productive unit
     - Rehabilitation - Restoration of an existing unit to essentially the same condition as when it was first constructed
     - Reconstruction - Construction involving major modifications to the existing unit in terms of design, magnitude, and efficiency
     - Improvement - Restoration of an existing unit to a condition better than that of the present
   - Project Technical Description - A short and concise description of the physical and technical nature of the project, including the standard units of physical measurement of the category, e.g., for buildings—in square meter; for roads—in kilometer; for flood control—in lineal meter, etc.
   - Municipality(ies) to be traversed/affected by the project
   - Justification/benefits of the project
   - Location Map of Project

2. Consult DAO96-37 and DPWH-DENR MOA to confirm that an IEE (and not an IEE checklist or a CNC) is required for project, based on the information from Step 1. When in doubt, call the EIA division of the EMB-Central Office.

3. Complete Enform-1 (Please refer to Appendix F6) and submit to the appropriate EMB-DENR regional office. It may be necessary to justify why an IEE and not an EIA is to be conducted, using communications from the DENR central office and the DENR-DPWH MOA. The regional office will request a meeting with the proponent to discuss the project before the IEE study may proceed. A follow-up call to the DENR may be necessary if a response is not obtained within one week.

4. Prepare the IEE following DAO96-37 and the IEE template. Go to the EIAPO library to look for relevant data from previous EIAs (Note: some of these information may be available at the Regional and District Offices). Check database for digital maps, reports and other electronic data.

5. Prepare an Environmental Management Plan (EMP) by revising the standard EMP (Please refer to Appendix F3) into a site- and project-specific plan.
IROW Procedural Manual

6. Write the IEE using IEE template shown in Appendix F7.

7. Submit draft document to the designated technical reviewer. A meeting may be held among team members to discuss comments.

8. Submit revised draft for editorial review (proofreading).

9. Revise document into final format.

10. Submit required number of copies for DENR review. Pay the required filing fees, and make sure that a dated proof of acceptance is received from the DENR.

11. Call DENR weekly to request ECC status.

12. File ECC and submit copy to IO.

2.2.3 Initial Environmental Examination (IEE) Checklist Preparation

Objective: To prepare an Initial Environmental Examination (IEE) checklist for submission to the DENR

Lead Person: Project Manager / Study Team Leader

Overview:
The activity is triggered by the submission of a project description from the Implementing Office (IO) to the EIAP O. A project manager / team leader should be selected among the staff of the preparing office. Instructions for completing an IEE checklist is provided with the checklist and will generally require little additional instruction.

Procedure

1. Obtain Project Description from the IO. The description should contain the following:
   - Type of proposed structure (road, bridge, dam, etc.)
   - Scope of Work; Specify project type according to the following:
     - Development - Construction of a new productive unit
     - Rehabilitation - Restoration of an existing unit to essentially the same condition as when it was first constructed
     - Reconstruction - Construction involving major modifications to the existing unit in terms of design, magnitude, and efficiency
     - Improvement - Restoration of an existing unit to a condition better than that of the present
   - Project Technical Description - A short and concise description of the physical and technical nature of the project, including the standard units of physical measurement of the category, e.g., for buildings—in square meter; for roads—in kilometer; for flood control—in lineal meter, etc.
   - Municipality(ies) to be traversed/affected by the project
   - Justification/benefits of the project
   - Location Map of Project

2. Consult the DPWH-DENR MOA to confirm that an IEE checklist (and not a CNC) is required for project, based on the information from Step 1. When in doubt, call the EIA division of the EMB-Central Office or the region to which the checklist is to be submitted.
3. Complete Enform-1 (Please refer to Appendix F6) and submit to the appropriate EMB-DENR regional office. It may be necessary to justify why an IEE checklist and not an EIA or IEE is to be conducted, using communications from the DENR central office and the DENR-DPWH MOA. The regional office may request a meeting with the proponent to discuss the project. A follow-up call to the DENR may be necessary if a response is not obtained within one week.

4. Prepare the IEE following DAO 96-37 and the IEE checklist instructions.

5. Submit required number of copies for DENR review. Pay the required filing fees, and make sure that a dated proof of acceptance is received from the DENR.

6. Call DENR weekly to request ECC status.

7. File ECC and submit copy to IO.

### 2.2.4 Application for Certificate of Non-Coverage (CNC)

**Objective:** To prepare a Certificate of Non-Coverage (CNC) for submission to the DENR

**Lead Person:** Study Team Leader

**Overview:**
The activity is triggered by the submission of a project description from the Implementing Office (IO) to the EIAPO. A study team leader should be selected among the staff of the preparing office to prepare the CNC application. Instructions for completing a CNC Application IEE checklist are found in the DPM.

**Procedure**

1. Obtain Project Description from the IO. The description should contain the following:
   - Type of proposed structure (road, bridge, dam, etc.)
   - Scope of Work: Specify project type according to the following:
     - Development - Construction of a new productive unit
     - Rehabilitation - Restoration of an existing unit to essentially the same condition as when it was first constructed
     - Reconstruction - Construction involving major modifications to the existing unit in terms of design, magnitude, and efficiency
     - Improvement - Restoration of an existing unit to a condition better than that of the present
   - Project Technical Description - A short and concise description of the physical and technical nature of the project, including the standard units of physical measurement of the category, e.g., for buildings—in square meter; for roads—in kilometer; for flood control—in lineal meter, etc.
   - Municipality(ies) to be traversed/affected by the project
   - Justification/benefits of the project
   - Location Map of Project

2. Complete Enform-1 (Please refer to Appendix F6) containing a brief description of the project, and a map of the project site.

3. Prepare a cover letter to formally stating the application for a CNC. The letter must justify why the project is not covered by the EIS system. This justification must cite a specific
provision of DAO 96-37, DPM, or the DPWH-DENR MOA. In addition, it will be worth emphasizing in the letter that the project's impact on the environment is minimal, and that the project site is not considered a critical area.

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

5. Call DENR weekly to request CNC status.

6. File CNC and submit copy to IO. A follow-up call to the DENR may be necessary if a response is not obtained within one week.
Land Acquisition And All Right Of Way
Environmental Impact Assessment - ECC

Profile Characteristics Of ROW

Determine Impact Of Project

Design Mitigating Measures

Design Environmental Management Plan

Develop Monitoring Plan

Prepare Environment Impact Assessment Report

Approve Environment Impact Assessment Report

Submit To DENR

Issue ECC

Note:
This includes:
- Acceptance of stakeholders of project
- Sensitivity of area
- Restrictions
### 2.3 Update IROW Action Plan Based on Result of Detailed Design

**Objective:** To update the IROW Action Plan based on the result of detailed engineering design

**Lead Office/Person:**
- **For projects of the Central Office:**
  - Project Director, Implementing Office
- **For other projects**
  - Director, Regional Office
  - District Engineer, DEO

**Support:**
- Bureau of Design representative
- Bureau of Construction representative
- PMO representative
- Planning and Design Division, RO
- Planning and Design Section, DEO
- IROW Engineers

**Overview:**
This procedure is initiated upon the completion of the Detailed Design, particularly when there are changes in the design of the infrastructure project which will affect the defined IROW boundaries. For example, in case of a road project, there are instances wherein realigned sections deviate significantly from the alignment that was established during the conduct of Project Identification and/or Feasibility Study (i.e., as a result of the shifting of alignment, some sections may have encroached or traversed another city or municipality, which may have valuations for land and improvement that are different from the city/municipality that were previously covered).

**Procedure:**
1. Obtain the IROW Plan and Structure Map from the IO. The ROW Plan as differentiated from the IROW Action Plan is the plan (drawing) prepared by the Detailed Design consultants which shows the IROW limits. The Structure Map shows the structures that will be affected by the project.
2. Check if there are structures that will be affected in the realignment sections. If so, take note of the number of structures.
3. Prepare for field verification. For projects implemented by the Central Office, notify the respective DEOs, and request for assistance during field visit. Bring a clear copy of the IROW Plan for reference.
4. During field verification, take note of the type of land uses in the areas where the realignment sections are located. Record the kilometer post reading where changes in land use pattern are noticed. For example, from agricultural to commercial or residential, and vice versa.
5. In the absence of kilometer posts, use the IROW plan as reference point, and reset the odometer in the service vehicle to zero at the beginning of the realignment section. Note the changes in land use types using the odometer readings as reference points.

6. Check if the realignment sections are still within the same city/municipality(ies) identified during the conduct of Feasibility Study. If not, visit the concerned city/municipal office and request the Assessor for a copy of the cadastral map, Land Valuation Map, and an updated schedule of payment for improvements.

7. Go to the nearest BIR District Office and request for a copy of the latest applicable zonal valuation in the area of interest.

8. Go back to the DEO or field office (if any) and consolidate gathered information.

9. Using the readings obtained in the field and data gathered from the city/municipal offices and the BIR, recompute IROW cost and fill up a new forms using the templates in Appendices G1 and G2.

10. Reflect the necessary corrections/updates in the other portions of the IROW Action Plan.

11. Append the newly gathered data, i.e., BIR zonal valuation, schedule of payment for improvements (for cities/municipalities outside those identified in the Feasibility Study), cadastral maps, and Land Valuation Maps in the Updated IROW Action Plan.

12. Attach a routing slip to the IROW Action Plan to ensure timely processing of document.

13. For projects implemented by the Central Office, submit the Updated IROW Action Plan to the Director of the Bureau of Construction for review. If there are any corrections or point of clarifications, it should return the document to the concerned IO immediately. Upon concurrence to the revised Action Plan, the BOC shall endorse it to the IROW PMO within three (3) working days for comments. The IROW PMO must review it and make the necessary comments within five (5) working days, after which it must be properly endorsed to the Planning Service. The attached routing slip must be accurately and properly filled up for effective tracking.

14. For other projects, submit the Updated IROW Action Plan to the concerned Regional Director for review. The RO must evaluate the Action Plan within three (3) working days. If there are any corrections or point of clarifications, it should return the document to the concerned DEO as soon as possible. After concurring to the revised Action Plan, the RO must endorse it to the Planning Service within three (3) working days. The attached routing slip must be accurately and properly filled up for effective tracking.

15. The Planning Service must review and approve the Updated IROW Action Plan after which it shall update the MTPIP accordingly.

16. The Planning Service must then prepare the necessary request for adjustment in the project budget to reflect the difference in IROW costs.
Land Acquisition And All Right Of Way
Detail Design

- **Detail Design Funds**
  - Preliminary Survey
  - Proposed ROW Limits & Approved Costs
  - Cost Change Or Major Realignment
    - NO (No Actions Needed)
    - YES
      - Prepare Update To Medium Term Plan (If Needed)
  - Update ROW Action Plan (if Needed)
    - Approved Updates To MTPIP And Updated Action Plan

- **PDD - Regional Office**
- **PDS - District Office**
- **BOC - Central Office**
- **PMO**

- **Updated MTP**
- **Approved Updates To MTPIP And Updated Action Plan**
  - RD - Regional Office
  - DE - District Office
  - BOC Director - Central Office
  - PMO - Project Director
2.4 Conduct of Parcellary Survey

Objective: To conduct parcellary survey and prepare a Parcellary Survey Report, which contains the essential technical information for IROW acquisition.

Lead Office/Person: Registered Geodetic Engineer of Implementing Office
(May either be a consultant or DPWH Geodetic Engineer)

Support:
- Bureau of Design Representative
- PMO Project Manager
- Regional Director
- District Engineer
- DEO Representative
- IROW Engineers
- Survey Team consisting of Junior GEs, field surveyors, and a supervisor

Overview:
As stated in D.O. No. 147 Series of 2001 (A copy is attached as Appendix H1), the conduct of parcellary survey may either be undertaken by the concerned Implementing Office (BOC/PMO/RO/DEO), or by duly accredited consultants if the IO has no capability or available personnel to do the job. In either case, the preparation of parcellary plans is started once the right-of-way plans for the proposed project are completed, utilizing the standardized TOR from the IROW-PMO.

Procedure:
Meeting with Local Officials before conducting the survey:

1. If the IO is a DEO, arrange a meeting with the LGU Officials, particularly the City/Municipal Mayor, Assessor, and Barangay Captains. There should be at least one (1) meeting in each city/municipality to be traversed, before conducting the parcellary survey. Proper scheduling should be observed to allow ample time for meaningful discussions among the LGU Officials, and thus avoid too much rush which may inadvertently leave some important issues unsettled.

2. If the IO is a PMO or RO, request for assistance from the concerned DEO in arranging a meeting with the LGU Officials. The number of meetings and scheduling of such shall be the same as those prescribed in Step 1.

3. Draft the invitation letters to be signed by the respective Head of IO or his representative. Make sure that the purpose of the meeting is clearly stated, and the importance of the presence of each participant highlighted.

4. Send the invitations through the concerned DEOs at least two (2) weeks before the schedule of the meeting.

5. DEO representatives must make personal follow ups to ensure that all the concerned barangay captains will attend the meeting.
6. During the meeting, explain the purpose of the parcellary survey, the activities that will be undertaken, and the data requirements. The Survey Team Leader must emphasize to the Barangay Captains that the property owners’ cooperation will expedite the process and help attain higher accuracy in the preparation of parcellary plans.

7. It will also be desirable if the Survey Team Leader can persuade the Barangay Captains to meet with the concerned property owners and relay to them what was discussed during the meeting with the LGUs, before any field work is carried out.

Data Gathering:

8. Obtain a copy of the IROW Action Plan, or an updated one if any, and a complete set of the right-of-way plans. Review the IROW Data Checklist and list down the data gaps to be filled in. *(Note: Always bring a copy of the IROW Action Plan and right-of-way plans when gathering data, particularly from other concerned government agencies, to facilitate the presentation of the proposed project to proper authorities).* The IROW Action Plan should contain the following:

- Cadastral maps of the areas to be traversed/affected by the project
- Latest Land Valuation Map
- Pricing of land based on tax declaration
- Pricing of land based on BIR zonal value
- Schedule of payments for improvements
- Number and names of barangays to be traversed/affected
- Number of structures that will probably be affected
- Type of land use (agricultural, residential, commercial, etc.)
- Most common type of structures (concrete, wood, light materials)
- Type of plantations/orchards (mango, banana, etc.)

9. Validate if the data included in the IROW Action Plan are still relevant. If not, go to the concerned Office and obtain necessary information. If cadastral maps are included in the IROW Action Plan, proceed to Step 15, otherwise, proceed to the next step.

10. Go to the respective Assessor’s Offices and request for copies of cadastral maps. If cadastral maps are not available at this Office, proceed to the next step.

11. Go to the DENR-Land Management Bureau (LMB) or Land Management Section (LMS) of concerned DENR Regional Office to obtain the following:

- Cadastral maps, together with the technical description of the lots needed for right-of-way.
- Certificate of Ancestral Domain Claim (CADC) areas, whether these are proclaimed or proposed

12. If cadastral maps are not available at the LMB/LMS, go to the Land Registration Authority, borrow their Index Map, and request for the needed cadastral maps.

13. If technical descriptions are not available at the LMB/LMS, go to the Office of the Register of Deeds, specify the title numbers to obtain such.

14. If there are no title numbers, go to the respective Assessor’s Office. Borrow their Tax Mapping Index which shows the title numbers of the lot numbers reflected in the cadastral map.
15. Using the cadastral maps and right-of-way plans including title numbers of lots needed for right-of-way as references, go to the respective Assessors’ Offices and request for a list of landowners.

16. For lots with OCTs, go to the Office of the Register of Deeds and check if these were obtained through Commonwealth Act 141 (C.A. 141), otherwise known as the Public Land Act. List down all OCTs that were awarded through C. A. 141. This listing is an important input to the IROW Land Data, a matrix that will be appended in the Parcellary Survey Report to be prepared in Step 40 below.

If so, check if there is any annotation in the OCT that indicates that the said piece of land has been subjected to a Quit Claim deed in the past. If so, list down this information in the last column of the IROW Land Data Matrix.

17. For lots with TCTs, go to the Office of the Register of Deeds and check if the Mother Title of these TCTs were obtained through Commonwealth Act 141 (C.A. 141), otherwise known as the Public Land Act. List down all TCTs with Mother Titles that were awarded through C. A. 141. This listing is an important input to the IROW Land Data, a matrix that will be appended in the Parcellary Survey Report to be prepared in Step 40 below.

If so, check if there is any annotation in the TCT that indicates that the said piece of land has been subjected to a Quit Claim deed in the past. If so, list down this information in the last column of the IROW Land Data Matrix.

18. In the IROW Action Plan, take note of the lots that are classified as agricultural lands (if any). Go to the City/Municipal Agrarian Reform Office and request for a list of registered tenants and/or Emancipation Patent (E. P.) awardees.

19. To determine if agricultural areas identified are within the Network of Protected Agricultural Areas (NPAA), obtain a copy of the Comprehensive Land Use Plan (CLUP) from the concerned Cities/Municipalities, or the Provincial Physical Framework Plan (PPFP) from the concerned province(s), and look for the maps showing the NPAAs. If these documents are not available, go to the Department of Agriculture to obtain said maps.

20. In the IROW Action Plan, take note of the lots that are classified as military reservation areas (if any). Go to the Department of National Defense (DND) to obtain the map showing the boundaries and technical description of the said reservation area.

21. In the IROW Action Plan, take note if there are any historical sites or structures (buildings, monuments, landmarks, etc.) identified. If so, go to the National Historical Institute (NHI) to obtain the necessary information regarding the historical site identified.

22. In the IROW Action Plan, take note if there are easements from water bodies. If so, go to the National Water Resources Board (NWRB) to obtain the necessary information on these easements.

23. To determine if there are proclaimed protected areas in the project site, go to the concerned DENR Office and obtain from the LMB (Central Office) or the LMS (DENR Regional Office) a listing of protected areas in the province where the Project is located, and a map showing these protected areas.

24. To determine the different types of land uses in the project area, the CLUP or the PPFP can be used, for these documents contain the province’s/city’s/municipality’s present
(existing) and proposed (future) land use plans. If these are not available in the said documents, go to the respective Provincial Development Council (PDC), or to the Housing and Land Use Regulatory Board (HLURB) to obtain the land use plans needed.

Undertake field survey

25. Coordinate with the respective barangay captains regarding the schedule of field survey. Show them the listings obtained in Step 15. Request them to refer local guides who are very familiar with the site, preferably those who know the owner of lots to be acquired.

26. Using the listings obtained in Step 15 confer with the local guide, plan out where to start, go to the site, and look for the property owners.

27. Ask the local guide to properly introduce you and the members of the survey team to the property owner or other family members.

28. If they have been previously informed by their barangay captain regarding the conduct of parcellary survey, briefly explain the activities that will be undertaken.

29. Politely request for photocopies of their TCT/OCT and/or latest tax declaration.

30. Proceed to the field for monumenting and detailed mapping.

Preparation of plans

31. Using field data obtained in Step 30 and listings from Steps 10 to 15, prepare a parcellary survey plan containing the following:
   - Design road alignment/structure
   - IROW boundary for the project
   - Affected lots showing the name of the owner/claimant, lot number, and area in square meters
   - All improvements within the IROW limit

32. Submit survey plan to the Implementing Office (PMO/RO/DEO) for approval. Attach routing slip for tracking.

33. The concerned Implementing Office should evaluate the submitted survey plan and make the necessary comments or approve the plan within five (5) days.

34. Based on the approved survey plans, determine which lots need to be subdivided.

35. If entire lots will be acquired, proceed to Step 40.

36. If there are lots that need to be subdivided, prepare subdivision plan for each affected lot containing the following information:
   - Name of owner/claimant, lot number, and area
   - Computations of lot technical descriptions

37. Present the subdivision plan to the respective landowners for their concurrence.

38. If the lot owner concurs with the subdivision plan, submit it to the Land Management Bureau or concerned Land Management Section of the DENR Regional Office for approval. If the owner does not concur with the plan, go back to Step 8 and proceed to the succeeding steps until concurrence is obtained.

39. Once the subdivision plan is approved by the LMB/LMS, obtain BIR zonal valuation for each affected lot.
40. Prepare the Parcellary Survey Report consisting of the following:
   • General location of the project
   • Parcellary survey plan
   • Subdivision plans
   • Index Map of the entire project area showing the affected lots
   • IROW Land Data Matrix, consisting of a list of affected lots, complete with the lot and block numbers, registered claimant/owner, total area, area affected, and notation whether property is mortgaged or not, or if it is under litigation, or if it has incurred any encumbrances, or if the Mother Title was obtained through Commonwealth Act 141 (Please follow template provided in Appendix H2).
   • Lot data computations showing delineation of affected area relative to the entire property
   • Attachments consisting of the following:
     ▪ copies of original or transfer certificates of title, tax declarations, and lot technical description
     ▪ tax clearance from landowners
     ▪ cadastral maps
     ▪ Certificate of Tenancy/Non-Tenancy (if applicable)
     ▪ Maps showing CADC areas (if any)
     ▪ Maps showing military reservation areas (if any)
     ▪ Easement documents from the NWRB (if applicable)
     ▪ Listing and brief description of historical sites/structures (if any)
     ▪ Listing and maps of proclaimed protected areas from the DENR (if any)
     ▪ Land use plans (either from the CLUP/PPFP or from copies obtained from the HLURB)
     ▪ Map showing if the project is located within an NPAA

41. Submit the Parcellary Survey Report to the Head of the concerned Implementing Office (PMO Director/Regional Director/District Engineer) for approval. Attach routing slip for tracking

42. The concerned Head of the Implementing Office shall then evaluate the submitted survey plan and make the necessary comments or approve the plan.

43. Submit copy of Approved Parcellary Survey to IROW-PMO
**Land Acquisition And All Right Of Way**

**Conduct Parcellary Survey**

Collect Data

BIR Zonal Value On Land

Parcellary Survey Data

ROW Plan

Regional Office
District Office PMO

Collect Data

Parcellary Survey Data

Guidelines For 20/80 Rule

Conduct Parcellary Survey

Survey Report

Approve Survey Report

Approved Survey Plan

Is Subdivision Required

NO

YES

Confirm With Lot Owner

Approve Subdivision Plan

DENR LMB

Prepare Subdivision Plan

Subdivided Original Lot (If Portion Taken)

Guidelines For 20/80 Rule

Subdivision Plan (If Needed)

notify

Prepare Subdivision Plan And Listing

Obtain Zonal Value Per Lot

Survey

Survey Report

Zonal Value Per Lot

Approved Parcellary Survey Plan & Listing

Guidelines For 20/80 Rule

Prepare Parcellary Survey Plan & Listing

Survey Contractor

Lot Owner

Approved Parcellary Survey Plan & Listing

Review and Approval

Regional Office
District Office Parcellary Survey Contractor PMO

Regional Office
District Office
Parcellary Survey Contractor PMO

DE - District Office
RD - Regional Office
PMO - PD

Approved Parcellary Survey Plan & Listing

Conduct Parcellary Survey

Regional Office
District Office PMO

Guidelines For 20/80 Rule

Approve Survey Plan

Regional Office
District Office Parcellary Survey Contractor PMO

Regional Office
District Office
Parcellary Survey Contractor PMO

DE - District Office
RD - Regional Office
PMO - PD

Approved Parcellary Survey Plan & Listing

Parcellary Survey Plan & Listing

Subdivision Plan With Technical Description

**NOTES :**

Note 1: Data To Be Collected

1. Assessors office
   - Tax declaration
   - Tax map
   - Technical description

2. Affected Landowner
   - Tax declaration
   - Copy of TCT/OCT
   - Tax clearance
   - Statement of Account
   - Technical description
   - Pictures and Sketch

3. LMB
   - Cadastral map
   - Technical description

4. Department of Agrarian Reform
   - Certificate of Original Owner of Land

5. National Commission for Indigenous People
   - Area of ancestral domain

6. Department of National Defense
   - Military reservation

7. Register of Deeds
   - Title/TCT

8. National Water Resource Board
   - Easements

9. National Historical Institute (NHI)
   - Historical Site

10. DENR
    - Protected Areas

11. LGU/HLURB/HUDCC
    - Land Use Plan & Zoning Classification

12. Department of Agriculture
    - Network of Protected Agriculture Areas

13. Improvement Agency
    - Structure Mapping

14. Land Use

15. Development Cost

16. Similar Property

17. Compensation For Relocation

18. Ocular Inspection

(Section 7) - IRR RA 8974

**Note 2:** Adequate For Compensation Purposes

**Note 3:** DENR Format Titling
2.5 Relocation of Public Utilities

Objective: To facilitate relocation of public utilities in areas needed for right-of-way

Lead Office/Person: For projects at the Central Office:
Project Director, PMO
For other projects
District Engineer

Support:
- Planning, Design, and Construction Division Staff, RO
- Planning Design, and Construction Section Staff, DEO
- Implementing PMO Staff

Overview:
Once the right-of-way limits are established during the conduct of detailed design, inventory of public utilities that need to be relocated must be immediately undertaken. Proper coordination with all the utility companies involved is very important at this point, in order to ensure prompt execution of relocation procedures.

Users of this manual are reminded of the following Department’s policies:

- Public utility survey and preparation of Utility Relocation Plan shall be included in the scope of work of Detailed Design to avoid undue delay in LAPRAPP implementation.

- Cost of relocation shall be shouldered by the Department for utilities outside existing right-of-way.

- Cost of relocation shall be shouldered by the utility companies for utilities within existing right-of-way.

- Utilities that are not cleared by utility companies within agreed period of time shall be cleared by DPWH after due notice and public announcement.

- All Regional Offices are encouraged to prepare a Memorandum of Agreement with public utility companies.

Procedure:
1. Using the right-of-way plans prepared during detailed design, conduct field inventory of utilities above ground.

2. For underground facilities, interview Utility Company/Cooperative representative and request for a copy of utility plans or other relevant documents

3. Take note if subject utility is inside or outside the existing right-of-way using data obtained from Steps 1 and 2.
For utilities outside existing right-of-way:

4. Prepare the Utility Relocation Plan

5. Arrange a meeting with the Utility Company/Cooperative and request them to relocate the utility.

6. If the Utility Company/Cooperative agrees, execute an Agreement to Relocate the Utility with the concerned owners. Make sure that said agreement contains a clause that binds the Company/Cooperative to undertake relocation within a specified time period, upon receipt of payment.

7. Prepare the voucher and pay the Utility Company/Cooperative, in accordance with the Agreement executed.

8. The Utility Company/Cooperative must relocate their utility within the set period of time in the Agreement.

9. The Implementing Office must monitor if the Utility Company/Cooperative has relocated their utility within time period set in No. 6.

10. If the Utility Company/Cooperative does not relocate their utilities within the set time period, send a second notice stating that if they don’t relocate said utilities within a time frame set, then DPWH shall undertake the relocation and charge the Utility Company/Cooperative the amount incurred, plus the payment that was given to them in No. 7.

For utilities within the existing right-of-way:

11. Coordinate with maintenance division of Regional Office where the project is located, obtain copy of the General Memorandum of Agreement made between DPWH and utility companies and clarify conditions and regulations regarding installation of public utility facility within DPWH’s ROW.

12. Also clarify conditions/rules stated in the installation permit issued by maintenance division of Regional Office to utility companies.

13. Notify the Utility Company/Cooperative to relocate the utility within a specified period of time.

14. The Implementing Office must make regular follow ups and remind the Utility Company/Cooperative of the deadline for compliance.

15. If the utility company has not relocated the utility then conduct a press release informing the public that the Utility Company has been notified to relocate the utilities to make way for the implementation of the project.

16. If the Utility Company/Cooperative does not relocate their utility after the press release, a final notice, specifying another time period, signed by the Head of the Implementing Office must be issued to them.

17. If the Utility Company/Cooperative still does not comply, request the Construction Division of the RO or the DEO and the necessary support from the PNP to clear the utility from the existing right-of-way.

18. Prepare the necessary billing, including all the costs incurred in the clearing of the subject utility.

Land Acquisition And All Right Of Way
Relocation Of Public Utilities

- Conduct Field Inventory Survey For Utilities Above Ground
- Utility Inventory Map
- PDD - Regional Office
- PDS - Regional Office
- Utility Company/Cooperative
- PMO

- Interview And Obtain Vital Documents For Underground Facilities
- Utility Location Chart
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO

- Utility Currently Outside RROW
- YES
- Notify Utility Company (Cooperative) To Relocate Within Specified Time Period
- Notification
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO

- Utility Company (Cooperative) Complied
- YES
- Relocated Utilities And Cleared ROW
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO

- Bill Utility Company (Cooperative) To Clear Utility
- Cleared ROW
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- CFMS

- Utility Company (Cooperative) Complied
- NO
- Clear Utility From ROW
- Cleared ROW
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- CFMS

- Pay Utility Company (Cooperative) To Relocate (Disbursement Voucher)
- Press Release/Press Conference
- RO - PIO
- DO - PIO
- CO - PIO
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- CFMS

- Relocate Utility
- Utility Company/Cooperative
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO

- Bill To Utility Company
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO

- RO - PIO
- DO - PIO
- CO - PIO
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- CFMS

- Utility Inventory Map
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO

- Issue Final Notice To Utility Company (Cooperative)
- NO
- Router To Utility Company (Cooperative)
- PDD - Regional Office
- PDS - District Office
- Utility Company/Cooperative
- PMO
2.6 Preparation of the LAPRAP

**Objective:** To prepare the LAPRAP for submittal to the DPWH and Lending Institutions.

**Lead Office/Person:**
- For projects at the Central Office: PMO Director
- For other projects: Regional Office/District Engineering Office Planning Chief

**Support:**
- PMO Staff
- Regional Director
- District Engineer(s)
- Planning and Design Division, Regional Office
- Planning and Design Section, District Engineering Office
- Municipal and Barangay Officials

**Overview:**
The Land Acquisition Plan and Resettlement Action Plan (LAPRAP), as described in D. O. No. 5, Series of 2003 is a document which embodies the following information: (i) number and identity of Project Affected Persons (PAPs); (ii) degree (marginal or severe) and scale of adverse impacts that will be brought about as a consequence of project implementation, particularly in terms of loss of land and other fixed assets, as well as income; (iii) mitigation measures to minimize foreseeable said adverse socio-economic impacts; (iv) appropriate compensation package for the PAPs; (v) LAPRAP Implementation Schedule, and (vi) overall estimated resettlement cost.

In accordance with D.O. No. 5, Series of 2003, LAPRAPs shall be prepared for all projects, whether these are locally funded or foreign assisted. The preparation of the LAPRAP is initiated once the Project has obtained oversight approval by the DPWH and the NEDA. Preliminary activities can be undertaken in unison with the preparation of the IROW Action Plan during project identification stage. However, the LAPRAP can only be completed once the Detailed Design and the Parcellary Survey are completed, since the exact alignment, IROW limits, properties to be affected, etc., are only firmed up after these activities have been completed.

**Procedure:**
1. Review Updated IROW Action Plan to determine validity of information and possibility of filling in data gaps
2. If the Project is for construction of a new roadway, proceed to Step 3. If the Project involves improvement or upgrading of an existing roadway, conduct preliminary site investigation. Take note of the following:
   - Width of existing roadway, as compared to IROW limit
   - Presence/absence of shoulders and side ditches (if necessary)
3. Conduct consultation meetings with the City/Municipal Officials, especially the Mayors, Planning Coordinators/Officers, and City/Municipal Engineers.

4. If number of available DEO-PDS staff is not sufficient to accomplish the survey within the given time frame, train enumerators, preferably from the local community, since they are more familiar with the area and the members of the community.

5. Conduct barangay-level Public Consultation Meetings (PCMs). PCMs must be held in each barangay that will be traversed by the project. Venues for PCMs must be at neutral grounds such as barangay halls, day care centers, public schools, and the like. This is to avoid certain individuals or groups from maneuvering conditions to their personal interest. The following are considered mandatory during the PCMs:
   - Brief project description
   - Reiteration of concept of LAPRAP as a tool for socio-economic development (LAPRAP preparer must ensure that LAPRAP concept is clearly understood by the PAPs)
   - Tagging and taking of photographs of owner and structures
   - Specify the Cut-Off date, which is reckoned as the start of the census for PAPs and tagging for improvements
   - Importance of honesty and accuracy of responses in the census and socio-economic survey to be carried out
   - Open Forum to allow the PAPs to express their ideas, apprehensions, concerns and even objections regarding the proposed project

6. Based on the approved parcellary survey plan, carefully stake out the IROW limits in the field.

7. Using pre-numbered stickers, tag each structure within the defined IROW limit. Take photographs of each of these tagged structures. If possible, ask the property owner to be in the photographs to be taken for easier identification.

8. While in the field, prepare cost estimates of all improvements---structures, trees, crops to be affected, based on replacement cost (as defined in RA 8974). Since this procedure will require an expert opinion, it must be carried out by an experienced Cost Estimator, or at least an Engineer with extensive experience in this field. This task must be strictly supervised by the implementing DEO.

9. Conduct census and socioeconomic survey of the PAPs. A census covering general information on all the PAPs shall be undertaken. This includes demographic data and basic information on the owner and properties to be affected. For severely affected PAPs, more detailed information, such as the amount and source of income and expenditures, availability of basic social services, etc., as part of the socio-economic profile to be established.

   (Note: For areas with legitimate indigenous people (IPs), a separate socio-economic survey of the affected IP community shall be carried out as part of the Indigenous People Action Plan (IPAP), particularly if the IPs are Certificate of Ancestral Domain Claim (CADC) holders)

10. Input properly accomplished survey instruments in the computer using an established statistical package. This will enable a systematic and fast processing of data gathered.
and thus help in establishing the socio-economic profile of the PAPs interviewed, and in computing the compensation package due them.

11. Determine the compensation package based on the following:
   - Replacement cost for structures (with no salvage value), crops, and other improvements
   - Income loss
   - Financial assistance
     - Rental subsidy (not more than P15,000/month for six months)
     - Transportation expenses (P1000)
     - Rehabilitation Assistance (training); for relocation (P15,000/per municipality)
     - Financial Assistance to tillers; i.e., annual harvest up to P15,000/hectare
     - Disturbance assistance equivalent to P10,000/land owner/occupant (if no relocation site is provided)

12. Prepare the compensation package and entitlements in accordance with the Guidelines on LAPRAP Preparation.

13. Prepare the LAPRAP Report in accordance with the Report Outline provided in the LAPRAP Guidelines.

14. Submit the LAPRAP Report to the appropriate approving authority as indicated in the LAPRAP Guidelines.

15. Approval of the LAPRAP shall be by the Head of the IO. i.e.,
   - If IO is a DEO, Head of the IO is the District Engineer
   - If IO is a RO, Head of the IO is the Regional Director
   - If IO is a PMO, Head of the IO is the Project Director
   - If IO is the Central Office, Head of the IO is the BOC Director

16. For procedures in implementing and monitoring the LAPRAP, please refer to LAPRAP Monitoring and Tracking Manual.
**Land Acquisition And All Right Of Way**

**Land Acquisition Plan And Resettlement Action Plan (LAPRAP)**

**NOTE:**
- This is estimated to add 5-10% to RROW cost overall
- Social Economic
  - Structure Replacement
  - Replacement Cost
    - Crops
    - Other improvements
    - Income loss
  - Financial Assistance
    - Rental subsidy (Not More than PhP15,000/six months)
    - Transportation expenses (Php1,000)
    - Rehabilitation Assistance (Training) - for relocation (Php15,000)/per municipality
    - Financial assistance to tillers: annual harvest up to PhP15,000/hectare
    - Disturbance assistance PhP10,000/land owner/occupant (if no relocation site provided)
    - Relocation for informal settlers (with LGU and NHA cooperation)

- **LAPRAP includes land acquisition costs (from parcellary survey), structure costs (at replacement cost, no salvage value) and resettlement cost.**

- Need to research this further - to ensure that there is no law/executive order that prohibits this
- No salvage deduction (subject to COA concurrence)
- In case of free patents (Public Land Act CA141) - 90% of value of land
2.7 **Turnover of IROW Through Donation**

**Objective:** To acquire IROW by requesting the property owners to donate the land needed for public use

**Lead Office/Person:** Implementing Office  
*For projects at the Central Office:*  
PMO IROW Agent  
*For other projects*  
RO/DEO IROW Agent

**Support:**  
- PMO Director  
- Regional Director  
- District Engineer(s)

**Overview:**

As stated in DO No. 5, Series of 2003, the first mode of IROW acquisition should be to request donation from the property owner. Since this process will involve a lot of persuasion from the part of the DPWH, the IROW Agent to be assigned to undertake the task must be carefully selected. He/she must be persuasive but not annoyingly persistent, confident, but not too aggressive. Before negotiating with the owner, the IROW Engineer must be well prepared in terms of familiarity of the procedures as well as the laws and guidelines that govern it. This is important to gain the respect and trust of the landowners. In addition, he must also be capable of conveying to the property owners the benefits that they will gain if they donate their property.

It is assumed that at this point, several project disclosures to the property owners have been accomplished, and the need to acquire their properties have been well explained during the conduct of EIA and parcellary survey.

**Procedure:**

1. Using the Parcellary Survey Plan and the listings generated during the conduct of parcellary survey, schedule visits to each landowner.
2. Prepare a letter informing the property owners about the schedule of visits
3. During house visits, maintain a pleasant atmosphere. Cite the benefits that will be derived once the project is implemented. One way is to cite cases wherein the value of properties adjacent to an acquired right-of-way significantly increased as a result of the construction/improvement of the roadway. Avoid mentioning about expropriation proceedings. If asked, assured the owner that it will be as a last recourse.
4. If the owner agrees to donate his property, thank him and mention that he is doing his country a big favor. Tell him that you will prepare all the necessary documents, and will come back once these are completed.
5. Go back to the office and immediately prepare the unconditional deed of donation and ADRI, using the data provided in the Parcellary Survey Report.
6. Check if the owner has back taxes dues, using the Parcellary Survey Report. If not indicated in the said report, obtain information from the concerned Municipal Treasurer’s Office. If there are back taxes due, ask the owner, during your next visit, if he can settle said tax dues. If owner cannot pay, include in the Deed of Donation the amount of back taxes to be paid by the Department.

7. Inform the landowner about the schedule of your next visit.

8. During your visit, bring with you the properly accomplished Deed of Donation and ADRI, and have it signed by the property owner (Please refer to Appendix N1 for the appropriate format of the Deed of Donation).

9. Borrow the TCT/OCT, or Emancipation Patent (EP), or Certificate of Land Ownership Award (CLOA) and tax clearance, for processing.

10. Have the Deed of Donation notarized.

11. Bring the notarized Deed of Donation, together with other necessary documents such as the TCT/OCT/EP/CLOA, Tax declaration, tax clearance, subdivision plan (if any), to the Register of Deeds for proper processing.

12. Follow up processing of Deed of Donation at the Register of Deeds Office until the Title of the land is registered in the name of the Republic of the Philippines.

13. Provide copies of the Deed of Donation and updated Title or Tax Declaration to the IROW PMO, the lot owner (if the property was subdivided), and the Implementing Office.

14. All titles/tax declarations shall be archived at the IROW and Resettlement PMO.

15. If the Owner refuses to donate his property, proceed to the preparation of the LAPRAP.
Land Acquisition And All Right Of Way
Turnover Of RROW Through Donation

Documents
1. Title/Tax Declaration
2. Approved Subdivision Plan (if portion)
3. Parcellary Plan
4. Tax Receipts
   (same as discussed previously)

This occurs when alignment is known and property owners know that their property is affected
If Barangay road - should be donated
If Partial - owner will gain value by road improvements

* If back taxes dues - first request owner to pay, if owner cannot pay then include in Deed of Donation back taxes to be paid by department.
2.8 **IROW Acquisition Through Purchase**

**Objective:** To acquire ROW through purchase.

**Lead Person:** Implementing Office  
*For projects at the Central Office:*  
PMO IROW Engineer  
*For other projects:*  
Regional Office/District Engineering Office ROW Engineer

**Support:**  
- PMO Director  
- Regional Director  
- District Engineer(s)  
- Appraisal Committee  
- Independent Land Appraiser

**Overview:**  
ROW Acquisition through purchase is resorted to when the property owner refuses to donate his property. The first offer is based on estimates computed in the LAPRAP. That is, for land, compensation is computed based on BIR zonal valuation, and for improvements, on replacement cost (with no salvage value), as described in the I.R.R. of R.A. 8974.

As stated in D.O. No. 5, Series of 2003, if the property owner refuses the first offer, a second offer will be made based on the recommendation of the Appraisal Committee, or an Independent Land Appraiser, whichever is lower. It is assumed that prior to negotiations, the Parcellary Survey Report and the LAPRAP have been prepared and duly approved by concerned authorities. The property owner shall be given 15 days within which to accept the second offer as payment for his property, in accordance with Section 7 of the IRR for RA 8974.

**Procedure:**  
1. Using the Parcellary Survey Report and the LAPRAP, determine number and names of the landowners.
2. Prepare the Notice of Taking informing the property owners about the need to acquire their property to give way to a government project.
3. In the same letter, request the landowners to submit to the Implementing Office copies of the following:  
   - Copy of TCT/OCT/EP/CLOA  
   - Tax declaration  
   - Tax clearance
4. When the landowner submits proof of ownership, make the first offer based on the compensations indicated in the respective LAPRAP prepared.
5. If the owner fails, or refuses to submit proof of ownership, prepare a second Notice of Taking. In the said notice, mention that if they don’t respond within 15 days, then the DPWH shall initiate expropriation proceedings. (For procedures to be followed in expropriating land for IROW, please refer to Section 2.12)

6. If the owner accepts the offer, execute a contract of sale between the owner and the DPWH, and an Agreement to Demolish and Remove Improvements (ADRI). A permit to enter the property should be issued by the property owner so that the project may commence.

7. If the owner rejects the offer, the Implementing Office, through its Director, shall request the respective Appraisal Committee of the concerned LGUs to appraise land and improvements to be affected by the ROW.

8. The Appraisal Committee will then form its own Technical Team, supported by representatives from the Implementing Office, and the Commission on Audit (COA) to conduct appraisal.

9. Based on field survey and research, the Appraisal Committee shall compute just compensation for land and improvements, and utilities affected, in accordance with R. A. 8974 along with its IRR and submit resolution to the Implementing Office.

10. If the valuation based on the resolution of the Appraisal Committee is accepted by the Implementing Office, proceed to Step 13.

11. If the valuation based on the resolution of the Appraisal Committee is rejected by the Implementing Office, it shall engage the services of an Independent Land Appraiser (ILA) to make its own valuation of the land, along with the improvements in it. Rejection of the said resolution may be based on the following considerations:

   - Valuation of properties deviated by ±20% from the value obtained in the LAPRAP
   - A member of the Appraisal Committee is related to the landowner by kinship
   - When there is high probability of political intervention

12. Compare the appraisal values submitted by the Appraisal Committee and the ILA. The lower of the two values shall be the basis of the second offer to be made.

13. Make an offer in writing to the property owner. In accordance with Section 7 of the IRR for RA 8974, the property owner is given 15 days within which he shall decide whether to accept the offer as payment for his property or not.

14. If the owner rejects the second offer, expropriation proceedings shall be initiated. Please refer to Section 2.12 for procedures to be followed.

15. If the owner accepts the second offer, proceed to Section 2.9 for procedures on executing the Deed of Absolute Sale (DAS).
Land Acquisition And All Right Of Way Acquisition Of IROW

1. Make Offer To Landowner (based on BIR zonal value)
   - Offer
   - Owner Accept Offer
     - Yes
     - No
     - Regional Office - Legal Staff
     - District Office - PDSPMO

2. Request Appraisal Committee To Recommend Valuation
   - Request
   - Appraisal Committee recommends Value Of Property And Improvements
     - Resolution (valuation)
     - NG
     - Yes
     - Regional Office - Legal Staff
     - District Office - PDSPMO

3. Obtain Services Of Independent Land Appraiser
   - Independant Land Appraiser

4. Conduct Appraisal
   - Appraisal Committee

5. Which is Lower
   - Regional Office - Legal Staff
   - District Office - PDSPMO

6. Make Offer To Land Owner (based on appraisal committee)
   - Owner Accepts Offer
     - Yes
     - Accepted Offer
     - Expropriation
     - No
     - Accepted Offer
     - Expropriation
     - Regional Office - Legal Staff
     - District Office - PDSPMO

7. Offer
   - Owner Accepts Offer
     - Yes
     - Accepted Offer
     - Expropriation
     - NO
     - Accepted Offer
     - Expropriation
     - Regional Office - Legal Staff
     - District Office - PDSPMO
2.9 Preparation of Deed of Absolute Sale

Objective: To prepare a Deed of Absolute Sale prior to perfection of sale

Lead Office/Person: IROW Engineer

Support:
- Department Secretary
- Department Undersecretaries and Assistant Secretaries
- PMO Director
- Regional Director
- District Engineer
- Planning and Design Section of the DEO
- Legal Staff of Central and Regional Offices
- PMO Staff

Procedure:

1. If the owner accepts the offer to acquire their property, the Implementing Office, with assistance from the property owner must prepare all necessary documents for filing the ROW claim. ROW claims must be fully validated in accordance with the checklist in Appendix I, prior to payment.

2. Execute a Deed of Absolute Sale and the Agreement to Demolish and Remove Improvements (ADRI) between the DPWH and the property owner. These documents must be duly approved by the respective DWPH Official as provided for in D.O. No. 5, Series of 2003, and registered with the Register of Deeds of the respective province/city/municipality where the property is located.

3. Submit for review, the draft DAS to the Legal Staff of the Regional Office for amounts up to P5M, and to the Legal Service of the Central Office for amounts greater than P5M. The said review must be completed within five (5) working days.

4. After the review, the Legal Staff submits the draft Deed of Absolute Sale to the Implementing Office, either for approval or for endorsement to higher authorities, depending on the amount indicated in the DAS.

5. The Implementing Office will then recommend for the approval of the Deed of Absolute Sale

6. Determination of the proper approving authority of the DAS shall be as follows:
   - For IROW Costs up to P3M, approval of the Deed of Absolute Sales shall be by the District Engineer
   - For IROW Costs up to P5M, approval of the Deed of Absolute Sales shall be by the Regional Director or the PMO Director
   - For IROW Costs up to P10M, approval of the Deed of Absolute Sales shall be by the Assistant Secretary
• For IROW Costs up to P15M, approval of the Deed of Absolute Sales shall be by the Undersecretary
• IROW Costs of any amount shall be approved by the Secretary
Land Acquisition And All Right Of Way
Deed Of Absolute Sale
2.10 Transfer of Title/Tax Declaration

Objective: To effect the transfer of Title/Tax Declaration of acquired IROW in the name of the Republic of the Philippines (DPWH)

Lead Office/Person: IROW Agent of PMO, RO, and DEO

Support:
- Implementing PMO
- IROW-PMO Staff
- BIR Officer
- Register of Deeds
- City/Municipal Treasurer
- City/Municipal Assessor

Overview:
This activity is initiated once the Deed of Absolute Sale is approved by the concerned Head of Office. In the following procedures, payment of properties are applicable only in cases wherein the property to be acquired consists of (i) land AND improvement, or (ii) land only. For IROW acquisition wherein the payment is for improvements only, please refer to Chapter 3.

Procedure:
1. Get a copy of the following from the Parcellary Survey Report:
   - Approved parcellary listing and plan
   - If partial land take, approved subdivision plan

2. Obtain original or certified true copies of the following documents from the property owner and/or the concerned City/Municipal office:
   - Real Property Tax Clearance with corresponding Official Receipts (OR) from the Office of the Treasurer
   - Tax Declaration for Land (with OR) from the Office of the Assessor
   - Tax Declaration for Improvements, if any (with OR) from the Office of the Assessor
   - TCT/OCT/EP/CLOA
   - If mortgaged, Agreement with the bank
   - Court clearance (if needed)

3. Check the back of the title, look for annotations to determine if it is mortgaged, or subject to any litigation or encumbrances

4. If the property is mortgaged, follow procedures in Section 2.11.

5. Go to the City/Municipal Assessor’s Office, validate if there are any Tax Declaration (TD) arrears that the property owner needs to settle. If there are TD arrears, note down the amount to be paid. If there are no TD arrears, proceed to the next step.
6. Go to the City/Municipal Treasurer’s Office, validate if there are any Real Property Tax (RPT) arrears that the property owner needs to settle. If there are RPT arrears, note down the amount to be paid. If there are no RPT arrears, proceed to the next step.

7. Go to the nearest BIR District Office, look for the BIR Officer of the Day and request for assistance in computing the Capital Gains Tax for the property to be acquired. Bring with you the following documents:
   - Approved parcellary plan and/or subdivision plan
   - Deed of Absolute Sale
   - Original or certified true copy of TCT/OCT/EP/CLOA
   - Tax declaration for land (with OR)
   - Tax declaration for improvements, if any (with OR)

8. If property owner is a private individual, properly fill up BIR Form 1706 for Capital Gains Tax and BIR Form 2000 for Documentary Stamps. If property owner is a private corporation, properly fill up BIR Form 1606 for Capital Gains Tax and BIR Form 2000 for Documentary Stamps
   
   \(\text{(Note: Amount of Capital Gains Tax due is obtained by getting 6\% of the value of land and improvements based on the highest value among those stated in the TD, actual selling price, and BIR zonal valuation. The amount of Documentary Stamps to be paid is equivalent to 1.5\% of whatever was used as basis for capital gains tax computation)}\)

9. Request the BIR Officer of the Day to compute the amount of Capital Gains Tax and Documentary Stamps to be paid. Note down the total amount of tax dues payable to the BIR.

10. Compute for the Transfer Tax, which is equivalent to \(\frac{1}{2}\) of 1\% of the higher value between the actual selling price and the BIR zonal valuation for the subject property.

11. Add the payables obtained in Steps 5 (TD arrears, if any), 6 (RPT arrears, if any), 9 (Capital Gains Tax and Documentary Stamps), and 10 (Transfer Tax) to obtain the \textbf{Total Tax Payable (TTP)}.

\[\begin{array}{lcl}
\text{TD arrears:} & \text{P}160,000.00 \\
\text{RPT arrears:} & \text{P}100,000.00 \\
\text{Capital Gains Tax} & \text{P}120,000.00 \\
\text{Documentary Stamps} & \text{P}1,800.00 \\
\text{Transfer Tax:} & + \text{P}10,000.00 \\
\hline
\text{Total Tax Payable (TTP)} & \text{P}391,800.00
\end{array}\]

12. If the property is not mortgaged, prepare disbursement voucher in the amount equivalent to the TTP obtained in the previous step (Step 11) and proceed to Step 15.

13. If the property is mortgaged and the entire property will be acquired, add the TTP obtained in Step 11 to the amount (mortgage to be paid) obtained in Step 4 of Section 2.11. Prepare disbursement voucher equivalent to the sum obtained.
Example:

If the TTP is equivalent to P390,000.00 (as obtained in Step 11) and the mortgage to be paid for the entire property (as determined in Step 4 of Section 12) is P400,000.00, the amount to be indicated in the disbursement voucher shall be computed as follows:

<table>
<thead>
<tr>
<th>TTP:</th>
<th>P391,800.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage payable:</td>
<td>+ 400,000.00</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Amount to be disbursed:</td>
<td>P791,800.00</td>
</tr>
</tbody>
</table>

14. If the property is mortgaged and only a portion of the property will be acquired, add the TTP obtained in Step 11 to the amount (mortgage to be paid for portion of property to be released) obtained in Step 9 of Section 2.11. Prepare disbursement voucher equivalent to the sum obtained.

Example:

If the TTP is equivalent to P390,000.00 (as obtained in Step 11) and the mortgage to be paid for a portion of property to be acquired (as determined in Step 9 of Section 12) is P150,000.00, the amount to be indicated in the disbursement voucher shall be computed as follows:

<table>
<thead>
<tr>
<th>TTP:</th>
<th>P391,800.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage payable:</td>
<td>+ 150,000.00</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Amount to be disbursed:</td>
<td>P541,800.00</td>
</tr>
</tbody>
</table>

15. If there are RPT arrears to be settled, go to the concerned City/Municipal Treasurer’s Office and pay the RPT arrears for the property to be acquired. Make sure to get OR and corresponding tax clearance.

16. If there are TD arrears to be paid, go to the concerned City/Municipal Assessor’s Office and pay the TD arrears for the property to be acquired. Make sure to get OR and corresponding tax clearance.

17. Have the Deed of Absolute Sale notarized. Take note of the date of notarization. Provide copies to the property owner, the Implementing Office, and the IROW-PMO. This task must be accomplished by the IROW Agent within **30 days** upon notarization of
the Deed of Absolute Sale, and the Documentary Stamps, five (5) days after a month it was notarized, to avoid penalties.

18. If the property is located in a City, go to the City Treasurer’s Office and pay the Transfer Tax. Otherwise go to the Provincial Treasurer’s Office and pay the corresponding Transfer Tax.

19. Go to the concerned BIR District Office and present the following:
   - Approved Parcellary Survey Plan or Subdivision Plan (if needed)
   - Notarized Deed of Absolute Sale
   - Original or certified true copy of TCT/OCT/EP/CLOA
   - Tax Declaration for Land (with OR)
   - Tax Declaration for Improvements, if any (with OR)

20. Using accomplished BIR Forms in Step 8 above, go to the nearest BIR-accredited bank and pay the Capital Gains Tax and Documentary Stamps due. Make sure to obtain an Official Receipt.

21. Go back to the BIR District Office and present the OR. The BIR should process the documents and issue the Certificate Authorizing Registration (CAR) within three (3) working days.

22. Go back to the BIR District Office after three (3) days and obtain the CAR.

23. Go to the Register of Deeds, present the following documents, and request for the transfer of title in the name of the Republic of the Philippines (DPWH):
   - Approved Parcellary Survey Plan or Subdivision Plan (if needed)
   - CAR from the BIR
   - Transfer Tax OR


25. The Title is then transferred in the name of the Republic of the Philippines (DPWH). This task must be accomplished by the IROW Agent within 30 days; otherwise sanctions as indicated in D.O. No. 5, Series of 2003 shall be applied.

26. If the property was not mortgaged, add the following payments made:
   - Payments made to settle RPT arrears, if any (obtained in Step 15) and TD arrears, if any (obtained in Step 16)
   - Capital Gains Tax paid

Subtract the sum of these from the full amount payable (as stipulated in the Deed of Absolute Sale) to the property owner.
Example:

1. Add all tax arrears and capital gains tax paid:
   - TD arrears: P160,000.00
   - RPT arrears: 100,000.00
   - Capital Gains Tax: 120,000.00
   
   \[ \text{Total taxes paid} = P390,000.00 \]

2. Subtract the amount obtained from the full amount payable to the property owner, as indicated in the Deed of Absolute Sale (DAS):
   - Amount indicated in the DAS: P2,000,000.00
   - Less total taxes paid: 390,000.00
   
   \[ \text{Amount payable to property owner} = P1,610,000.00 \]

27. If the property was released from mortgage, add the following:
   - Payments made to settle RPT arrears, if any (obtained in Step 15) and TD arrears, if any (obtained in Step 16)
   - Mortgage value paid in Step 4 or Step 9 of Section 2.11 whichever is applicable
   - Capital Gains Tax paid

Subtract the sum of these from the full amount payable (as stipulated in the Deed of Absolute Sale) to the property owner.

Example: Assuming that the entire property is mortgaged (as obtained in Step 13)

1. Add all tax arrears and capital gains tax paid:
   - TD arrears: P160,000.00
   - RPT arrears: 100,000.00
   - Capital Gains Tax: 120,000.00
   - Mortgage paid: 400,000.00
   
   \[ \text{Total taxes and mortgage paid} = P790,000.00 \]

2. Subtract the amount obtained from the full amount payable to the property owner, as indicated in the Deed of Absolute Sale (DAS):
   - Amount indicated in the DAS: P2,000,000.00
   - Less total taxes and mortgage paid: 790,000.00
   
   \[ \text{Amount payable to property owner} = P1,210,000.00 \]
28. Request the owner to present other pertinent documents specified in the Checklist for Validating Claims, (Please refer to Appendix I). Check completeness and validate authenticity of these documents before any payment is made.

29. If the property was not released from mortgage, prepare the voucher for paying the property owner, in the amount equivalent to the balance obtained in Step 26. If the property was released from mortgage prepare the voucher for paying the property owner, in the amount equivalent to the balance obtained in Step 27.

30. If there are improvements in the property to be acquired, make sure that the Agreement to Demolish and Remove Improvement (ADRI) has been perfected before any payment is made.
Land Acquisition And All Right Of Way
Transfer Of Title/Tax Declaration

1. Obtain Documents And Verify Authenticity Of Documents
   - Regional Office - Legal Staff
   - District Office - PDS
   - PMO
   - Owner (will assist)

2. Obtain Certification Of Authenticity Of Title/ Tax Declarations
   - Regional Office - Legal Staff
   - District Office - PDS
   - PMO
   - Register Of Deeds
   - Assessors Office

3. Determine Taxes And Mortgage Payable
   - Regional Office - Legal Staff
   - District Office - PDS
   - PMO

4. Prepare Disbursement Voucher And Pay Taxes And Mortgage
   - Regional Office - Legal Staff
   - District Office - PDSPMO
   - Register Of Deeds
   - Assessors Office

5. Transfer Title/Tax Declaration
   - (or subdivide if partial) In Name Of The Republic Of Philippines (DPWH)
   - RO - ROW Agent
   - DO - ROW Agent (PDS)
   - PMO - AROSF
   - Register Of Deeds
   - Assessors Office/Treasurer Office
   - PMO

6. Pay Owner Full Amount Less Taxes And Mortgage Paid
   - CFMDFMD
   - CFMS

** Documents Needed
1. BIR Tax Clearance with OR
2. Local Treasurer - Tax Receipts/ Clearance With OR
3. Tax Declaration with OR
4. Title (TCT) - Owner’s original copy
5. Approved parcellary listing and plan - CTC (Records Officer)
6. If partial, approved subdivision plan - CTC (Records Officer)
7. If mortgage, agreement with bank
8. Court clearance

** Taxes Payable
1. BIR - Capital Gains Tax
2. Property Tax (Assessor/Treasurer)
3. Title Registration Fee
4. Mortgage
   (Note: Taxes/Mortgages paid are to be deducted from payment to owner)
2.11 Acquisition Procedures for Mortgaged Properties

Objective: To acquire mortgaged properties for IROW

Lead Person: IROW Agent of Implementing Office (PMO, RO, or DEO)
Staff of Legal Service and RO Legal Office

Support:
- Implementing PMO
- Legal Service Staff
- Legal Staff of RO
- Mortgagee (Bank or other Lending Institution)

Overview:
This procedure is initiated if the property being acquired has not been released from mortgage prior to the preparation of the Deed of Absolute Sale. It is assumed that the Parcellary Survey Report have been duly completed before this procedure is carried out.

Procedure:

1. Using the Parcellary Survey Report, determine number and names of the landowners whose properties are mortgaged.

2. Obtain a copy of the mortgage documents from the owner.

   If entire mortgaged property shall be acquired:

3. Prepare two (2) Notices of Taking, one for the property owner, and the other for the Mortgagee. The letters should clearly indicate that the entire property will be acquired for IROW.

4. From the copy of the mortgage documents obtained in Step 2, note down the amount of mortgage to be paid for the property’s release. Input this amount to Step 13 of Section 2.10 in preparing the disbursement voucher for paying the mortgage.

5. Following Step 29 of Section 2.10, pay the Mortgagee for the release of the entire property from mortgage.

6. Get original copy of TCT/OCT/EP/CLOA from the Mortgagee, make sure that annotation at the back of the title is cancelled

   If only a portion of the mortgaged property shall be acquired:

7. Prepare two (2) Notices of Taking, one for the property owner, and the other for the Mortgagee. The letters should clearly indicate that just a portion of the property will be acquired for IROW.

8. Coordinate with the Legal Officer of the Mortgagee to make the necessary adjustments in the mortgage documents (i.e., to segregate the portion of the property to be acquired for IROW, from the rest of the property).
9. After the necessary adjustments have been done, coordinate with the Legal Officer or designated Representative of the Mortgagee to determine the amount that need to be paid for the release of the needed portion of mortgaged property. Input this amount to Step 14 of Section 2.10 in preparing the disbursement voucher for paying the mortgage.

10. Following Step 29 of Section 2.10, pay the Mortgagee for the release of the portion of property (needed for IROW) from mortgage.

11. Get original copy of TCT/OCT/EP/CLOA from the Mortgagee; make sure that annotation at the back of the title states that the portion that was acquired for IROW has been excluded from the mortgage.
2.12 Expropriation Proceedings

Objective: To acquire IROW by means of expropriation proceedings.

Lead Persons: Legal Service Officer and RO Legal Officer duly deputized by the OSG
IROW Agent of PMO, RO, and DEO

Support:
- Office of the Solicitor General (OSG)
- Regional Trial Court
- Provincial/City Prosecutor
- Implementing PMO
- Legal Service Staff
- Legal Staff of RO
- Support 2

Overview:
In accordance with D.O. No. 5, Series of 2003, the Government (DPWH) shall initiate expropriation proceedings in cases where the property owner refuses the second offer. After the refusal of the second offer, a Final Notice of Taking shall be hand carried by the IROW Agent and properly received by the property owner. If said property owner still refused to accept the offer, or have not responded whatsoever within the 15-day period, as provided for in Section 7 of the IRR FOR RA 8974, expropriation proceedings shall be initiated.

Procedure:
1. Get Parcellary Survey Report and the LAPRAP and compile all original and/or certified true copies of the following documents:
   - Approved master parcellary plan
   - Subdivision plan with technical descriptions
   - TCT/OCT/EP/CLOA
   - Tax declaration for land
   - Tax declaration for improvements, if any
   - ECC
2. Prepare an IROW Compensation Matrix showing the name of owner(s), title number, total area, affected area, type of improvement, replacement cost of improvements, and BIR zonal value of affected area, following the template shown in Appendix J.
3. Request the Office of the Solicitor General (OSG) to deputize the Provincial/City Prosecutor or DPWH Lawyer to act in behalf of the OSG in the filing of complaint to the proper Court
4. After being deputized, file the case with the Regional Trial Court (RTC) of the concerned City/Municipality or Province. The IROW Compensation Matrix prepared in Step 2 will form part of the case, whereas the documents prepared in Step 1 will comprise the Attachments.
5. The RTC will then issue the Summons and direct the concerned Sheriff to deliver said Summon to each of the defendants (property owners).

(Note: To expedite the delivery of summons to the respective defendants, the IROW Agent may arrange for logistical support, such as the provision of vehicle for said delivery. Experience shows that a month’s time of delivery period can be shortened to three (3) days, if such logistics are made available)

6. The property owner, within the given time frame given in the Summons, may either:
   - File and serve a Notice of Appearance, specifying the property being claimed (if he has no objection to the taking of his property) or
   - File an objection or defense to the taking of the property

7. Obtain a Certificate of Availability of Funds (CAF) from the Comptrollership and Financial Management Service (CFMS) at the Central Office or at the corresponding offices at the Regional (CFMD) and District (CFMS) Offices.

8. Prepare a voucher for the payment to the property owner. In the voucher, indicate the Civil Case Number for proper reference. The amount should be equivalent to 100% of the value of land based on the current BIR zonal valuation, PLUS the value of improvements and/or structures based on replacement cost, in accordance with the method of computation provided for in Section 10 of the IRR of RA 8974. These values may be obtained from the LAPRAP prepared. In accordance with RA 8974, Section 4(a), this amount must be immediately paid to the owner upon the filing of the case.

9. Follow up the processing and release check with the Department of Budget and Management (DBM)

10. Upon obtaining the check, prepare a letter informing the property owner that he will be paid 100% of the value of their land based on the current BIR zonal valuation, PLUS the value of improvements and/or structures thereon, based on replacement cost, in accordance with Section 4 (a) of RA 8974. Indicate in the letter the date when he can obtain the check from your office (this date must be within three working days upon receiving the check from the CFMS/CFMD/District CFMS).

11. Pay the owner and request him to sign the voucher as proof of payment. Inform him that since the case have been filed, the RTC (indicate the branch) shall, within 60 days determine the just compensation due them, and that when the court's decision becomes final and executory, DPWH shall pay them the difference between the amount they have received and the just compensation as determined by the court.

12. File an Urgent Ex-Parte Motion for issuance of Writ of Possession with the concerned RTC. The CAF and the proof of payment, i.e., the voucher signed by the property owner are important attachments to this Civil Case.

13. The Court shall then issue a Writ of Possession (WOP) to the plaintiff (DPWH, represented by the Implementing Office), ordering the sheriff or other proper officer to place the plaintiff in possession of the property involved.

14. The Court shall then appoint not more than three (3) competent and disinterested persons as commissioners to ascertain and report to the Court the just compensation for the property sought to be taken.

15. Attend hearings of possession set by the RTC
16. The appointed commissioners shall then submit within 60 days from their appointment, a full and accurate report containing their recommendations.

17. The owner of the property has 10 days to file objection to the commissioners’ report (if any)

18. When the decision of the Court becomes final and executory, the Implementing Office shall pay the property owner the difference between the amount already paid (in Step 11) and the just compensation as determined by the Court (if any)

19. Go to the Register of Deeds of the place in which the property is located and bring a certified copy of the judgment for proper recording and processing.

20. Regularly and continuously follow up with the Office of said Register of Deeds regarding the status of the transfer. Do this until the Transfer of Title (TCT) of the property has been registered in the name of the Republic of the Philippines.

21. Provide copy of TCT to IROW-PMO
Land Acquisition And All Right Of Way Expropriation

1. Land Owner Not Accepting Offer
   - Land Owner Request For Filing Of Expropriation To Legal Staff In Regional Office
   - Implementing Office

2. Expropriation Request
   - Request OSG To Deputize Provincial City Prosecutor Or DPWH
   - RO - Legal Staff
   - OSG

3. Request To Deputize
   - Deputize Provincial City Prosecution Or DPWH
   - Prosecutor or DPWH

4. Deposit 100% Of Zonal Value And Replacement Cost For Improvements In Government Bank
   - Implementing Office
   - OSG

5. RO - Legal Staff
   - Certificate Of Deposit
   - Owner Request For Withdrawal Of Deposit As Partial Payment

6. Case Filed
   - File Case With RTC Of City Or Province
   - Implementing Office
   - RTC

7. Clear ROW
   - Owner Request For Withdrawal Of Deposit As Partial Payment
   - RTC

8. Just Compensation
   - Issue Decision On Compensation
   - RTC
   - RTC (could be appealed)

9. Pay Difference Between Court Order And Deposit (If Any)
   - Pay Difference
   - Pay Difference
   - Implementing Office
   - CFMS CFMD

10. Disbursement Voucher
    - Claimant Paid

11. RTC Order On Withdrawal
    - RTC Order On Withdrawal

12. 60 Day Expropriation Request
    - Request To Deputize Deputized Prosecutor

13. Court Issues Writ Of Possession
    - Hearing On Possession
    - RTC

14. Hearing
    - RTC

15. RTC
    - Hearing
    - 60 Day
    - RTC

16. Court Issues Writ Of Possession
    - Hearing On Possession
    - RTC

17. RTC
    - RTC

18. RTC
    - RTC

19. RTC
    - RTC

20. RTC
    - RTC
2.13 Turnover of IROW Through Deed of Exchange

Objective: To acquire land by exchanging the property needed for IROW with an old abandoned road or government land near the project.

Lead Person: Implementing Office
For projects at the Central Office:
PMO IROW Agent
For other projects
RO/DEO IROW Agent

Support:
• PMO Director
• Regional Director
• District Engineer(s)
• Office of the President

Overview:
This procedure is initiated if the owner of the property needed requests the Government (DPWH) to exchange an old abandoned road or government land near the project site, instead of getting paid its monetary value. This kind of request is favorably considered particularly when the lot being taken from the owner is his only lot. As specified in the Section 6, IRR of RA 8974, the exchange shall be done on a value for value basis.

Procedure:
1. Upon receiving a request from a property owner for an exchange of an old abandoned road or government land for his property, obtain a copy of the Parcellary Survey Plan from the Implementing Office.
2. Using the Parcellary Survey Plan and the listings in it, determine the mode through which the old abandoned road/government lot was acquired. If it was through donation, proceed to the next step. If it was through purchase, proceed to Step 4.
3. Secure the Deed of Donation that effected the acquisition of the abandoned road/government lot. Check the terms and conditions stipulated in the said Deed, to make sure that there are no conditions that would prohibit the Government from having it exchanged for another property (as stipulated in Section 6 of the IRR of RA 8974). If the condition states that the property will be reverted back to its owner/heirs once the road/government lot is abandoned, then the said property will not be eligible for exchange, unless the said former owners concur with the arrangement. Proceed to Step 4.
4. Obtain the Deed of Absolute Sale which effected the acquisition of the abandoned road/government lot. Prepare a letter, to be signed by the IO Head informing the former owner that his property will be disposed, and that he, as the original owner, has the first priority to re-acquire said property (as stipulated in Section 6 of the IRR of RA 8974). If he decides to re-acquire the said property, then it would become ineligible for exchange. If he declines, then a waiver should be prepared to indicate so.
5. Check if there are property owners whose lands abut the subject abandoned road/government lot. If so, make sure that they are not deprived of the necessary access (egress or ingress) to the new highway.

6. Obtain the LAPRAP prepared and take note of the value of land to be exchanged.

7. Go to the concerned Assessor’s Office and/or the Office of the Register of Deeds and find out if the abandoned road or government lot to be exchanged is a government property; i.e., if the TCT is in the name of the Republic of the Philippines.

8. Go to the concerned BIR District Office and obtain value of abandoned road/government lot based on BIR zonal valuation.

9. Check if the values obtained in Steps 6 and 8 are comparable, or not. If so, proceed to the next step. If not, adjust the size of the abandoned road/government lot to be exchanged for the needed property, in such a way that their values would become almost equivalent.

10. Prepare the unconditional Deed of Exchange. Have it signed by the owner of the property needed for IROW, and the Head of the Implementing Office.

11. Request the Office of the President for approval of the unconditional Deed of Exchange.

12. Once the Office of the President approves the Deed of Exchange, fill up the necessary information in the said Deed such as lot number, area of property, title number, technical description, etc., using the Parcellary Survey Report (See Appendix N2 for the appropriate format for the Deed of Exchange).

13. Have the Deed of Exchange notarized.

14. Within 30 days of notarization, register Deed with the Register of Deeds so that the old titles may be cancelled and new ones be issued to the property owner and the Government.
Land Acquisition And All Right Of Way
Turnover Of RROW Through Deed Of Exchange

1. Determine Condition On Property
2. Determine Value of 2 Properties
3. Are 2 Properties Near In Value
   - NO: Adjust Size Of Property To Be Exchanged
   - YES: Implementing Office
4. Parcary Listing And Plan
5. Approval Committee
6. Value Of Property
7. Adjust Size
8. Adjust Size Of Property To Be Exchanged
9. Implementing Office
10. Obtain Documents (including lot plan with boundaries)
11. Office Of The President
12. Notary
13. Determine Condition On Property
14. Unconditional Deed Of Exchange
15. Approval Of Deed Of Exchange
16. Obtain Documents
17. Documents Obtained
18. Notarized Deed Of Exchange
19. Notarize Deed Of Exchange
20. Implementing Office
21. Process Deed Of Exchange And Registration Of Title
22. Register Of Deeds
23. Tax Declaration
24. Within 30 days of notarization
25. Register Of Deeds
26. Tax Declaration in RP Name (DPWH)
copy to Legal Service owner Implementing Office
27. Note:
   * Right of first refusal is with the previous owner
2.14 Clearing of Structures Along the ROW

Objective: To clear structures along the ROW after the properties are fully acquired

Lead Office/Person: District Engineering Office

Support:
- PMO Director, Implementing Office
- Regional Director, Implementing Office
- IROW Agent
- Philippine National Police (PNP)

Overview:
This procedure is initiated when the Title of the acquired lands have been transferred to the name of the Republic of the Philippines, regardless of the mode of its acquisition, except for those that are expropriated. For properties acquired through donation, clearing of ROW can be immediately carried out once the Deed of Donation is perfected, since the said Deed is inclusive of all improvements in the acquired property.

For properties acquired through purchase, through a Deed of Exchange, or through the execution of a “quit claim”, or “easement agreement”, clearing of ROW shall be undertaken after the Agreement to Demolish and Remove Improvement (ADRI) has been executed and agreed upon between the IO and the property owner. For properties acquired through purchase, it is important to make sure that the ADRI is signed by the property owner prior to the release of full payment specified in Step 29 of Section 2.10. For exchanged properties, the ADRI must be signed prior to the release of full payment for improvements.

For expropriated lands, site clearing can be immediately carried out once the Writ of Possession (WOP) is issued by the concerned Regional Trial Courts. For procedures in securing the WOP, please refer to Section 2.12.

Note that the following procedures only apply to structures (i.e., buildings, houses, fences, shops, and the like). Procedures to clear other improvements such as trees, crops, and public infrastructures, are provided in Section 2.16. For clearing of public utilities, please refer to Section 2.15.

Procedure:
For structures on lands acquired through exchange/quit claim/easement agreement and purchase
1. Meet with the property owner and let him decide whether he prefers to demolish and clear his structures or have them demolished and removed by DPWH.
2. Make sure that the property owner understands that if he decides to demolish and remove his own structures and improvements, he has to complete it within a specified time frame, as stipulated in the ADRI; and that if he fails to do so, DPWH shall undertake the task.
3. Prepare the Agreement to Demolish and Remove Improvements (ADRI). Attach a photograph or photographs of the structures and improvements to be demolished to the ADRI. Certify the authenticity of said photograph(s), together with one representative each from the concerned Office of the Assessor and Commission on Audit (COA).

4. If the land was acquired through a deed of exchange or through a “quit claim” or through an “easement agreement”, have the owner sign the ADRI before payment for improvement(s) is made. If not, proceed to the next step.

5. If the land was acquired through purchase, have the owner sign the ADRI before full payment for lot and improvement(s) is made.

6. Have the ADRI approved by the Project Director of the concerned Project Management Office (PMO) for projects at the Central Office, or by the concerned Regional Director for other projects.

7. If the property owner opted to let DPWH undertake the demolition and removal of structures and improvements, inform them in writing about the schedule of demolition and removal of said structures and improvement. If the property owner opted to demolish and remove his own structures and improvements, wait for the time period specified in the ADRI to lapse before inspecting the site.

8. If the property owner completed the demolition and removal of the structures and improvements within the specified time in the ADRI, prepare a certification that the structures and improvements on the acquired land for ROW have been completely cleared. Give copy of Certification to owner and inform him that said certification will be included in the documents to be submitted for payment of claims in Step 29 of Section 2.10.

9. If the property owner failed to demolish and remove the structures and improvements within the specified time period in the ADRI, inform him in writing that the DPWH shall undertake the demolition and complete clearing of the land on a set schedule.

10. Demolish and remove all the structures and improvements within the acquired land for ROW on the date specified in the letter prepared in Step 7 or Step 9.

For structures on lands acquired through donation

11. Once the Transfer of Title is perfected, prepare the Agreement to Demolish and Remove Improvements (ADRI). Attach a photograph or photographs of the structures and improvements to be demolished to the ADRI. Certify the authenticity of said photograph(s), together with one representative each from the concerned Office of the Assessor and Office of the Auditor.

12. Have the ADRI approved by the Project Director of the concerned Project Management Office (PMO) for projects at the Central Office, or by the concerned Regional Director for other projects.

13. Inform the property owner in writing, about the schedule of demolition and removal of structures and improvements.

14. Demolish and remove all the structures and improvements within the acquired land for ROW on the date specified in the letter prepared in Step 13.
For structures on lands acquired through expropriation

15. Once the Writ of Possession (WOP) is issued by the concerned RTC, the ROW Team can immediately enter the property needed for ROW.

16. Inform the property owner in writing that the DPWH has received the WOP and about the schedule of demolition and removal of structures and improvements.

17. Demolish and remove all the structures and improvements within the acquired land for ROW on the date specified in the letter prepared in Step 16.
2.15 Clearing of Other Improvements along the IROW

Objective: To clear other improvements (public infrastructures, and the like) along the IROW after the properties are fully acquired

Lead Person: For projects at the Central Office:
PMO IROW Engineer
For other projects
RO/DEO IROW Engineer

Support:
- PMO Director
- Regional Director
- District Engineer(s)
- LGUs
- National Government Agencies (NGAs)
- District Representatives
- DENR FMB/FMS/CENRO
- Philippine Army/Philippine National Police (PA/PNP)

Overview:
Aside from privately-owned structures, other improvements to be cleared from the acquired IROW include public infrastructures such as waiting sheds, barangay halls, military detachment centers, day care centers, water supply reservoirs and pipes, public school buildings, fences, and the likes. Demolition and removal of all public infrastructures shall be carried out by the DPWH. Reconstruction can be carried out by administration, depending on the agreement made with the concerned government entity. In this case, an Agreement to Demolish, Remove, and Reconstruct Improvements (ADRRI) shall be executed.

Prior to demolition, the IO must coordinate with the concerned government entities such as Barangay Officials, City/Municipal Officials, Provincial Officials, or other NGAs such as the Department of Education (DepEd), Department of the Interior and Local Government (DILG), or the PA/PNP. If a Countrywide Development Fund (CDF) was used to build the infrastructure, the Office of the concerned Representative must be properly informed. If an ADRRI was executed, these public infrastructures can be reconstructed by the IO.

For clearing of perennial trees, please refer to Section 2.16.

Procedure:
For public infrastructures along acquired IROW
1. Coordinate with concerned government entity (LGU, NGA, Office of the District Representative, PA/PNP) and make the necessary arrangements to initiate vacating of the infrastructures in the case of public schools, day care centers, barangay halls, PA/PNP detachment units.
   (Note: Transportation assistance, such as the transport of school furniture may be provided upon the request of the above mentioned government entities)
2. Prepare an Agreement to Demolish and Remove Improvements (ADRI) OR an Agreement to Demolish, Remove, and Reconstruct Improvements (ADRRI), depending on the preference of the government entity-owner of the public infrastructure. Have the ADRI or ADRRI signed by the authorized representative of said government entity.

3. If an ADRI is preferred, obtain a copy of the bill of materials prepared for the LAPRAP and take note of the amount of the allotted labor cost for demolition. Input this amount in the said ADRI (Please refer to Appendix N3). Otherwise proceed to Step 4.

4. If an ADRRI is preferred, obtain a copy of bill of materials prepared for the LAPRAP. Get the total cost for improvement (public infrastructure), and add this to the labor cost for demolition. Input this amount in the said ADRRI (Please refer to Appendix N4).

5. Have the ADRI or ADRRI notarized.

6. Schedule the demolition and removal and inform in writing the concerned government entity-owner of the public infrastructure.

7. If an ADRI was perfected, demolish and remove the public infrastructure. Otherwise proceed to Step 10.

8. Deduct the labor cost for demolition from the cost of improvements to be paid to the government entity-owner of the demolished and removed infrastructure.

9. Pay the concerned government entity the balance obtained in Step 8.

10. If an ADRRI was perfected, prepare the necessary voucher, using the cost of improvements stated in the LAPRAP, to disburse fund for reconstructing the public infrastructure.

11. Reconstruct the public infrastructure at the designated site, either by administration or by contract.

12. No payment shall be made to the government entity-owner of the public infrastructure.
2.16 Clearing of Perennial Trees Along the ROW

Objective: To clear trees from acquired lands for ROW.

Lead Person: For projects at the Central Office:
PMO ROW Engineer
For other projects
RO/DEO ROW Engineer

Support:
- PMO Director
- Regional Director
- EIAPO
- District Engineer(s)
- DENR Secretary
- DENR PENRO, CENRO

Overview:
This procedure is initiated when the title of the acquired lands have been transferred to the name of the Republic of the Philippines, regardless of the mode of its acquisition. Clearing of perennial trees along acquired land for ROWs shall be in accordance with the most current rules and regulations regarding the issuance of a “Permit to Cut” from the DENR. Perennial trees here refers to forest trees that are either naturally occurring, afforested, or reforested by the LGUs, DENR, or NGOs such as grantees of Community Based Forest Management Agreement (CBFMA). This excludes fruit-bearing trees and plantations for timber production, cultivated by private owners, as these are already included as “improvements” in Section 2.14.

Procedure:
1. Request a registered Forester from the concerned Community Environment and Natural Resources Office (CENRO) to undertake inventory of the trees to be cut, particularly in terms of volume and type of species. Obtain a copy of the said inventory of trees.
2. Submit inventory to the DENR-CENRO and apply for a Permit to Cut. The concerned CENRO shall then conduct their own validation and come up with a field report containing the findings of the team, particularly the volume of trees to be cut.
3. Make follow ups with the concerned DENR Officer for prompt release of the said permit.
4. Receive Permit to Cut from the DENR, duly signed by the Secretary. This permit must be obtained prior to the Notice of Award.
5. The Contractor shall be responsible for the cutting and hauling of the trees to the stockyard designated by the DENR.
6. In cutting the trees, make sure that the conditions set in the Permit to Cut issued are strictly complied with, such as boundaries set where trees can be cut, balling instead of cutting (depending on the age and recovery ability of the tree), etc. Cut trees shall be transferred to the proper DENR Office.
Land Acquisition And All Right Of Way
Clear ROW

Agreement To Remove Structures & Improvements Within Specified Period (7 Days)

Demolished

YES

NO

Request Police Assistance

Police Assistance

Clear ROW

Transfer Of Title

Implementing Office

PAP

Agreement

ECC

Cut Trees

Cleared ROW

Implementing Office

DENR

Permit

Cleared ROW

Implementing Office

Note:
For trees planted in ROW by LGU - No Payment - Make recommendation to DENR to give cut trees back to LGU
2.17 Preparation of IROW Completion Report

**Objective:**
To prepare the IROW Completion Report to be submitted to the concerned Regional Office for endorsement to the IROW and Resettlement PMO.

**Lead Person:**
For projects at the Central Office:
PMO IROW Engineer
*For other projects*
RO/DEO IROW Engineer

**Support:**
- PMO Director
- Regional Director
- District Engineer(s)

**Overview:**
Once the acquired lands have been cleared of all structures, other improvements, and utilities, the IROW Completion Report shall be prepared. This Report must be completed within 30 days after completion of clearing activities and prior to the Notice of Award of the Contract. For projects implemented outside the Central Office, the Report will be submitted to the concerned Regional Office for review, which shall be for a maximum of ten (10) working days. If there are major revisions to be made, or if there are important attachments that are lacking, the RO may send back the document to the DEO for necessary corrections. Depending on the extent of revision, the DEO shall resubmit the Report to the RO once it is completed or after 15 days, whichever comes first. The RO shall then endorse the Report to the IROW and Resettlement PMO for archiving and updating of the IROW Database.

**Procedure:**
1. Compile the following documents:
   - ROW Plan
   - Parcellary Survey Report
   - LAPRAP
   - TCTs in the name of the Government
   - Other Attachments such as court proceedings (for expropriated properties, copies of the ADRI, and other pertinent documents)

2. Prepare the IROW Completion Report within 30 days after completion of clearing of ROW, following the annotated outline provided in Appendix K.

3. Submit the IROW Completion Report to the IROW PMO for review and comments (if any). For District Engineering Offices, course the submittal through the concerned Regional Office.

4. If the RO deems it necessary to revise the Report, do it expeditiously and resubmit the document. Otherwise proceed to Step 5.

5. RO shall then endorse the Report to the IROW and Resettlement PMO.
6. IROW and Resettlement PMO shall review the Report, archive said Report, and update the necessary information in the IROW Database
2.18 Processing of Title Documents

Objective: To incorporate title information of acquired properties into the IROW System.

Responsible Persons: ROW Engineer, IO
Systems Analyst, IROW and Resettlement PMO

Support:
- IROW PMO
- Records Division Staff
- AMMS Staff

Overview:
This procedure is initiated by the transfer of ownership of acquired lands in the name of the Republic of the Philippines. Important title information must be properly incorporated into the IROW Database for archiving and future referencing.

Procedure:
1. Obtain a copy of the title in the name of the Republic of the Philippines from the Register of Deeds
2. Input pertinent information, on title, such as the technical descriptions, area of property, location, and other pertinent data.
3. Endorse the title to the IROW PMO for review.
4. After its review, the title shall then be scanned in to the IROW System, and a hard copy shall be archived at the IROW PMO.
5. Correctness of scanned documents shall be certified by the Chief of Records Division and the AMMS before sending the original TCT to the National Archive
Land Acquisition And All Right Of Way
Processing Of Title Documents (All Titles)

1. Title
2. Tax Declaration
3. All supporting documents
2.19 Management of IROW

Objective: To properly manage the IROW to prevent illegal encroachment from newly acquired land and remove illegal structures from existing ROWs.

Lead Person: District Engineer

Support:
- Director, Regional Office
- DEO Maintenance Section
- City/Municipal Mayor
- City/Municipal Engineer
- City/Municipal Planning Officer/Coordinator
- City/Municipal Council
- Construction Contractors

Overview:
D. O. No. 5, Series of 2003, states that DEOs shall be responsible and accountable for the proper management of all ROWs and ensure that encroachments, structures, and informal settlers are not allowed within ROW limits. As mentioned in the IROW Process Design Report, this task can be accomplished through a joint coordination and effort between the DEO, the concerned LGUs, and the Philippine National Police (PNP). D. O. No. 52, Series of 2003 (Please refer to Appendix L1), which directs all District Engineers to “immediately remove or cause the removal of all obstructions and prohibited uses within the right-of-way (ROW) of all national roads” within their respective jurisdictions.

The procedures below provide a guide to the District Engineers, together with the Maintenance Section of the DEOs, on how to properly manage acquired lands. These procedures are applicable to both existing and newly acquired ROWs.

The DEOs shall submit monthly reports on the management of the ROW, to the Regional Directors for review and endorsement to the IROW and Resettlement PMO.

Procedure:
Proper Coordination with the Concerned LGUs

1. Arrange meetings with concerned LGU Officials, particularly the Mayor, the Vice Mayor, and the City/Municipal Engineer, and Planning Officer/Coordinator.
2. Prepare the following documents as these may be needed as reference materials during the meeting:
   - IROW Completion Report
   - As-Built ROW Plans (for existing infrastructures)
3. During the meeting, briefly present the improved IROW Process. Since these Officials have very busy schedules, provide highlights only. If possible, make use of ordinary transparencies, or computer-generated presentations using a multi-media projector.
4. Emphasize the importance of the LGU’s role in the management of ROW. Invite the Officials to be your partner in this difficult and challenging task.

5. Request the Vice Mayor, as the Presiding Officer of the City/Municipal Council to pass an ordinance to support and strengthen existing laws on illegal encroachment of ROWs. If possible, ask them to impose stiffer penalties against violators.

6. Request the City/Municipal Engineer to ensure that any type of structures, including billboards, as stipulated in Department Order No. 217, Series of 2000 (Please refer to Appendix L2) within IROWs are NOT given the necessary permits.

7. For existing ROWs with informal settlers, request the City/Municipal Planning Officer/Coordinator to include as one of the priority group-beneficiaries of their Shelter Plan, these informal settlers, so that they can be relocated as soon as possible.

Proper Coordination with Concerned Utility Companies

8. Arrange meetings with concerned Utility Companies. Make sure to invite key persons who can either make decisions or ensure that key issues are taken up with the decision makers.

9. Prepare the following documents as these may be needed as reference materials during the meeting:
   - IROW Completion Report
   - As-Built ROW Plans

10. During the meeting, briefly present the improved IROW Process. Since these Officials have very busy schedules, emphasize on their roles and responsibilities. If possible, make use of ordinary transparencies, or computer-generated presentations using a multi-media projector.

11. Emphasize the importance of their cooperation in the management of ROW. Cite that they will also benefit from this effort since they are also users of these infrastructures.

Management of Newly Acquired IROW

12. If the acquired IROW will be constructed in phases and/or stages, protection of “unused” portions from encroachment, by means of the following measures, whichever is more practical and economical:
   - Planting of fast growing trees such as *g.melina*, which can be harvested every five (5) years. This can even become a part of the social development program to be developed for PAPs, who can be contracted to cultivate and maintain said trees;
   - Fencing of boundary of IROW
   - Utilizing edges of the IROW, leaving the bigger “unused” portion as the center median

13. During construction of the infrastructure, strictly prohibit “shanty-type” of dwelling units and instead specifying orderly rows of bunkhouses for Contractors’ workers;

14. Do NOT allow structures, even for temporary use, such as barangay halls, police detachment units, etc. to be built on ROWs.
15. If there are any minor structures or obstructions, such as ambulant carts and small makeshift stalls, or sari-sari stores from the IROW, immediately remove these.

Management of Existing IROW

16. Coordinate with the LGUs, particularly the concerned City/Municipal Mayors and Barangay Captains and inform them about the schedule of a meeting for a briefing on the improved IROW Process.

17. During the meeting, explain briefly but clearly, the salient points of D.O. No. 5, Series of 2003, particularly the provisions on the proper management of all ROW, including the removal and clearing of encroachments, structures, and informal settlers within the ROW limits.

18. Focus on the importance of keeping the highway clear from any form of encroachment. Explain to them in layman’s term, the importance of their cooperation and support in the success of the implementation of the improved process.

19. Cite benefits to the City/Municipality, such as easing of traffic congestion caused by narrowed roadway (as a result of encroachment), increase in capacity of the road to accommodate more vehicles, lesser gaseous emissions as a result of better flow of motorized vehicles, etc.

20. After the meeting, persuade the City/Municipal Officials to execute with the DPWH Memoranda of Agreement or Understanding with the City/Municipality that will:
   - Reiterate and enforce the jurisdiction of the DPWH over IROWS;
   - Bind the City/Municipal Engineering Office to conduct more rigid ocular inspections before issuing building permits to ensure that the structures will be outside the IROW;
   - Bind the City/Municipal Planning and Development Officers and/or Coordinators to avoid locating commercial zones along the roadsides of national roads to discourage encroachment towards the roadway, and instead put greenbelts or buffer zones along these roadsides to protect the IROW from encroachment. Cite benefits such as improvement of aesthetics, decrease in levels of air pollutants due to the conversion of carbon dioxide into oxygen during the process of plant (trees) transpiration, etc.
   - Extension of support, from the City/Municipal Office, particularly from the PNP, for assistance during clearing operations.

21. Request for an audience with the City/Municipal Council, through the Vice Mayor. Present the improved IROW Process to the Council Members and request them to pass new and better zoning ordinances that will impose stiffer penalties for encroachers of existing IROWs.

22. Arrange meetings with concerned Utility Companies. Make sure to invite key persons who can either make decisions or ensure that key issues are taken up with the decision makers.

23. Prepare the following documents as these may be needed as reference materials during the meeting:
   - D. O. No. 5, Series of 2003
   - D. O. No. 52, Series of 2003
24. During the meeting, briefly present the improved IROW Process. Since these Officials have very busy schedules, emphasize on their roles and responsibilities. If possible, make use of ordinary transparencies, or computer-generated presentations using a multi-media projector.

25. Emphasize the importance of their cooperation in the management of ROW. Cite that they will also benefit from this effort since they are also users of these infrastructures.

Monthly Reporting

For Newly Acquired IROW

26. Coordinate with the LGUs, particularly the concerned Barangay Captains and inform them about the schedule of the installation of monuments for ROW boundaries. Request for their assistance in terms of protecting these monuments. Explain to them in layman’s term, the importance of these markers.

27. Establish in each barangay, pressure groups, such as NGOs, and other respected figures, such as teachers, religious leaders, the elderly and civic organizations that shall assist in abating informal settling. In the case of existing ROWs, if there are already informal settlers, ask for their assistance in persuading these informal settlers to vacate the ROW.

28. Conduct rigid and thorough monthly site inspection on a continuous and regular basis to check if there are any encroachments on the IROW.

29. If there are no encroachments or informal settlers, proceed to Step 34. If there are encroachments or informal settlers, request established pressure groups to persuade the encroachers to vacate the ROW.

30. If the encroachers vacate the ROW, proceed to Step 34. If the encroachers do not listen to the pressure groups, prepare a letter notifying them that they are unlawfully encroaching on the IROW, that they must vacate the area within 30 days, and that if they fail to do so, they shall be evicted and their structures demolished, in accordance with Section 28 of RA 7279.

31. After 30 days, conduct site investigation to check if the encroachers have vacated the ROW.

32. If the encroachers have vacated the ROW, proceed to Step 34. If the encroachers have not vacated the ROW, coordinate with the PNP and schedule demolition.

33. Demolish structures. In executing eviction or demolition involving “underprivileged and homeless citizens” as defined in RA 7279, make sure that the eight (8) provisions stipulated in Section 28 of said republic act are strictly complied with.

34. Document all pertinent information from the preceding procedures and use these as input in preparing the monthly report described in Step 48.

For Existing IROW

35. Prepare inventory of titles of existing IROWs that have been fully acquired (i.e., fully paid, and titled in the name of the Republic of the Philippines).
36. For IROWs wherein the lands are fully acquired, establish IROW boundaries in the ground through monumenting. If IROWs have not been fully acquired, indicate in the report which properties have not been acquired, the status of acquisition process (i.e., if there are court proceedings, or if processing has been completed except for payment to the property owners). Fully disclose these information in the monthly report to be submitted.

37. Conduct weekly inspection of the IROWs. If available, bring maps or plans showing the boundaries of the existing IROW. If there are any encroachments within the IROW, take photographs and properly document each photo taken. Photo documentation shall also be included in the monthly report to be submitted.

38. If occupancies are encountered, investigate if the occupants are legal (i.e., land where the IROW is located has not been paid and transferred in the name of the government, thus making the occupant-landowner still the rightful owner); or illegal (i.e., the IROW has been fully acquired, paid and transferred in the name of the government but the former owner/occupant still refuses to vacate the property).

39. For “legal” occupancy, obtain their proof of ownership, i.e., title/tax declaration. Ask them politely why they still occupy the land which is now part of an IROW. Offer them your assistance in having their property properly donated or purchased. Cite the provisions of D.O. No. 5, Series of 2003 that would be beneficial to them, such as the payment of the structures at replacement cost (with no salvage value), the payment in full for land, once the title is transferred in the name of the government, etc. Document all your transactions with the property owner, and include these in the monthly report to be submitted.

40. Go to the Register of Deeds to authenticate the title submitted. If a tax declaration was submitted, go to the Office of the Assessor to determine its authenticity. Once these documents are authenticated, go back to the owner and inform them that the purchase of their property can already be initiated. For acquisition through purchase, follow procedures in Section 2.8 starting from Step No. 6.

41. For illegal encroachers, prepare a letter notifying them that they are unlawfully encroaching on the IROW, that they must vacate the area within 30 days, and that if they fail to do so, they shall be evicted pursuant to a court order, and their structures demolished, in accordance with Section 28 of RA 7279.

42. After 30 days, conduct site investigation to check if the illegal encroachers have vacated the IROW.

43. If the encroachers have vacated the IROW, proceed to Step 45. If the encroachers have not vacated the ROW, coordinate with the PNP and schedule demolition.

44. Demolish structures. In executing eviction or demolition involving “underprivileged and homeless citizens” as defined in RA 7279, make sure that the eight (8) provisions stipulated in Section 28 of said Republic Act as enumerated below, are strictly complied with.

   (i) Notice upon the affected persons or entities at least thirty (30) days prior to the date of eviction or demolition;

   (ii) Adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;
(iii) Presence of Local Government officials or their representatives during eviction or demolitions;

(iv) Proper identification of all persons taking part in the demolition;

(v) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;

(vi) No use of heavy equipment for demolition except for structures that are permanent and other of concrete materials;

(vii) Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures; and

(viii) Adequate relocation, whether temporary or permanent, provided, however, that in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within forty five (45) days from service of notice of final judgment by the court, after which period the said order shall be executed: provided further, that should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.

(Note: For further details, please refer to the Implementing Rules and Regulations to Ensure the Observance of Proper and Humane Relocation and Resettlement Procedures Mandated by the Urban Development and Housing Act of 1992, otherwise known as R. A. 7279, attached in this Manual as Appendix L3).

45. Prepare an IROW Management and Action Plan (IMAP) for clearing the IROW. The IMAP must include the following:
   • Received copies of all communications (notices, letters, etc.) sent to the encroachers
   • Photographs of encroaching structures with captions indicating the exact location of the structure such as lot number, street name, barangay, city/municipality
   • Map/Plan showing the boundaries of the IROW and indicating the encroached portions
   • Summary of actions taken
   • Proof of coordination with proper authorities such as the LGUs, NHA, etc. such as letters, MOAs, MOUs
   • Planned schedule for demolishing and clearing the IROW
   • For “legal” encroachments, request property owner for copies of title/tax declaration, and attach these to the IMAP

Please refer to Appendix L4 for an outline of the IMAP.

46. Submit IMAP to the Regional Office for review and endorsement to the IROW PMO.
47. The IROW PMO must review all IMAPs submitted and monitor its implementation until the subject IROWs are cleared.

48. Prepare **Monthly Report on Management of ROW**. Ensure a full disclosure of the field situation. Include actions taken to address problems (if any) and result of these actions, and describe status of the ROW, in terms of encroachment. Include photographs of problem areas to properly document the report (Please refer to **Appendix L.5** for an outline of the Monthly Report).

   *(Note: You may include some portions of the IMAP in this report)*

49. Submit Monthly Report to the Regional Office for review and endorsement to the IROW and Resettlement PMO.

50. The IROW PMO must review all Monthly Reports submitted and formulate plan of actions to take.
3 PROCEDURES FOR SPECIAL CASES

This chapter provides the procedures to be undertaken for IROW acquisitions which involve special cases. Special cases refer to circumstances wherein the ownership of properties to be acquired is not of the ordinary type, or origin. Specifically these are:

3.1 Acquisition of IROW by execution of **quit claims**;
3.2 Acquisition of IROW through **easement of right-of-way**
3.3 Acquisition of IROW by **conversion**
3.4 Acquisition of **untitled lands** for IROW
3.5 Acquisition of IROW wherein the **landowner is deceased**
3.6 Acquisition of IROW wherein the **landowner is a corporation**
3.7 Acquisition of IROW wherein the **property is under guardianship or administratorship**
3.8 Acquisition of IROW wherein the **vendor is represented by an Attorney-in-Fact**
3.9 Acquisition of IROW when there are **no claimants**

As mentioned in Chapter 2, all other procedures stipulated in previous guidelines, such as Memorandum Circular No. 137 (**Appendix B3**) and Ministry Order 65 (**Appendix B4**), Series of 1983 that are not in conflict with D. O. No. 5, Series of 2003 and not covered by this Procedural Manual are still applicable.
3.1 **IROW Acquisition by Execution of Quit Claims**

**Objective:** To acquire IROW through the execution of quit claims

**Lead Person:**
- For projects at the Central Office: PMO ROW Engineer/Agent
- For other projects: RO/DEO ROW Engineer/Agent

**Overview:**
In accordance with Section 5 of the IRR for RA 8974, owner of properties needed for IROW, which were acquired under provisions of Special Laws, particularly Commonwealth Act 141 (Please refer to Appendix M), also known as the Public Land Act, must execute a “quit claim” to provide a 20-meter strip of land easement (this was subsequently increased to a reserved area of 60-meter strip by virtue of P.D. 635) to enable the government to utilize it for public use. Under the same Act, payment for damages will be made for improvements only; no payment for the land shall be made.

P.D. 1361 on the other hand authorizes government officials charged with the prosecution of projects, or their representative, to take immediate possession of the portion of property which is the subject of the lien, as soon as the need arises and after due notice to the owners. It also allows the government to utilize said reserved strips for buildings for Resident and/or Project Engineers, needed in the prosecution of public infrastructure projects and similar works. However, it is also stipulated in this P.D. that once the public infrastructure is abandoned, or if the buildings used by project engineers will no longer be needed, the ownership of the property which were the subject of quit claims executed shall be reverted back to the title holders.

In addition, it is important to note that once the “reserved area” for a particular land that was obtained through C.A. 141 has been taken or availed of by the government, even if the taking was less than 60 meters, the remaining portion of the land cannot be subjected to the same ruling anymore. As stipulated in Memorandum Circular 137 (See Appendix B3), “…The reservation, however, once taken or availed of by the government, cannot be exercised for the second or third time”.

**Procedure:**

1. From the Parcellary Survey Report, check, using the IROW Land Data Matrix (See Appendix H2), if the land was acquired through Commonwealth Act 141 (C.A. 141). If not, proceed to Section 2.6.
2. If the land was acquired through Commonwealth Act 141 (C.A. 141), check if the said land has been subject to a quit claim before, or if the government has availed of the reserved area in the past. If so, proceed to Section 2.7.

3. Prepare the Notice of Taking informing the property owners about the need to acquire their property to give way to a government project. Indicate in the same letter that based on the parcellary survey undertaken, it was found out that their land was acquired through C.A. 141, and as such, the government is entitled to the reserved strip of land for public use.

4. In the same letter, request the landowners to submit to the Implementing Office copies of the following:
   - Copy of TCT/OCT/EP/CLOA
   - Tax declaration
   - Tax clearance

5. When the landowner submits proof of ownership, inform him about the need to acquire a portion of his land to make way for a government infrastructure project. Show him a copy of the IROW Plan, and describe the size of the area needed for IROW. Politely explain that he needs to execute a “quit claim” because his land was acquired through C.A. 141 and that there are laws and regulations which govern it.

   (Note: If necessary, show him a copy of any or all of the following: R.A. 8974 and its corresponding IRR, Memorandum Circular 137, Ministry Order 65, C.A. 141, P.D. 635, P.D. 1361)

6. If the owner refuses to accept the offer, courteously explain to him that in accordance with P.D. 1361, the Implementing Office is authorized to take immediate possession of the property subject of the lien as soon as the need for the said property arises, and after due notice to the owner (which you have accomplished in Step 3) has been made. If the owner still refuses to accept the offer, go to the proper courts.

7. If the owner accepts the offer, provide him the “Quit Claim Deed” format as shown in Appendix N5 for filing. A permit to enter the property should be issued by the property owner so that the project may commence.

8. Once the Quit Claim Deed has been perfected, go to the District Land Officer, so that the area being taken by the government could be segregated from the total area. The District Land Officer shall then transmit the documents to the Bureau of Lands for segregation.

9. Go to the City/Municipal Assessor’s Office, validate if there are any Tax Declaration for Improvement (TDI) dues that the property owner needs to settle. If there are back dues, note down the amount to be paid. Otherwise, proceed to Step 11.

10. Prepare the voucher, go to the Assessor’s Office, and pay for the TDI arrears.

11. Obtain the LAPRAP and take note of the amount of compensation for improvements.

12. If TDI arrearages were paid, subtract the amount paid from the amount obtained in Step 11. Prepare the voucher in the amount equivalent to the difference obtained.
Example:

If TDI arrears were paid, compute for the compensation for improvements as follows:

<table>
<thead>
<tr>
<th>Compensation for Improvements based on the LAPRAP prepared:</th>
<th>P1,200,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less TDI arrears paid:</td>
<td>- 360,000.00</td>
</tr>
</tbody>
</table>

Amount payable to property owner: P840,000.00

13. If no TDI arrears were paid, prepare the voucher in the amount obtained in Step 11.
14. Obtain the OCT/TCT of the land subjected to the Quit Claim Deed and go to the Office of the Register of Deeds for annotation at the back of the title or for issuance of a separate title in favor of the Republic of the Philippines.
15. Provide copy of Quick Claim Deed and OCT/TCT to IROW-PMO
16. To clear the IROW, follow Steps 1 to 10 of Section 2.14.
3.2 IROW Acquisition by Easement of Right-of-Way

Objective: To acquire IROW through easement of Right-of-Way

Lead Person: For projects at the Central Office:
PMO ROW Engineer/Agent
For other projects
RO/DEO ROW Engineer/Agent

Support:
- PMO Director
- Regional Director
- District Engineer(s)

Overview:
This procedure is initiated after the completion of the Detailed Engineering Design of the project, but prior to the conduct of the parcellary survey. The IROW Plan shall be used to determine if the portion of land to be affected is eligible for acquisition through the Easement of Right-of-Way mode.

Section 9 of the IRR for RA 8974 states that if there are properties needed for IROW with minimal size, such that expenses for surveying or segregating the said portion from the main lot would be very much more than the value of the said portion, the Implementing Office may opt to acquire it by executing a R-O-W easement agreement, if the property owner agrees to do so. Under this mode of acquisition, the property owner will grant the DPWH through the Implementing Office, an easement of right-of-way, or the right to use the affected portion of the lot as right-of-way, but the owner retains ownership of the said portion of lot.

Under the same IRR, the IO shall compensate the property owner the value of the said portion of land based on the BIR zonal valuation, plus the replacement cost of the affected improvements, to be computed based on Section 10 of the same IRR. Entry of the IO to the acquired property may be made upon full payment of land and improvements.

Procedure:

1. From the IROW Plan and the IROW Action Plan, check if the value of land needed for IROW would be less than the cost for conducting parcellary survey and segregating it from the main lot. This can be done by computing for the area (length x width) needed for IROW (from the IROW Plan) and multiplying it with the BIR zonal valuation (from the IROW Action Plan). Compare this with the cost for conducting the parcellary survey and segregating said portion of the land from the main lot.

2. If the cost of the portion of land to be taken is greater than the cost for conducting parcellary survey for the said portion of land, plus the cost for segregating said
portion from the main lot, the easement of R-O-W mode is NOT applicable; proceed to Section 2.8. Otherwise proceed to the next step.

3. Prepare the Notice of Taking informing the property owners about the need to acquire a portion of their property to give way to a government project. Indicate in the same letter that their property is eligible for acquisition through the easement of R-O-W mode.

4. In the same letter, inform the landowners that you will visit him at his residence or office at a pre-set schedule so that you can explain the mechanics for executing the Easement of R-O-W Agreement.

5. Upon visiting the landowner, inform him about the need to acquire a portion of his land to make way for a government infrastructure project. Show him a copy of the IROW Plan, and describe the size of the area needed for IROW.

6. Politely explain that instead of executing a Deed of Absolute Sale which would transfer the ownership of the said portion of land to the government, an Easement of R-O-W Agreement can be executed. Cite that an easement agreement will be more beneficial to him since he will retain ownership of the land, and that only a right to use a portion of his property as right-of-way shall be requested from him.

(Note: If necessary, show him a copy of any or all of the following: IRR for RA 8974, Memorandum Circular 137, Ministry Order 65)

7. Emphasize that although only a right to use a portion of his property as right-of-way shall be requested from him, the government through the IO shall compensate him for the portion of land based on BIR zonal valuation, plus the replacement cost for the improvements (if any) found on the said portion of land.

8. If the owner accepts the offer, execute the Easement of Right-of-Way Agreement as shown in Appendix N6. A Permit to Enter (Please refer to Appendix N7) to the property should be issued by the property owner so that the project may commence. If the owner rejects the offer, go to the proper courts and request for the necessary injunction.

9. Obtain the LAPRAP and take note of the amount of compensation for the portion of land plus the replacement cost for the improvements (if any)

10. Prepare the voucher in the amount obtained in Step 9

11. Obtain a copy of the OCT/TCT and have it properly annotated regarding the Easement Agreement.

12. Provide IROW-PMO copy of Easement Agreement and OCT/TCT

13. To clear the IROW, follow Steps 1 to 10 of Section 2.14.
3.3 **IROW Acquisition by Conversion**

**Objective:** To acquire IROW by conversion of provincial/city/municipal/barangay road into a national road

**Lead Person:**
- For projects at the Central Office:
  - PMO ROW Engineer/Agent
- For other projects:
  - RO/DEO ROW Engineer/Agent

**Support:**
- LGUs, particularly the Provincial/City/Municipal Board/Council
- Planning Service
- Bureau of Maintenance
- PMO Director
- Regional Director
- District Engineer(s)

**Overview:**
This procedure is initiated when there is proposal from concerned LGUs to convert provincial/city/municipal/barangay road into a national road. However, certain requirements, as indicated below, need to be satisfied prior to conversion.

**Procedure:**

1. Conduct site inspection and verify if the road being proposed for conversion is in compliance with the criteria for a National Road and with the functions and other requirements for the functional category to which the road is proposed.
   
   The following parameters must be satisfied:
   
   a. The minimum IROW is 20 meters
   b. The road is at least gravel surfaced
   c. The road is in good maintainable condition
   d. There are monuments delineating the R-O-W

2. If the subject road is not compliant to all the requirements listed above, prepare a letter addressed to the Governor/Mayor of the concerned LGU, informing them that the subject road is not eligible for conversion and that if they really intend to pursue it, the above mentioned requirements must first be satisfied. Have the letter signed by the District Engineer. If the subject road meets the said requirements, proceed to the next step.

3. Prepare a field report describing your findings during the site inspection.

4. Check the documents submitted the LGU. The following should be included:
a. Justification that the subject road meets functional requirement of a National Road  
b. Provincial/City/Municipal Board/Council Resolution favorably endorsing the proposed conversion  
c. Proof of road R-O-W acquisition such as the:  
   • Duly notarized Deed of Donation/Absolute Sale showing the Lot Number  
   • OCT/TCT/EP/CLOA in the name of the LGU, including numbers, area acquired, including technical description and sketches  
   • Real Property Tax Declaration Number  
   • Certification from the concerned Provincial Registry of Deeds and Department of Environment and Natural Resources Office that there will be no expense by the DPWH for any claims for the payment of road R-O-W  
   (Note: copies of the above documents must be obtained)  
d. Road map showing the start and end of the road with proper stationing and indicating its relation to the other roads in the network  
e. Straight Line Road Diagram and list of bridges along the road being proposed for conversion  
f. Photographs showing the present condition of the road at intervals of at most 400 meters or as deemed necessary  
   (Note: Said photographs must be certified by the District Engineer)  

5. Prepare the Road Inventory Form. Have the duly accomplished form signed by the District Engineer.  
6. Prepare a Certification to be signed by the District Engineer that the road satisfied the requirements enumerated in Step 1.  
7. Compile the documents obtained from Steps 2-5 and submit to the Regional Office for proper endorsement to the Central Office.  
8. The Regional Director shall then review the submitted documents, and countersign the Road Inventory Form prepared in Step 5.  
9. The Regional Office shall then submit the documents to the Office of the Assistant Secretary for Planning at the DPWH Central Office.  
10. If the conversion is endorsed by the Regional Office, the District Engineer shall then request the Secretary for an Authority to enter into a Memorandum of Agreement (MOA) with the requesting LGU.  
11. A MOA containing the following provisions shall be prepared by the District Engineer:  
   a. That there are no encroachments/informal settlers along the road R-O-W
b. That the Title shall be transferred to the name of the Republic of the Philippines within 60 days

c. That there are no encumbrances in the said Title

d. That all remedies shall be the responsibility of the concerned LGU

12. The Director for Planning Service shall then evaluate the proposal for conversion and submit appropriate recommendations to the DPWH Secretary.

13. While the transfer of title is being processed, the Planning Service shall prepare a Department Order effecting the conversion.

14. The Secretary shall then sign the D.O. prepared in the preceding step.

15. The IPRSD shall then conduct Center Line Survey for the updating of the LRS

16. Provide copy of the Department Order and the OCT/TCT to the IROW PMO.
3.4 Acquisition of Untitled Lands for IROW

Objective: To acquire untitled lands for IROW

Lead Person:

For projects at the Central Office:
PMO ROW Engineer/Agent

For other projects:
RO/DEO ROW Engineer/Agent

Support:
- PMO Director
- Regional Director
- BIR Officer
- Register of Deeds
- City/Municipal Assessor
- District Engineer(s)

Overview:
This procedure is initiated after the completion of the Detailed Engineering Design of the project, when the lots to be acquired are untitled, as specified in the IROW Action Plan Data Checklist (See Appendix C3), and as verified during the conduct of the Parcellary Survey.

Procedure:

1. Go to the Office of the Register of Deeds and verify if the property is indeed untitled. Obtain statement from Register of Deeds.

2. Obtain original or certified true copies of the following documents from the property owner and/or the concerned City/Municipal office:
   - Tax Declaration for Land (with OR) from the Office of the Assessor
   - Tax Declaration for Improvements, if any (with OR) from the Office of the Assessor

3. Go to the City/Municipal Assessor’s Office, validate if there are any Tax Declaration dues that the property owner needs to settle. If there are back taxes due, note down the amount to be paid. Otherwise, proceed to the next step.

4. Prepare the Deed of Absolute Sale using the template provided in Appendix N8.

5. Go to the nearest BIR District Office, look for the BIR Officer of the Day and request for assistance. Bring with you the following documents:
   - Approved parcellary plan and/or subdivision plan
   - Deed of Absolute Sale
   - Tax declaration for land (with OR)
   - Tax declaration for improvements, if any (with OR)
6. Properly fill up BIR Form 1706 for Capital Gains Tax and BIR Form 2000 for Documentary Stamps. If property owner is a private corporation, properly fill up BIR Form 1606 for Capital Gains Tax and BIR Form 2000 for Documentary Stamps

(Note: Amount of Capital Gains Tax due is obtained by getting 6% of the value of land and improvements based on the highest value among those stated in the TD, actual selling price, and BIR zonal valuation. The amount of Documentary Stamps to be paid is equivalent to 1.5% of whatever was used as basis for capital gains tax computation)

7. Request the BIR Officer of the Day to compute the amount of Capital Gains Tax and Documentary Stamps to be paid. Note down the total amount.

8. Compute for the Transfer Tax, which is equivalent to \( \frac{1}{2} \) of 1% of the higher value between the actual selling price and the BIR zonal valuation for the subject property.

9. Add the payables obtained in Step 3 (back dues on Tax Declaration, if any), Step 7 (Capital Gains Tax and Documentary Stamps), and Step 8 (Transfer Tax) to obtain the total tax payable. Prepare disbursement voucher in the amount equivalent to this amount.

<table>
<thead>
<tr>
<th>Example:</th>
</tr>
</thead>
<tbody>
<tr>
<td>TD arrears:</td>
</tr>
<tr>
<td>Capital Gains Tax</td>
</tr>
<tr>
<td>Documentary Stamps</td>
</tr>
<tr>
<td>Transfer Tax:</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Total Tax Payable (TTP)</td>
</tr>
</tbody>
</table>

10. Go to the concerned City/Municipal Assessor’s Office and pay the TD arrears (if any) for the property to be acquired. Make sure to get OR and corresponding tax clearance.

11. Have the Deed of Absolute Sale notarized. Take note of the date of notarization. Provide copies to the property owner, the Implementing Office, and the Legal Service.

(Note: Make sure that Capital Gains Tax is paid within 30 days upon notarization of the Deed of Absolute Sale, and the Documentary Stamps, five (5) days after a month it was notarized, to avoid penalties)

12. Go to the concerned BIR District Office and present the following:

- Approved Parcellary Survey Plan or Subdivision Plan (if needed)
13. Using accomplished BIR Forms in Step 6 above, go to the nearest BIR-accredited bank and pay the Capital Gains Tax and Documentary Stamps due. Make sure to obtain an Official Receipt.

14. Go back to the BIR District Office and present the OR. The BIR should process the documents and issue the Certificate Authorizing Registration (CAR) within three (3) working days.

15. Go back to the BIR District Office after three (3) days and obtain the CAR.

16. Go to the Register of Deeds, present the following documents, and request for the transfer of title in the name of the Republic of the Philippines (DPWH):
   - Approved Parcellary Survey Plan or Subdivision Plan (if needed)
   - CAR from the BIR
   - Transfer Tax OR

17. Pay corresponding Registration Fee to the Office of the Register of Deeds.

18. The acquired lot is then titled in the name of the Republic of the Philippines (DPWH)

19. Add the following payments made:
   - Payments made in Step 3 (TD arrears), if any
   - Capital Gains Tax paid

Subtract the sum of these from the full amount payable (as stipulated in the Deed of Absolute Sale) to the property owner.

<table>
<thead>
<tr>
<th>Example:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Add all tax arrears and capital gains tax paid:</td>
</tr>
<tr>
<td>TD arrears:</td>
</tr>
<tr>
<td>Capital Gains Tax</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Total taxes paid</td>
</tr>
</tbody>
</table>

2. Subtract the amount obtained from the full amount payable to the property owner, as indicated in the Deed of Absolute Sale (DAS): |
| Amount indicated in the DAS: | P3,000,000.00 |
| Less total taxes paid: | 355,000.00 |
| ----------------- |
| Amount payable to property owner: | P2,645,000.00 |
20. Request the owner to present the pertinent documents specified in the Checklist for Validating Claims, except those pertaining to titled lands (Please refer to Appendix I).

21. Prepare the voucher for paying the property owner the balance obtained in Step 19.

22. Provide copies of Deed of Absolute Sale OCT/TCT to IROW-PMO.
3.5 **Acquisition of IROW Wherein the Landowner is Deceased**

**Objective:** To acquire untitled lands for IROW wherein the landowner is deceased

**Lead Person:**
- For projects at the Central Office:
  - PMO ROW Engineer/Agent
- For other projects:
  - RO/DEO ROW Engineer/Agent

**Support:**
- PMO Director
- Regional Director
- District Engineer(s)

**Overview:**
This procedure is initiated after the completion of the Detailed Engineering Design of the project, when the landowner of the lot to be acquired is deceased. As stipulated in Ministry Order 65, Series of 1983, the heirs must first consolidate their ownership of the property either thru court proceedings or through an extra-judicial settlement, subject to the provisions of Rule 74 of the New Rules of Court.

Once the heirs of the deceased landowner have consolidated their ownership as mentioned above, IROW acquisition may proceed through the normal flow. That is, through donation, or if they refuse to donate their land, the acquisition may be through negotiated sale, through a deed of exchange, or by expropriation, depending on the decision of the heirs.

**Procedure:**

1. Obtain a copy of the death certificate of the deceased landowner. Go to the concerned City/Municipal Registrar's Office and determine authenticity of said certificate.

2. Obtain copy of Court Proceedings or Extra-Judicial Settlement from the heirs of the deceased landowner.

3. For IROW acquisition through a Deed of Donation, follow procedures in Section 2.7

4. For IROW acquisition through Purchase, follow procedures in Section 2.8

5. For IROW acquisition through a Deed of Exchange, follow procedures in Section 2.13

6. For IROW acquisition through Expropriation Proceedings, follow procedures in Section 2.12.
3.6 Acquisition of IROW Wherein the Landowner is a Corporation

Objective: To acquire untitled lands for IROW wherein the landowner is a corporation

Lead Person: For projects at the Central Office: PMO ROW Engineer/Agent
For other projects: RO/DEO ROW Engineer/Agent

Support:
- PMO Director
- Regional Director
- District Engineer(s)
- Board Members/Partners of the Corporation/Partnership

Overview:
This procedure is initiated after the completion of the Detailed Engineering Design of the project, when the landowner of the lot to be acquired is a corporation or a partnership. In accordance with Ministry Order 65, Series of 1983, a certified copy of the notarized Resolution of the governing Board of such corporation or partnership authorizing any of its officers to execute the corresponding deed of conveyance shall be attached to the said deed. In case of a partnership, the managing partner should execute the deed.

Once the authorization is completed, IROW acquisition may proceed through the normal flow. That is, through donation, or if they refuse to donate their land, the acquisition may be through negotiated sale, or through a deed of exchange. If the corporation or partnership do not accept the first or second offer, the authorized officer may be assigned as their representative in the expropriation proceedings.

Procedure:

1. Obtain a copy of the landowner-corporation’s Securities and Exchange Commission (SEC) Registration papers. Go to the SEC Office to verify its authenticity.

2. Obtain copy of notarized board resolution from the landowner-corporation.

3. For IROW acquisition through a Deed of Donation, follow procedures in Section 2.7

4. For IROW acquisition through Purchase, follow procedures in Section 2.8

5. For IROW acquisition through a Deed of Exchange, follow procedures in Section 2.13
6. For IROW acquisition through Expropriation Proceedings, follow procedures in Section 2.12.
3.7 Acquisition of IROW Wherein the Property is Under Guardianship or Administratorship

Objective: To acquire untitled lands for IROW wherein the property is under guardianship or administratorship

Lead Person: For projects at the Central Office: PMO ROW Engineer/Agent  
For other projects: RO/DEO ROW Engineer/Agent

Support:  
- PMO Director  
- Regional Director  
- District Engineer(s)  
- Regional Trial Court

Overview:  
This procedure is initiated after the completion of the Detailed Engineering Design of the project, when the landowner of the lot to be acquired is under guardianship or administratorship. As stated in Ministry Order 65, Series of 1983, a Letter of Administratorship and/or Guardianship should be submitted as part of the Deed of Conveyance. In addition, the said Deed must first be approved by the proper court before it is perfected.

Once this requirement is met, IROW acquisition may proceed through the normal procedures for IROW acquisition, except that the guardian and/or administrator shall assume the role of the landowner.

Procedure:  
1. Obtain a copy of the Letter of Administratorship or Guardianship approved by the proper court. Check if it is notarized. If not, politely inform the Administrator or Guardian that said document must first be notarized to be acceptable to the DPWH.

2. If the land is under administratorship or guardianship because the owner is a minor and an heir, obtain a copy of the will.

3. If the land is under administratorship or guardianship because of a court order, obtain a copy of the said court order.

4. For IROW acquisition through a Deed of Donation, follow procedures in Section 2.7

5. For IROW acquisition through Purchase, follow procedures in Section 2.8
6. For IROW acquisition through a Deed of Exchange, follow procedures in Section 2.13

7. For IROW acquisition through Expropriation Proceedings, follow procedures in Section 2.12.
3.8 Acquisition of IROW Wherein the Property Owner is Represented by an Attorney-in-Fact

Objective: To acquire untitled lands for IROW wherein the vendor is represented by an Attorney-in-Fact

Lead Person: For projects at the Central Office:
PMO ROW Engineer/Agent
For other projects
RO/DEO ROW Engineer/Agent

Support:
• PMO Director
• Regional Director
• District Engineer(s)
• Philippine Consulate

Overview:
This procedure is initiated after the completion of the Detailed Engineering Design of the project, when the vendor of the lot to be acquired is represented by an Attorney-in-Fact. In accordance with Ministry Order 65, Series of 1983, a corresponding Special Power of Attorney (SPA) should be made an integral part of the Deed of Conveyance.

Once this requirement is met, IROW acquisition may proceed through the normal procedures for IROW acquisition, except that the Attorney-in-Fact shall assume the role of the landowner.

Procedure:
1. Obtain copy of SPA from the authorized representative of the landowner.
2. Check if the party being represented is abroad. If so, the SPA must be duly attested by the Philippine Consulate of the country where the property owner is residing.
3. If the party being represented is in the country, get in touch with the property owner and verify authenticity of the SPA.
4. For IROW acquisition through a Deed of Donation, follow procedures in Section 2.7
5. For IROW acquisition through Purchase, follow procedures in Section 2.8
6. For IROW acquisition through a Deed of Exchange, follow procedures in Section 2.13
7. For IROW acquisition through Expropriation Proceedings, follow procedures in Section 2.12.
8. After payment has been made through any of the above modes of acquisition, send notice to the landowner that the payment has been made. Attach pertinent documents such as a photocopy of the voucher and or the check payment.
3.9 **Acquisition of Lands When There are No Claimants**

*Objective:* To acquire untitled lands for IROW when there are no claimants

*Lead Person:*
- For projects at the Central Office: PMO ROW Engineer/Agent
- For other projects: RO/DEO ROW Engineer/Agent

*Support:*
- PMO Director
- Regional Director
- District Engineer(s)

*Overview:*
This procedure is initiated after the completion of the Detailed Engineering Design of the project, when the land to be acquired has no claimant.

*Procedure:*

1. Validate if the data included in the IROW Action Plan are still relevant. If not, go to the concerned Office and obtain necessary information. If cadastral maps are included in the IROW Action Plan proceed to Step 7.

2. Go to the respective Assessors’ Offices and request for copies of cadastral maps. If cadastral maps are available at the Assessor’s Office, go to Step 7.

3. Go to the DENR-Land Management Bureau or Land Management Section of concerned DENR Regional Office to obtain the following:
   - Cadastral maps, together with the technical description of the lots needed for right-of-way.
   - CADC areas, whether these are proclaimed or proposed

4. If cadastral maps are not available at the LMB/LMS, go to the Land Registration Authority, borrow their Index Map, and request for the needed cadastral maps.

5. If technical descriptions are not available at the LMB/LMS, go to the Office of the Register of Deeds, specify the title numbers to obtain such.

6. If there are no title numbers, go to the respective Assessor’s Office. Borrow their Tax Mapping Index which shows the title numbers of the lot numbers reflected in the cadastral map.

7. Using the cadastral maps and right-of-way plans including title numbers of lots needed for right-of-way as references, go to the respective Assessors’ Offices and request for a list of landowners.

8. In the IROW Action Plan Data Checklist (See Appendix C3), take note of the lots that are classified as agricultural lands (if any). Go to the City/Municipal Agrarian
Reform Office and request for a list of registered tenants and/or Emancipation Patent (E. P.) awardees.

9. Notify the public that the subject land is subject to expropriation proceedings, by publishing an announcement through a national newspaper once a week for three (3) consecutive weeks.


11. If a claimant heeds to the publication, obtain the necessary proofs of ownership and proceed to either one of the following modes of acquisition---donation, purchase, expropriation, or exchange, depending on the decision of the rightful claimant. Please refer to Sections 2.7, 2.8, 2.12, and 2.13, respectively, for the procedures to be followed.

12. If no claimant appears after the publication period, expropriate the property in the name of John Doe. Follow Steps 3 to 20, of Section 2.12, Expropriation Proceedings, except Steps 5 and 6 and the portion where the property owner withdraws money from the depositary bank.

13. A Writ of Possession (WOP) shall then be issued by the concerned RTC.
List of Appendices

A1  D. O. No. 5, Series of 2003
A2  D. O. No. 79, Series of 2003
B1  Republic Act 8974
B2  Implementing Rules and Regulations (IRR) of RA 8974
B3  Memorandum Circular 137
B4  Ministry Order 65, Series of 1983
C1  IROW Action Plan Preliminary Cost Estimate for Land
C2  IROW Action Plan Preliminary Cost Estimate for Improvements
C3  IROW Action Plan Data Checklist
D   IROW Action Plan Report Outline
E   DENR-DPWH Memorandum of Agreement
F1  Scoping Report Template
F2  Environmental Impact Assessment (EIA) Template
F3  Environmental Management Plan Template
F4  Environmental Monitoring Plan Template
F5  Screening Form Template
F6  DENR Enform-1
F7  Initial Environmental Examination (IEE) Template
G1  Updated IROW Action Plan Final Cost Estimate for Land
G2  Updated IROW Action Plan Final Cost Estimate for Improvements
H1  Department Order No. 147, Series of 2001
H2  Parcellary Survey IROW Land Data
I   Guidelines for Validating Claims
J   IROW Compensation Matrix
K   IROW Completion Report Outline
L1  D. O. No. 52, Series of 2003
L2  D. O. No. 217, Series of 2000
L3  Implementing Rules and Regulations to Ensure the Observance of Proper and Humane Relocation and Resettlement Procedures Mandated by the Urban Development and Housing Act of 1992
L4  IROW Management and Action Plan (IMAP) Report Outline
L5  IROW Monthly Report Outline
M   Commonwealth Act 141
N1  Deed of Donation
N2  Deed of Exchange
N3  Agreement to Demolish and Remove Improvements (ADRI)
N4  Agreement to Demolish, Remove, and Reconstruct Improvements (ADRRI)
N5  Quit Claims Deed
N6  Easement of IROW Agreement
N7  Permit to Enter
N8  Deed of Absolute Sale
Appendix A1
Department Order No. 5, Series of 2003
Appendix A2
Department Order No. 79, Series of 2003
Appendix B1
Republic Act 8974
Appendix B2
Implementing Rules and Regulations for R.A. 8974
Appendix B3
Ministry Order No. 65, Series of 1983
Appendix B4
Memorandum Circular No. 137
Appendix C1
IROW Action Plan
Preliminary Cost Estimates for Land
### Project:

### Municipality:

<table>
<thead>
<tr>
<th>(1) Barangay</th>
<th>(2) Land Use Type a</th>
<th>(3) Lot Number</th>
<th>(4) IROW Area (L) X (W)</th>
<th>(5) Price/m² based on BIR zonal value</th>
<th>(6) Price of Land (4) x (5)</th>
<th>(7) NEDA inflation rate plus contingencies</th>
<th>(8) Total Cost of Land (6) + (7)</th>
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### Notes:
- a Residential, Commercial, Industrial, Agricultural
Appendix C2
IROW Action Plan
Preliminary Cost Estimates for Improvements
<table>
<thead>
<tr>
<th>Barangay</th>
<th>Type of Improvement*</th>
<th>Lot Number</th>
<th>Estimated Replacement Cost*</th>
<th>Estimated Labor Cost for Demolition*</th>
<th>NEDA inflation rate plus contingencies</th>
<th>TOTAL COST for Improvement (4) + (5) + (6)</th>
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</tbody>
</table>

* a. If house or building, specify if Concrete/Permanent, Semi-Permanent, Light
   If fruit trees, specify type, e.g., mango, coconut, banana, etc.
   If crops, specify if rice field, corn field, etc.

b. For houses, buildings, and other structures, estimates must be based on Section 10 of the IRR for RA 8974
   For fruit trees, based on declared value in Tax Declaration (TD); if no TD is filed, based on DOF guideline
   For crops, based on compensation specified in the LARR Policy

c. Put NA if not applicable
Appendix C3
IROW Action Plan
IROW Data Checklist
# IROW Action Plan
## Data Checklist

<table>
<thead>
<tr>
<th>Project:</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
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<tr>
<td>Data</td>
<td>Source</td>
<td>Status</td>
<td>Remarks</td>
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<tr>
<td>1. CLUP</td>
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<tr>
<td>2. Socio-Economic Profile</td>
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<tr>
<td>3. BIR zonal valuation</td>
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<tr>
<td>4. Cadastral maps</td>
<td></td>
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<td></td>
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<tr>
<td>5. Land Valuation Maps</td>
<td></td>
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<tr>
<td>6. Tax Declaration (Land)</td>
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<tr>
<td>7. Tax Declaration (Improvement)</td>
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<tr>
<td>8. TCT/OCT</td>
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<tr>
<td>9. Lot Technical Descriptions</td>
<td></td>
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</tbody>
</table>

### Guide to Preparer:

1. On the 1st column under the entries “4. Cadastral maps” and “5. Land Valuation Maps”, indicate the name of the City/Municipality where the needed IROW is located.
2. On the 2nd column, indicate the Office where the data was obtained; for example, indicate if the cadastral map was obtained from the Assessor’s Office, the DENR LMB/LMS, or LRA.
3. For entry numbers 6, 7, and 8, under column 1, indicate in the 3rd column if these data are available at the concerned Assessor’s Office or not.
4. For the 3rd column, put a check if data is obtained/available; Put an x if data is not available at the time of IROW Action Plan Preparation.
5. For the 4th column:
   a. If data is obtained/available, indicate date when such data were prepared
   b. If data is not available, indicate so
   c. If data is available but outdated, indicate so
   d. If data is still under preparation, indicate expected date of completion
   e. If data is for revision, indicate expected date of completion
Appendix D
IROW Action Plan
Outline of Report
Appendix D  
IROW Action Plan Report Outline

1. EXECUTIVE SUMMARY

2. INTRODUCTION
   2.1 Background and Objective
   2.2 Limitations of the Report

3. PROJECT DESCRIPTION
   3.1 Location and Condition of the {Infrastructure}
   3.2 IROW Requirements

4. DISCUSSION OF FIELD WORKS
   4.1 Proceedings of Public Consultation Meetings with the LGUs
   4.2 Site Investigation
      4.2.1 Number and Names of barangays to be traversed/affected
      4.2.2 Types of land use (agricultural, residential, commercial, etc.)
      4.2.3 Number and Type (concrete, wood, light materials) of Structures to be affected
      4.2.4 Type of Plantations (mango, coconut, banana, etc.), if any
   4.3 Preliminary IROW Cost Estimates
      4.3.1 Preliminary IROW Cost Estimates for Land
      4.3.2 Preliminary IROW Cost Estimates for Improvements (if any)

5. DATA GAPS (Attach the IROW Data Checklist here)

6. RECOMMENDATIONS
Appendix E
DENR-DPWH Memorandum of Agreement
Appendix F1
Scoping Report Template
Scoping Report

Environmental Impact Assessment

for the

Calle-Calzada Road Project
Ciudad City, La Laoigan Province

January 2002
# Table of Contents

1 Project Description...................................................................................................... 3
  1.1 Project Name........................................................................................................... 3
  1.2 Project Location...................................................................................................... 3
  1.3 Name and Address of Proponent ............................................................................ 3
  1.4 Objectives and Rationale ....................................................................................... 3
  1.5 Project Components............................................................................................... 3
  1.6 Project Activities..................................................................................................... 4
    1.6.1 Pre-Construction Phase................................................................................... 4
    1.6.2 Construction Phase.......................................................................................... 4
    1.6.3 Operation and Maintenance Phase.................................................................. 4
    1.6.4 Abandonment Phase........................................................................................ 4
2 Pre-Scoping Activity................................................................................................... 4
3 Scoping Process .......................................................................................................... 4
4 Summary of Agreed Upon Scope ............................................................................... 4
5 Summary of agreed upon studies to be undertaken and methodology ....................... 4
6 Agreed Upon Scope of Participation of Stakeholders ................................................ 5
7 Signatures................................................................................................................... .5
Annexes............................................................................................................................... 5
1 Project Description

1.1 Project Name
(State the official name of the project.)

1.2 Project Location
(State the location of the project. Include map of such a scale that could show the whole geographical extent of the project in one page, plus the location of known cities, major islands, bodies of water, mountains, and other landmarks. For a major road project, an A3-sized map may have to be used. On the same page, include as an inset a regional map showing the boundaries of the main location map.)

1.3 Name and Address of Proponent
Department of Public Works and Highways
Bonifacio Drive, Port Area, Manila

1.4 Objectives and Rationale
(Discuss why the project is being undertaken. Identify the problems, existing or foreseen, that it seeks to address. Present how the project fits into a development plan, whether national, regional, provincial or municipal.

Discuss also the alternatives that were considered when the project was envisioned. Show that the project is the best among several options that were considered, whether from a financial, environmental or developmental viewpoint.)

1.5 Project Components
(Include an indication of the size of the project, such as the length of road project or the capacity of a flood control structure. State whether the construction work to be undertaken is for a new structure, or is for maintenance, rehabilitation, or improvement of an existing one.

Discuss the major components of the project. This may refer to the individual road sections, bridges, or tunnels that will be constructed. Components may also be in the form of road widening or rehabilitation that form part of a road construction effort.)
1.6 **Project Activities**

(This section should include:
   a) The current status of the project (planning, feasibility, preliminary design, detailed design, etc.)
   b) A list of the main project activities and their timing
   c) Labor, materials and equipment requirements at each phase.

Whenever applicable, use a Gantt chart to depict project schedule.)

1.6.1 Pre-Construction Phase

1.6.2 Construction Phase

1.6.3 Operation and Maintenance Phase

1.6.4 Abandonment Phase

2 **Pre-Scoping Activity**

(Present a short report on any social preparation activities conducted on the proposed project. Mention dates, venues, and participants. Provide a summary of the key issues raised. Attach copies of invitations, signed attendance sheets, programs, handouts, presentation materials and resolutions.)

3 **Scoping Process**

(Present a report on the scoping meetings conducted in connection with the proposed project. Mention dates, venues, and participants. Provide a summary of the key issues raised. Attach copies of invitations, signed attendance sheets, programs, handouts, presentation materials and resolutions.)

4 **Agreed-upon Scope**

(See Sample Summary Matrix 1 of Issues or Impacts in DPM)

5 **Agreed-upon Methodology**

(See Sample Summary Matrix 2 in DPM)
6 Agreed-upon Scope of Participation of Stakeholders

(Discuss proposed or expected roles of stakeholders in the EIS process, other than as respondents to surveys or participants in discussions about the project. Such roles may include observing selected data gathering activities, or contributing to the design of the social and environmental management plan.)

7 Signatures

- DPWH or PMO Representative
- EIS Preparer (Team Leader)
- DENR Representative
- EIARC Representative
- Stakeholders representing the following:
  - Local government
  - Community and indigenous groups
  - Non-government organizations and people’s organization
  - National government agencies
  - Other identified sectors.

Annexes

- Checklist of data requirements listed in the procedural review criteria form (Annex 8 in SEMS Operations Manual)
- Minutes of the scoping sessions
- Attendance sheets containing the signatures, contact numbers and affiliations of participants in all scoping meetings
- Maps and diagrams.
Appendix F2
Environmental Impact Assessment Template
(NAME OF PROJECT)

ENVIRONMENTAL IMPACT STATEMENT
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I EXECUTIVE SUMMARY</strong></td>
<td>4</td>
</tr>
<tr>
<td>A. Brief Introduction</td>
<td>4</td>
</tr>
<tr>
<td>B. Brief Description of Methodology and Profile of EIA Team</td>
<td>4</td>
</tr>
<tr>
<td>C. Scope and Limitation of the EIA</td>
<td>4</td>
</tr>
<tr>
<td>D. Brief Project Description</td>
<td>4</td>
</tr>
<tr>
<td>E. Brief Description of Baseline Environmental Conditions</td>
<td>4</td>
</tr>
<tr>
<td>F. Matrix of Issues and Impacts Raised during the Scoping and Consultations</td>
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<tr>
<td>G. Matrix of Major Impacts and Mitigation/Enhancement Measures with Summary Discussion</td>
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<td>H. Matrix of Environmental Management Plan with Summary Discussion</td>
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<td>I. Matrix of Environmental Monitoring Plan with Summary Discussion</td>
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<td>J. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)</td>
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<td>K. Summary Process Documentation Report</td>
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</tr>
<tr>
<td>L. Summary of Commitments, Agreements and Proofs of Social Acceptability</td>
<td>4</td>
</tr>
<tr>
<td><strong>II INTRODUCTION</strong></td>
<td>5</td>
</tr>
<tr>
<td>A. Project Background</td>
<td>5</td>
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<tr>
<td>B. EIA Approach and Methodology</td>
<td>5</td>
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<tr>
<td>C. EIA Process Documentation</td>
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<tr>
<td>D. EIA Team</td>
<td>5</td>
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<tr>
<td>E. EIA Study Schedule</td>
<td>5</td>
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<tr>
<td><strong>III PROJECT DESCRIPTION</strong></td>
<td>5</td>
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<tr>
<td>A. Project Rationale</td>
<td>5</td>
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<tr>
<td>B. Project Alternatives</td>
<td>5</td>
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<td>C. Project Location</td>
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<td>D. Project Information</td>
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<td>E. Description of Project Phases</td>
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<td>E.1.1 Pre-construction/Operations Phase</td>
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<td><strong>IV BASELINE ENVIRONMENTAL CONDITIONS</strong></td>
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<td>A. Physical Environment</td>
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<td>6</td>
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<td>B. Biological Environment</td>
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<td>B.1.1 Terrestrial Flora and Fauna</td>
<td>7</td>
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<td>C. Socio-Cultural, Economic and Political Environment</td>
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<td>C.1.3 Income and Livelihood</td>
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<td>C.1.4 Social Services and Infrastructure</td>
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</table>
I EXECUTIVE SUMMARY

A. Brief Introduction

B. Brief Description of Methodology and Profile of EIA Team

The description of the methodology should mention that the EIS has been prepared in accordance with the Philippine EIS System with reference to the MOA between the DENR and the DPWH and the DAO 96-37. The screening and scoping methods, including consultation with stakeholders, should briefly be described as well as the method of assessment.

The profile of the EIA team should comprise the names, positions, field of expertise and duties of the EIA team.

C. Scope and Limitation of the EIA

This should refer to the Agreed Scope prepared during the scoping phase.

D. Brief Project Description

E. Brief Description of Baseline Environmental Conditions

F. Matrix of Issues and Impacts Raised during the Scoping and Consultations

This includes a revised and updated Project-Impact Matrix and Significant Issues List.

G. Matrix of Major Impacts and Mitigation/Enhancement Measures with Summary Discussion

H. Matrix of Environmental Management Plan with Summary Discussion

I. Matrix of Environmental Monitoring Plan with Summary Discussion

J. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)

K. Summary Process Documentation Report

L. Summary of Commitments, Agreements and Proofs of Social Acceptability
II INTRODUCTION

A. Project Background

B. EIA Approach and Methodology

C. EIA Process Documentation

D. EIA Team

E. EIA Study Schedule

III PROJECT DESCRIPTION

A. Project Rationale

Update Project Description from the Scoping Report to form a short description of the goals and objectives of the project, and the need for the project. Use non-technical terms. This description should correspond to the descriptions given in the Feasibility Study.

Include an indication of the size of the project e.g. length of road project and the type of the construction works. E.g., new construction, maintenance, rehabilitation, or improvement.

With reference to the environmental screening state clearly the environmental classification and EIA requirements of the project, i.e. Whether the project is/is not classified as an Environmental Critical Project and whether the project is/is not located in an Environmental Critical Area).

B. Project Alternatives

This should indicate any reasonable alternatives that would meet the proposal's need, including the possibility of the 'do-nothing' alternative. Attention should be paid to the major differences between the alternatives.

C. Project Location

Use site location description found in the Scoping Report (updating where needed). Indicate project area in Topographic Map, Land Use Map, and map of Environmentally Critical Areas.

D. Project Information
Update the Scoping Report to give a brief non-technical listing and description of the project components.

E. Description of Project Phases

This section should include:
   a) The current status of the project (planning, feasibility, preliminary design, detailed design, etc.)
   b) A list of the main project activities and their timing
   c) Labor, materials and equipment requirements at each phase.

Use a Gantt chart where applicable to depict project schedule.

   E.1.1 Pre-construction/Operations Phase
   E.1.2 Construction Phase
   E.1.3 Operational Phase
   E.1.4 Abandonment Phase

IV BASELINE ENVIRONMENTAL CONDITIONS

Some sections, such as geology and meteorology, rely on secondary data from sources listed in the DAO96-37 Procedural Manual. Baseline water and air quality characterization calls for primary data. Other component such as hydrology or oceanography may not be relevant for some projects.

A. Physical Environment

   A.1.1 Geology and Geomorphology
   A.1.2 Hydrology and Hydrogeology
   A.1.3 Pedology and Land Use
   A.1.4 Water Quality and Limnology
   A.1.5 Meteorology
   A.1.6 Air Quality and Noise
   A.1.7 Oceanography

B. Biological Environment
These components are seldom needed for projects in urban settings, but are critical for those that are near protected areas.

B.1.1 Terrestrial Flora and Fauna

B.1.2 Aquatic Biology

C. Socio-Cultural, Economic and Political Environment

Among the components below, only the last will require primary data, usually through a perception survey or interviews with key persons in the affected community. All PAPs should be included in the survey.

C.1.1 Population and Growth

C.1.2 Health and Education

C.1.3 Income and Livelihood

C.1.4 Social Services and Infrastructure

C.1.5 Culture

C.1.6 Sites of Archeological, Historical or Scientific Interest

C.1.7 Perception and Awareness

V FUTURE ENVIRONMENTAL CONDITIONS WITHOUT THE PROJECT

VI IMPACT ASSESSMENT

Impact assessment should cover all project stages: pre-construction, construction, operation and abandonment.

A. Physical/Chemical Effects

A.1.1 Land

A.1.2 Water

A.1.3 Air and Noise

Air and noise assessment should make use of the models provided to EIAPO. Predicted air pollution and noise levels should be presented as contours overlain on a map of the project site.
B. Biological/Ecological Effects

B.1.1 Terrestrial Flora and Fauna

B.1.2 Aquatic Biology

C. Aesthetic and Visual Effects

D. Socio-Cultural and Economics Effects

Refer to the EIAPO EIA Manual for guidance on this section.

D.1.1 Population

D.1.2 Labor and Employment

D.1.3 Housing and Social Services

D.1.4 Infrastructure and Public Utilities

D.1.5 Health and Education

D.1.6 Culture and Lifestyle

D.1.7 Livelihood and Income

E. Mitigation and Enhancement Measures

Update and insert the “Project-Impact Matrix” and the “Significant Issue List” and give a brief explanation to the assessment.

Describe alternatives and include them in the “Project-Impact Matrix.

F. Residual and Unavoidable Impacts

VII ENVIRONMENTAL RISK ASSESSMENT (WHEN APPLICABLE)
VIII  ENVIRONMENTAL MANAGEMENT PLAN

A. Construction/Contractors Environmental Program
B. Social Development Program
C. Contingency/Emergency Response Plan
D. Risk Management Program
E. Abandonment Plan (when applicable)
F. Environmental Monitoring Plan

IX  ENVIRONMENTAL GUARANTEE AND MONITORING FUND

Check MOA between DPWH and DENR regarding these funds.

X  COMMITMENTS AND AGREEMENTS

XI  BIBLIOGRAPHY/REFERENCES

XII  ANNEXES AND APPENDICES

1. List of EIS Preparers
2. Accountability Statements of Key EIS Preparers
3. Accountability Statements of the Proponent
4. Photos
5. Process Documentation Report
6. Scoping Report
7. Summary of Proof of Social Acceptability
8. Project Design Drawings and Plans
9. Maps
   9.1. Location Map
   9.2. Topographic Map
   9.3. Land Use Map
   9.4. Environmental Critical Areas
   9.5. Other Maps
10. Copies of laboratory analysis results
Appendix F3
Environmental Management Plan Template
<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>Target</th>
<th>Activity/Mitigation Measure</th>
<th>Indicator</th>
<th>Responsible Party</th>
<th>Timing</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Refers to a problem or concern that should be prevented, mitigated or enhanced.</td>
<td>The overall policy objective or guiding principle covering the issue.</td>
<td>An ideal condition or milestone sought by the measure</td>
<td>A strategy or program of action to meet the target</td>
<td>Measurable parameters with which progress in addressing the issue can be gauged</td>
<td>Person or agency responsible for carrying out the measures or overseeing their completion</td>
<td>Schedule, frequency or completion dates for the activities.</td>
<td>The costs of the measure, including the source of funding</td>
</tr>
<tr>
<td>Loss and damage to property</td>
<td>To ensure that any impact on property is avoided, mitigated or properly compensated.</td>
<td>All identified PAPs are properly compensated in a timely manner and in accordance with the DPWH Resettlement Policy.</td>
<td>1. Conduct linear mapping. 2. Conduct socioeconomic survey including an inventory of PAPs and extent of expected impact on properties. 3. Conduct Public Consultation regargin compensation. 4. Conduct validation of compensation, and check whether impacts on PAPs can be avoided through changes in the design or construction method. 5. Implement compensation scheme and any technically and economically feasible design changes to lessen the impact on PAPs. 6. Discuss the issue with the contractor. 7. Monitor progress of compensation until all PAPs have been satisfied.</td>
<td>Number of complaints from PAPs about the compensation. Number and percentage of PAPs compensated. Total amount of compensation given to PAPs.</td>
<td>DPWH, NHA and LGUs.</td>
<td>Activity 1-6: Before construction. Activity 7: During and after construction.</td>
<td>Compensation and entitlement of Project Affected Families will be decided in the Resettlement Action Plan (RAP)</td>
</tr>
<tr>
<td>Temporary loss of vegetative cover</td>
<td>To minimize loss or restore vegetative cover due to construction and related operations.</td>
<td>The vegetative cover is restored before the end of the construction period</td>
<td>1. Plan operations so as to minimize damage to vegetation 2. Specify in the Construction Specifications where spoils and materials should and should not be stockpiled. 3. Monitor stockpiling.</td>
<td>Area or percentage of vegetative cover in open areas near project site</td>
<td>Activity 1: The Design Consultant. Activity 2: The Contractor Activity 3: The Engineer.</td>
<td>During design and construction</td>
<td>Minimal</td>
</tr>
<tr>
<td>Spoils and Construction Waste Disposal</td>
<td>To ensure safe and proper disposal of spoil and construction waste.</td>
<td>All excess soil generated by the project is either reused or disposed of at designated disposal sites.</td>
<td>1. Estimate the amounts and types of spoil and construction waste to be generated by the project. 2. Plan cut-and-fill methods so as to minimize spoils 3. Investigate whether the waste can be reused in the project or by other interested</td>
<td>Amount of soil disposed of Incidents of waste materials and spoils improperly</td>
<td>The Engineer assisted by the EIAPO</td>
<td>During construction</td>
<td>Cost will depend on the scale of the project; a separate line item shall be included in the Bill of Quantities</td>
</tr>
<tr>
<td>Issue</td>
<td>Objective</td>
<td>Target</td>
<td>Activity/Mitigation Measure</td>
<td>Indicator</td>
<td>Responsible Party</td>
<td>Timing</td>
<td>Cost</td>
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<td>generation of spoil and construction waste. To optimize the reuse of spoil and construction waste.</td>
<td>parties. 4. Identify potential safe disposal sites close to the project. Investigate the environmental conditions of the disposal sites and prepare recommendation of most suitable and safest site(s). 5. Incorporate reuse of waste materials and the use of designated disposal sites in the detailed design. 6. Require the contractor to document reuse and safe disposal of spoil and construction waste. 7. Instruct the contractor in proper and safe spoils and construction waste disposal.</td>
<td>dumped. Amount of waste materials reused</td>
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<tr>
<td>Quarrying</td>
<td>To ensure environmental safe quarrying at designated sites. To ensure that quarrying is conducted with the appropriate permits</td>
<td>All quarry activities are conducted in accordance with DPWH requirements and sound environmental practices. Quarrying is only conducted in designated quarry sites, with proper permits</td>
<td>1. Estimate amounts and types of materials to be used in the project. 2. Identify potential quarry sites, and require contractors to conduct the necessary studies and obtain the required permits and licenses. 3. The clearing of trees and natural vegetation shall be discouraged. Temporary ditches and/or settling basins shall be dug to collect runoff water and to prevent erosion and contamination of surface water. 4. Ponding of water shall be prevented through temporary drains discharging to natural drainage channels. 5. The site should be restored back to safe and ecologically sound conditions after quarrying has ceased (unless the quarry is to continue its operation). The site shall be left in a stable condition, without steep slopes. Stripped material shall be spread to stable contours in order to promote percolation and re-growth of natural vegetation and natural drainage. The site shall be drained, and no standing water shall remain. 6. Extraction of rocks, gravel and sand from</td>
<td>Incidents of quarrying in non-designated sites. Incidents of violations of sound environmental quarry practices.</td>
<td>DPWH and contractors</td>
<td>Before, during and after construction</td>
<td>The cost of compliance with the requirements shall be included in the Contractor's rate for supplying materials; or priced in a separate Environmental Management and Restoration (Quarries) line item. For this line item, the Consultant will prepare technical specifications for which the Contractor will include a cost estimate.</td>
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<tr>
<td>Issue</td>
<td>Objective</td>
<td>Target</td>
<td>Activity/Mitigation Measure</td>
<td>Indicator</td>
<td>Responsible Party</td>
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<td>Dust/air/noise Pollution</td>
<td>To minimize the dust and smoke emissions</td>
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<td>small rivers or streams shall be discouraged. If extraction is necessary, then the extraction points shall be spread out along the length of the river to minimize disruption in river flow and to prevent instability to embankments.</td>
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<td></td>
<td>To minimize noise generation and disturbance</td>
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<td>7. The depth of material removal at any one location shall be limited, and extraction areas shall be selected where there is little fine material to be carried downstream.</td>
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<td>8. Local residents and water users shall be consulted to ensure that irrigation intakes, bunds and local fishing are not adversely impacted.</td>
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<td>Air quality should be within the limits allowed by the 1999 Philippine Clean Air Act at all times</td>
<td>1. All heavy equipment and machinery shall be well maintained and tested to ensure compliance with vehicular emission limits</td>
<td>Complains from the residents about dust or air pollution caused by the project.</td>
<td>The Contractor</td>
<td>Monthly during construction at stations selected by the DENR or identified in the EIS</td>
<td>All costs of complying with noise and air pollution from vehicles should be borne by the Contractor.</td>
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<tr>
<td>Issue</td>
<td>Objective</td>
<td>Target</td>
<td>Activity/Mitigation Measure</td>
<td>Indicator</td>
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<td>Timing</td>
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</table>
| Soil Erosion             | To minimize soil erosion | No landslides or heavy scouring during the construction period. Slope protection measures are constructed in all areas prone to erosion. | 1. Fill should be compacted properly in accordance with design standards  
2. Unsuitable excavated materials should be removed from areas prone to erosion  
3. Adopt slope protection measures like, gabions and mattresses, grouted riprap and other structures that will hold unstable soil.  
4. Tree planting on road sides  
5. Slopes shall be planted with appropriate vegetation as soon as possible using previously stockpiled topsoil.  
6. In the short-term, either temporary or permanent drainage works shall protect all areas susceptible to erosion. Measures shall be taken to prevent ponding of surface water and scouring of slopes. Newly eroded channels shall be backfilled and restored to natural contours. | Number and extent of slope protection measures installed  
Sizes of areas planted with trees and vegetation.  
Incidents of landslides.  
Incidents of major scouring. | The Contractor | During construction. | Costs of stabilizing exposed slopes through vegetation and structures shall be included in the Bill of Quantities. Costs should include maintenance and monitoring. The contract for replanting and maintaining the trees or vegetation can be awarded to a local cooperative or NGO. |
| Traffic congestion       | To minimize disturbance and accidents | Smooth and safe flow of traffic | 1. Identify alternative routes for vehicles  
2. Assign traffic enforcers | Traffic flow | Contractor | During construction | |
| Siltation                | To minimize siltation and protect water quality | Minimal impact on receiving waters | 1. Stockpiling of earth fill shall be placed away from drainage systems and water bodies and covered with suitable material during the rainy season  
2. Spoils and other material shall not be stored where natural drainage will be disrupted. | Water quality parameters | The Contractor | During construction | Minimal |
| Work Camp Operation and Location | To ensure that the operation of work camps does not adversely impact the surrounding environment and residents in the area. | Work camps are operated in accordance with DPWH requirements and sound environmental practices. | 1. Identify location of work camps in cooperation with the LGU’s. Camps should not be located near existing settlements or near drinking water supply intakes. Cutting of trees shall be avoided and removal of vegetation shall be minimized.  
2. Adequate bathrooms, toilets and wash areas shall be provided for employees. | Incidents of non-compliance with DPWH requirements or sound environmental practices. | The DPWH and LGUs for site selection and permitting; Contractor and Engineer. | Activity 1 before construction; Activity 2 to 8 During construction; Activity 9 to 11 after construction. | All items shall be at the Contractor’s own expense |
<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>Target</th>
<th>Activity/Mitigation Measure</th>
<th>Indicator</th>
<th>Responsible Party</th>
<th>Timing</th>
<th>Cost</th>
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</thead>
</table>
|       | Clean and sanitary kitchens, eating areas and sleeping quarters shall be provided.  
3. No trees or vegetation should be cut for cooking. Poaching of wildlife and vegetation by workers should be strictly prohibited.  
4. A sewage treatment system shall be in place to control sanitary and kitchen effluents.  
5. Oil and lubricants (used or spent) should be stored in covered, concrete-lined structures. Spent oil and lubricants shall be removed from the site by the Contractor in full compliance with the national and local regulations on hazardous waste. Oil waste must not be burned.  
6. Fuel storage tanks should be surrounded by concrete secondary containment with a capacity exceeding that of the tank’s.  
7. Hazardous materials and wastes shall be stored on impervious ground under cover. The area shall be constructed as a spill tray to avoid spread of accidental spills. Safe ventilation of storage of volatile chemicals shall be provided. Access to areas containing hazardous substances shall be restricted and controlled.  
8. Solid waste shall be managed according to the national and local regulations. As a rule solid waste must not be dumped, buried or burned at or near the project site, but shall be disposed of to the nearest sanitary landfill or site having and complying with the necessary permits.  
9. The Contractor shall organize and maintain a waste separation, collection and transport system. |
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<tr>
<th>Issue</th>
<th>Objective</th>
<th>Target</th>
<th>Activity/Mitigation Measure</th>
<th>Indicator</th>
<th>Responsible Party</th>
<th>Timing</th>
<th>Cost</th>
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</thead>
</table>
| Health and Sanitation | To maintain sanitary conditions at the worksite                           | No incidences of illnesses due to poor sanitation                      | 1. Install enough toilets, bathrooms and wash areas for workers and visitors.  
2. Adopt system for garbage collection and treat the solid wastes.                                                                                          | Number of sanitary facilities  
Presence of a sewage treatment system  
Presence or absence of domestic waste at places other than at garbage bins or designated collection areas.  
Number of illnesses due to poor sanitation | The Contractor          | During construction | The cost of complying with the requirements shall be at the Contractor's own expense and should be included in the day work rates for labor. |
| Occupational safety. | To ensure the safety of the site                                          | Zero accidents at the site                                            | 1. Identify a safety officer who will provide guidance on safety and monitor                                                                                  | Number of accidents                                                       | The Contractor   | During construction. | Provide makeshift bridge |

10. The Contractor shall document that all liquid and solid hazardous and non-hazardous wastes are separated, collected and disposed according to the given requirements and regulations.

11. At conclusion of the project, all wreckage, rubbish, or temporary works that are no longer required shall be removed or given to local residents. All temporary structures, including office buildings, shelters and latrines, shall be removed to prevent encroachment within the road right-of-way. The site shall be restored to near natural, safe and stable conditions.

12. Exposed areas shall be planted with suitable vegetation.

13. The Engineer shall report in writing that the camp has been vacated and restored to pre-project conditions.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>Target</th>
<th>Activity/Mitigation Measure</th>
<th>Indicator</th>
<th>Responsible Party</th>
<th>Timing</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>workers.</td>
<td>Readiness and rapid response to accidents</td>
<td>compliance with guidelines</td>
<td>2. Provide adequate warning signs in risky areas. 3. Provide workers with hard hats, gloves, safety shoes, hearing protection, eye protection and other personal protective equipment (PPE). 4. The Contractor shall instruct his workers in health and safety matters, and require the workers to use the provided safety equipment. 5. Establish all relevant safety measures as required by law and good engineering practices.</td>
<td>Rate of compliance with PPE use Presence of warning signs</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Recruitment of labor for the construction works.</td>
<td>To ensure that the local communities will benefit from the project.</td>
<td>As a minimum, 70% of the unskilled labor and 30% of the skilled labor should be drawn from the local population</td>
<td>1. Contractors should be advised of the DPWH requirement on local hiring. 2. Prior to construction, an inventory of locally available skills should be conducted. The list of willing and able workers should be provided to the contractor. 3. Food, office supplies, construction materials and services should be provided by local businesses whenever possible. 4. In water deficient areas, the Contractor shall haul water from a source outside the area. 5. After construction, all structures, unused materials, reusable scrap and other materials should be offered to the local community prior to disposal. This should not include hazardous materials.</td>
<td>Percentage of unskilled and skilled local people in the work force Amount of money paid to local suppliers and service providers</td>
<td>The Contractor</td>
<td>Activity 1 and 2 before construction; Activity 3 and 4 during construction; Activity 5 after construction.</td>
<td>The cost of complying with the requirements shall be at the Contractor's own expense and should be included in the day work rates for labor.</td>
</tr>
</tbody>
</table>
Appendix F4
Environmental Monitoring Plan Template
<table>
<thead>
<tr>
<th>Parameter</th>
<th>Method and Scope</th>
<th>Location</th>
<th>Frequency</th>
<th>Responsible Party</th>
<th>Reference</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water quality: Color, turbidity, dissolved oxygen, BOD, Total dissolved and suspended solids</td>
<td>in situ (with water quality analyzer) and grab sampling</td>
<td>4-6 stations in water bodies crossing the project site(b)</td>
<td>Monthly</td>
<td>MMT</td>
<td>DENR Administrative Order No. 34 (1990)</td>
<td></td>
</tr>
<tr>
<td>Water quality: Odor, color</td>
<td>Sensory</td>
<td>Receiving waters</td>
<td>Weekly</td>
<td>Contractor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air quality: Total suspended particulates (TSP), sulfur dioxide (SO2), nitrogen dioxide (NO2)</td>
<td>1999 Philippine Clean Air Act</td>
<td>Selected population centers near project site(b)</td>
<td>Monthly</td>
<td>MMT</td>
<td>1999 Philippine Clean Air Act</td>
<td></td>
</tr>
<tr>
<td>Air quality: dust, visibility, watering of bare areas</td>
<td>Visual inspection</td>
<td>Bare areas</td>
<td>Daily to weekly during dry periods</td>
<td>Contractor</td>
<td>1999 Philippine Clean Air Act</td>
<td></td>
</tr>
<tr>
<td>Noise and disturbance</td>
<td>Noise meter</td>
<td>Same as air quality sampling stations</td>
<td>Monthly</td>
<td>MMT</td>
<td>1978 NPCC Rules and Regulations</td>
<td></td>
</tr>
<tr>
<td>Sensory, complaints from residents</td>
<td>Visual inspection</td>
<td>Closest homes</td>
<td>Weekly</td>
<td>Contractor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hiring of local workers</td>
<td>Inspection of records</td>
<td>Project site</td>
<td>Hiring periods; start of project stages</td>
<td>Contractor, MMT</td>
<td>D.O. ** (19**)</td>
<td></td>
</tr>
<tr>
<td>Worker health and safety</td>
<td>Site inspection</td>
<td>Project site, workers’ camp</td>
<td>Daily to weekly</td>
<td>Contractor</td>
<td>DOLE guidelines</td>
<td>Nil</td>
</tr>
<tr>
<td>Waste management</td>
<td>Site inspection</td>
<td>Project site, workers’ camp and sensitive areas</td>
<td>Daily</td>
<td>Contractor</td>
<td>Solid Waste Act</td>
<td>Nil</td>
</tr>
<tr>
<td>Hazardous materials handling</td>
<td>Visual inspection</td>
<td>Depot, fuel and material storage sites</td>
<td>Weekly</td>
<td>Contractor</td>
<td>R.A.. 6969</td>
<td>Nil</td>
</tr>
<tr>
<td>Parameter</td>
<td>Method and Scope</td>
<td>Location</td>
<td>Frequency</td>
<td>Responsible Party</td>
<td>Reference</td>
<td>Cost[^c]</td>
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Notes:

a) This EmoP should be revised as necessary to suit a project. Revisions should consider the scale of a project, the types of activities to be conducted, and the scoping requirements. This EmoP assumes project construction only.

b) Where possible, EmoP should refer to specific locations identified somewhere in the EIS.

c) Fill in latest estimate of annual total for all stations.
Appendix F5
Screening Form Template
## DENR EIS REVIEW CRITERIA

### FORM 1: PROCEDURAL EVALUATION (SCREENING PHASE)

Name of Proponent: 
Address: 
Name of Proposed Project: 
Proposed Location: 
EIS Preparer: 
Date Submitted for Screening: 

<table>
<thead>
<tr>
<th>“MUST” Criteria</th>
<th>Yes</th>
<th>No</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Table of Contents</td>
<td></td>
<td></td>
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<tr>
<td>b) Presentation of Executive Summary in EIS which should include the following:</td>
<td></td>
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<tr>
<td>• Brief description of the project including Project Cost</td>
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<tr>
<td>• Brief description of the data gathering: scope, duration/Period, team, methodology (indicate whether data is primary or secondary)</td>
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<tr>
<td>• Brief description of the project environment (focus on main conclusions and their basis)</td>
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<tr>
<td>• Tabulated summary and discussion of major impacts, main mitigating measures, main components of the Environmental Management Plan</td>
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<tr>
<td>• Tabulated summary of the Environmental Monitoring Plan</td>
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<tr>
<td>c) Scoping Report</td>
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<td>• Validation Letter from EMB</td>
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<tr>
<td>d) Process Documentation Summary</td>
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<tr>
<td>e) Summary of Proof of Social Acceptability</td>
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</table>

### 1.0 PROJECT DESCRIPTION

#### 1.1 Basic Project Information

Statement of the official name of the project, address, telephone/fax number and project officer responsible/liable for the EIS

#### 1.2 Project Location

1.2.1 Identification of barangay, municipality/city, provincial and regional location of the project

(PROCEDURAL REVIEW) Project: ________________________________
<table>
<thead>
<tr>
<th>“MUST” Criteria</th>
<th>Yes</th>
<th>No</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>1.2.2 Presentation of maps of the following scale: national -- 1:250,000; regional -- 1:100,000; provincial -- 1:50,000; land use map -- 1:50,000; vicinity map location map -- 1:10,000; showing title, legend, scale, project location and political boundaries; delineation of areas of primary and secondary impact areas</td>
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<td>1.3 Project Rationale</td>
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<td>1.4 Alternatives</td>
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<td>1.5 Description of Project Phases</td>
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<tr>
<td>1.5.1 Pre-Operational / Construction Phase</td>
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<td>1.5.2 Operational Phase</td>
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<td>1.5.3 Abandonment Phase</td>
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<tr>
<td>2.0 BASELINE ENVIRONMENTAL CONDITION/ASSESSMENT</td>
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<td>2.1 Land</td>
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<td>2.2 Water</td>
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<td>2.3 Air</td>
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<td>2.4 People</td>
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<td>2.5 Future Environmental Conditions Without the Project</td>
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<td>2.6 Future Environmental Conditions with the Project</td>
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<tr>
<td>3.0 IMPACT and RISK ASSESSMENT (if required)</td>
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<tr>
<td>3.1 Impact Identification</td>
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<td>3.2 Impact Prediction and Evaluation</td>
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<td>3.3 Impacts Mitigation/Enhancement Plan</td>
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<tr>
<td>3.4 Unavoidable and Residual Impacts (if any)</td>
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<tr>
<td>4.0 ENVIRONMENTAL MANAGEMENT/MONITORING PLAN</td>
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<tr>
<td>4.1 Mitigation/Enhancement Measures/Plan with Cost Estimate</td>
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<tr>
<td>4.1.1 Construction Contractor’s Program</td>
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<td>4.1.2 Social Development Program</td>
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<td>4.1.3 Contingency Response Plan</td>
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<td>4.1.4 Abandonment Plan</td>
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<td>4.2 Environmental Monitoring Plan</td>
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<td>4.3 Institutional Plan</td>
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<td>4.4 Information Education Communication Plan</td>
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Bibliography

Attachments or Annexes:

a) Presentation of List of EIS Preparers with specified field of expertise
b) Submission of original Sworn

(PROCEDURAL REVIEW) Project: ___________________________________________________
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**Human Health**

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**OTHER PERMITS or CLEARANCES**

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ACTION TAKEN: (Please check to indicate corresponding action taken)

☐ EIS Document accepted, please submit _____ copies

☐ EIS Document not accepted

O.R. No. ______________________
Date ______________________

__________________________
(signature over printed name)
SCREENING OFFICER

EIA Division, EMB

__________________________
SCREENING OFFICE

NOTED BY:

__________________________
(signature over printed name)

__________________________
DATE

(PROCEDURAL REVIEW) Project: ___________________________________
Appendix F6
DENR Enform-1
ENFORM 1

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Region: _________________________

I. Name Proponent : ________________________________

II. Address : ________________________________

III. Project Name or Title : ________________________________

IV. Project Location : (Attach location/vicinity map showing major landmarks of the site and adjacent areas)
   Barangay : ________________________________
   Municipality : ________________________________
   Province : ________________________________

V. Description of Project:
   ________________________________
   ________________________________
   ________________________________
   (attach additional sheets, if necessary)

I hereby certify that the above information are true to my knowledge and I shall be held liable if found to be untrue.

______________________________
Date Filed

______________________________
Signature of Proponent or Authorized Representative
Appendix F7
Initial Environmental Examination Template
(NAME OF PROJECT)

INITIAL
ENVIRONMENTAL
EXAMINATION
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>EXECUTIVE SUMMARY ................................................................. 4</td>
</tr>
<tr>
<td>II</td>
<td>INTRODUCTION ................................................................................. 4</td>
</tr>
<tr>
<td>A.</td>
<td>Project Background ..................................................................... 4</td>
</tr>
<tr>
<td>B.</td>
<td>IEE Process Documentation ....................................................... 4</td>
</tr>
<tr>
<td>C.</td>
<td>IEE Methodology ........................................................................ 4</td>
</tr>
<tr>
<td>D.</td>
<td>IEE Team .................................................................................... 4</td>
</tr>
<tr>
<td>E.</td>
<td>IEE Study Schedule .................................................................... 4</td>
</tr>
<tr>
<td>III</td>
<td>PROJECT DESCRIPTION ..................................................................... 4</td>
</tr>
<tr>
<td>A.</td>
<td>Project Rationale ........................................................................ 4</td>
</tr>
<tr>
<td>B.</td>
<td>Project Location .......................................................................... 4</td>
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<tr>
<td>C.</td>
<td>Project Information ..................................................................... 4</td>
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<tr>
<td>D.</td>
<td>Description of Project Phase ...................................................... 4</td>
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<td>Pre-Construction/Operational Phase ............................................ 4</td>
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<td>Abandonment Phase ..................................................................... 4</td>
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<td>IV</td>
<td>DESCRIPTION OF ENVIRONMENTAL SETTING AND RECEIVING ENVIRONMENT ................................................................. 4</td>
</tr>
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<td>A.</td>
<td>Physical Environment ................................................................... 4</td>
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<tr>
<td>B.</td>
<td>Biological Environment ............................................................... 4</td>
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<td>C.</td>
<td>Socio-Cultural, Economic and Political Environment ................... 4</td>
</tr>
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<td>D.</td>
<td>Future Environmental Conditions without the Project ................... 4</td>
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<tr>
<td>V</td>
<td>IMPACT ASSESSMENT AND MITIGATION ........................................... 4</td>
</tr>
<tr>
<td>VI</td>
<td>ENVIRONMENTAL MANAGEMENT PLAN ............................................. 4</td>
</tr>
<tr>
<td>A.</td>
<td>Summary Matrix of Proposed Mitigation and Enhancement Measures, Estimated Cost and Responsibilities .................................................. 5</td>
</tr>
<tr>
<td>B.</td>
<td>Brief Discussion of Mitigation and Enhancement Measures ............ 5</td>
</tr>
<tr>
<td>C.</td>
<td>Monitoring Plan ........................................................................... 5</td>
</tr>
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<td>D.</td>
<td>Contingency Plan (if applicable) .................................................. 5</td>
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<td>E.</td>
<td>Institutional Responsibilities and Agreements ................................ 5</td>
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<td>VII</td>
<td>RECOMMENDATIONS ........................................................................ 6</td>
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<td>A.</td>
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<td>BIBLIOGRAPHY/REFERENCES .......................................................... 6</td>
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<td>ATTACHMENTS OR ANNEXES .......................................................... 6</td>
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</table>
I  EXECUTIVE SUMMARY

II  INTRODUCTION
   A. Project Background
   B. IEE Process Documentation
   C. IEE Methodology
   D. IEE Team
   E. IEE Study Schedule

III  PROJECT DESCRIPTION
   A. Project Rationale
   B. Project Location
   C. Project Information
   D. Description of Project Phase
      D.1.1 Pre-Construction/Operational Phase
      D.1.2 Construction Phase
      D.1.3 Operational Phase
      D.1.4 Abandonment Phase

IV  DESCRIPTION OF ENVIRONMENTAL SETTING AND RECEIVING ENVIRONMENT
   A. Physical Environment
   B. Biological Environment
   C. Socio-Cultural, Economic and Political Environment
   D. Future Environmental Conditions without the Project

V  IMPACT ASSESSMENT AND MITIGATION

VI  ENVIRONMENTAL MANAGEMENT PLAN
A. Summary Matrix of Proposed Mitigation and Enhancement Measures, Estimated Cost and Responsibilities

B. Brief Discussion of Mitigation and Enhancement Measures

C. Monitoring Plan

D. Contingency Plan (if applicable)

E. Institutional Responsibilities and Agreements
VII  RECOMMENDATIONS

A.  List of Resolved Issues

B.  List of Partially Resolved Issues

C.  New Issues Arising from the IEE that have been resolved

VIII  BIBLIOGRAPHY/REFERENCES

IX  ATTACHMENTS OR ANNEXES

- List of IEE Preparers with Specified Field of Expertise
- Original Sworn Accountability Statement of Key IEE Consultants
- Original Sworn Accountability Statement of Proponent
- Process Documentation Report
- Maps/Photos/Plates/Diagrams
Appendix G1
Updated IROW Action Plan
Final Cost Estimates for Land
Update IROW Action Plan
Final Cost Estimates for Land

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Land Use Type</th>
<th>Lot Number</th>
<th>IROW Area (L) X (W)</th>
<th>Price/m² based on BIR zonal value</th>
<th>Price of Land (4) x (5)</th>
<th>NEDA inflation rate plus contingencies</th>
<th>Total Cost of Land (6) + (7)</th>
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</table>

a Residential, Commercial, Industrial, Agricultural
Appendix G2
Updated IROW Action Plan
Final Cost Estimates for Improvements
Updated IROW Action Plan
Final Cost Estimates for Improvements

<table>
<thead>
<tr>
<th>Barangay</th>
<th>Type of Improvement(^a)</th>
<th>Lot Number</th>
<th>Estimated Replacement Cost(^b)</th>
<th>Estimated Labor Cost for Demolition(^c)</th>
<th>NEDA inflation rate plus contingencies</th>
<th>TOTAL COST for Improvement ((4) + (5) + (6))</th>
</tr>
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</tbody>
</table>

\(^a\) If house or building, specify if Concrete/Permanent, Semi-Permanent, Light
If fruit trees, specify type, e.g., mango, coconut, banana, etc.
If crops, specify if rice field, corn field, etc.

\(^b\) For houses, buildings, and other structures, estimates must be based on Section 10 of the IRR for RA 8974
For fruit trees, based on declared value in Tax Declaration (TD); if no TD is filed, based on DOF guideline
For crops, based on compensation specified in the LARR Policy

\(^c\) Put NA if not applicable
Appendix H1
Department Order No. 187
Appendix H2
Parcellary Survey
IROW Land Data Matrix
# Parcellary Survey
## IROW Land Data

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
<th>(6)</th>
<th>(7)</th>
<th>(8)</th>
<th>(9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner/Claimant</td>
<td>Lot Number</td>
<td>TCT No.</td>
<td>Land Use</td>
<td>Total Land Area (m²)</td>
<td>Total Affected Area (m²)</td>
<td>Price/m² based on BIR zonal value</td>
<td>Cost of Land (6) x (7)</td>
<td>Annotation(s)(^a) in TCT/OCT</td>
</tr>
</tbody>
</table>

\(^a\) Indicate any and all annotations, for example, if the lot is mortgaged, or if it is under litigation, or if it has incurred any encumbrances, or if it was acquired through Commonwealth Act 141.
Appendix I
Guidelines for Validating Claims
Validating Claims

The Implementing Office will validate all ROW claims as follows:

1. All documents have been found to be complete and authentic to ensure that the claims are legitimate and validated:
   - Deed of Absolute Sale and Agreement to Demolish and Remove Improvement or other deeds of conveyance duly signed by the owner and the duly authorized personnel of the DPWH
   - Transfer Certificate of Title or Original Certificate of Title certified as true copy by the Registrar of Deeds or CTC, CLT, EP, CLOA duly certified as true copy by the appropriate issuing agencies.
   - Tax Declaration (land and improvement) certified as true copy by the Assessor’s Office and Certification from DENR that the land is alienable and disposable, and from the Assessor that the claimant is the sole entity paying the taxes for that property for the past 5 years
   - Official receipts of real property tax payments for the past five (5) years and/or tax clearance issued by the local treasurer
   - Certification by the Regional Director or Project Director that said lot and structures are within the boundaries of the right-of-way as shown in the parcellary survey plan and structure mapping plan respectively
   - Certification by the Planning Service that the claim is not within the ROW of a converted local road
   - Photographs of the improvements certified by Head of Implementing Office
   - Original parcellary survey plan, or if none, verification survey plan with sketches certified correct by Regional Director or Project Director
   - Certification from the Head of the Implementing Office that there is no previous pending claim nor that payment has already been received for the acquisition of said property by the government.
   - In the case when the structure occupant or owner is different from the land owner, certification by Assessor’s Office, Barangay Captain, and land owner that the claimant for housing structure resided in the property before the cut-off date

2. The value of the claim is found to be reasonable and in the best interest of the Government by the Implementing Office to ensure that the claims are properly valued using any one of the following certifications:
   - Certification of zonal valuation for land, and replacement costs for improvements from the Bureau of Internal Revenue and IO respectively
   - Resolution of appraisal value from the Provincial / City / MMDA Appraisal Committee
• Certification of fair market value from the Independent Land Appraisal
• Court Order from expropriation proceedings

3. The Head of the Implementing Office concerned is responsible and accountable for ensuring that all IROW claims have been properly validated, authenticated, and valued according to these guidelines.
Appendix J
IROW Compensation Matrix
# IROW Compensation Matrix

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
<th>(6)</th>
<th>(7)</th>
<th>(8)</th>
<th>(9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner/Claimant</td>
<td>Lot Number</td>
<td>TCT No.</td>
<td>Total Land Area (m²)</td>
<td>Total Affected Area (m²)</td>
<td>Price/m² based on BIR zonal value</td>
<td>Cost of Land (5 x 6)</td>
<td>Type of Improvement a</td>
<td>Estimated Value of Improvements b</td>
</tr>
</tbody>
</table>

- **a** Indicate how many stories, concrete/semi-concrete/light, building, store, or open shed
- **b** Compute based on replacement cost method as stipulated in Section 10 of the IRR for RA 8974
Appendix K
IROW Completion Report
Annotated Outline
Appendix K
IROW Completion Report Outline

1. EXECUTIVE SUMMARY

2. INTRODUCTION
   2.1 Background and Objective
   2.2 Limitations of the Report

3. PROJECT DESCRIPTION
   3.1 Location and Condition of the {Infrastructure}
   3.2 Project Classification (i.e., local or foreign assisted, greater or less than P300M)
   3.3 IROW Limits (Describe existing, if any, and newly acquired, in terms of size and location)

4. DISCUSSION OF IROW ACQUISITION PROCESS FLOW
   4.1 ECC Application - provide brief chronology of courses of action undertaken)
   4.2 Proceedings of Public Consultation Meetings with the LGUs - proceedings used in the preparation of the RAP Report may be used here
   4.3 Parcellary Survey Results - provide brief discussion and summary of results; include the Parcellary Survey IROW Land Data (template attached as Appendix F)
   4.3 Resettlement Action Plan Preparation - provide brief chronology of procedures undertaken. Include the following information (matrix type)
      4.3.1 Number and Names of barangays to be traversed/affected
      4.3.2 Types of land use (agricultural, residential, commercial, etc.)
      4.3.3 Number and Type (concrete, wood, light materials) of Structures to be affected
      4.3.4 Type of Plantations (mango, coconut, banana, etc.), if any
      4.3.5 Compensation and Entitlements (actual payments for land and improvements such as structures, crops and trees, and other entitlements in accordance with the LAPRAP prepared)
      4.3.6 Implementation Schedule and Budget (actual)

5. MODE OF ACQUISITION (Specify mode and provide comprehensive description of the procedures undertaken to complete IROW process)

6. PROBLEMS ENCOUNTERED
6.1 Problem Identification – specify types of problems encountered in the IROW acquisition process, whether these are in terms of property ownership, informal settlers with no relocation sites, lack of budget, etc.

6.2 Steps Undertaken – describe steps undertaken to address the problems identified in Section 6.1.

6.3 Status of the Problem – describe the result of each step undertaken in the previous section and the corresponding outcome

7. RECOMMENDATIONS

7.1 General – Include suggestions and comments on how the improved IROW process can be further enhanced, citing field experiences encountered

7.1 For Specific Problems Encountered – suggest measures that can be undertaken, but are beyond the authority of the Implementing Office

ATTACHMENTS:
1. ROW Plan
2. ECC
3. Parcellary Survey Report
4. RAP
5. Permit to Cut from the DENR (if any)
6. Copy of TCTs in the name of the Republic of the Philippines
7. ADRI and Certificate of Completion of Clearing of Structures and Other Improvements (including utilities)
8. Court Proceedings and Decisions (if property was expropriated)
Appendix L1
Department Order No. 52, Series of 2003
Appendix L2
Department Order No. 217, Series of 2000
Appendix L3

Implementing Rules and Regulations to Ensure the Observance of Proper and Humane Relocation and Resettlement Procedures Mandated by the Urban Development and Housing Act of 1992
Appendix L4
IROW Management and Action Plan (IMAP)
Report Outline
Appendix L4
IROW Management and Action Plan (IMAP) Report Outline

1. EXECUTIVE SUMMARY

2. INTRODUCTION
   2.1 Background and Objective
   2.2 Limitations of the Report

3. PROJECT DESCRIPTION
   3.1 Type of Infrastructure (road, bridge, dam, etc.)
   3.2 Technical Description of the Infrastructure (provide concise description of the physical and technical nature of the infrastructure, including the standard units of physical measurements such as area, length, etc.

4. DISCUSSION OF FIELD WORK
   4.1 Proceedings of Public Consultation Meetings with the LGUs
   4.2 Site Investigation
      4.2.1 Number and Names of barangays where the encroached IROWS are located. Include a Map/Plan showing the boundaries of the IROW and indicate the encroached portions
      4.2.2 Nature of use (agricultural, residential, commercial, institutional, etc.)
      4.2.3 Number and Type (concrete, wood, light materials) of Structures to be removed. Include photographs of encroaching structures with captions indicating the exact location of the structure such as lot number, street name, barangay, city/municipality
      4.2.4 Type of Plantations (mango, coconut, banana, etc.), if any

5. ACTION PLAN
   5.1 Actions Taken
   5.2 Cost Estimates for Clearing of Encroachments in the IROW
   5.3 Implementation Schedule for Clearing the Encroachments (Include Gantt charts)

6. RECOMMENDATIONS

ATTACHMENTS:
- Received copies of all communications (notices, letters, etc.) sent to the encroachers
- Proof of coordination with proper authorities such as the LGUs, NHA, etc. such as letters, MOAs, MOUs
- Fore “legal” encroachments, copies of proofs of ownership such as OCT, TCT, EP, CLOA, or Tax Declaration
Appendix L5
IROW Monthly Report Outline
Appendix L5  
IROW Monthly Report Outline

1. EXECUTIVE SUMMARY

2. INTRODUCTION
   2.1 Background and Objective
   2.2 Limitations of the Report

3. PROJECT DESCRIPTION
   3.1 Location of the Infrastructure (include exact locations, including stationings)
   3.2 IROW Description (include total width of IROW vis-à-vis, width being actually used, if applicable)

4. DISCUSSION OF FIELD CONDITIONS
   4.1 Site Investigation
      4.2.1 Number and Names of barangays with and without encroachments
      If with encroachments:
      4.2.2 Types of land uses (of encroaching structures)
      4.2.3 Number and Type (concrete, wood, light materials) of Structures encroaching the IROW
      If Relocation is a favored option:
      4.2 Possible Relocation Sites
         4.3.1 Provide Cost Estimates for Land identified as Relocation Site
         4.3.2 Provide Cost Estimates for construction of improvements and other public facilities (if needed) at the proposed Relocation Site

5. ACTIONS TAKEN (Provide detailed discussion and chronology of steps undertaken to clear the IROW, including copies of letters, minutes of meetings, cases filed, eviction orders from the proper courts, actual demolition, etc.)

6. RECOMMENDATIONS
Appendix M
Commonwealth Act 141
Appendix N1

Deed of Donation
DEED OF DONATION OF REAL PROPERTY
(Inter Vivos)

KNOW ALL MEN BY THESE PRESENTS:

This DEED OF DONATION, made and entered into by and between ____________________________ of legal age, single (or married to ____________________________) and a resident at ____________________________, hereinafter called the DONOR, in favor of the Republic of the Philippines, represented in this agreement by ____________________________, ____________________________, of ____________________________, duly authorized by the Secretary of the Department of Public Works and Highways, hereinafter called the DONEE.

WITNESSETH:

That the DONOR is the owner in fee simple of that certain parcel of land (with the building or house and improvements thereon, if there are any) situated at Brgy. ____________________________, Municipality of ____________________________, Province of ____________________________, Philippines, covered by Transfer (or Original) Certificate of Title No. ___________ of the Registry of Deeds, needed by the Government for right-of-way purposes for the ____________________________, and more particularly described as follows:

(technical description of the property)

"Transfer (or Original) Certificate of Title No. ___________,
Total land area ___________ and location ____________________________
________________________area/portion being donated"

That, for and in consideration of the improvement to be made by the DONEE in the premises, and as an act of cooperation, liberality, and generosity, the DONOR hereby voluntarily and unconditionally transfers and conveys, by way of DONATION, unto said DONEE, its executors and/or administrators, all his (her) rights, title, and interests on the entire area (or description of that certain portion, whichever is appropriate) of the above-described property, with all the improvements found thereon, free from all liens and encumbrances;

That the DONOR hereby states, for the purpose of giving full effect and validity to this donation, that he (or she) has reserved for himself (or herself) in full ownership (or in usufruct), sufficient property which is necessary and adequate to support him (or her) in a manner appropriate to his (or her) needs and in consonance with his (or her) standing in the community;
That the DONOR further states, that this donation is not made with the purpose of defrauding his (or her) creditors, having reserved to himself (or herself) enough and sufficient property to answer for his debts and meet his just obligations contracted prior to this date;

That the DONEE hereby receives and accepts this donation made in his favor by the DONOR, and hereby expresses his appreciation and gratitude for the generosity and civic mindedness of the DONOR.

IN WITNESS WHEREOF, the DONOR and DONEE have hereunto affixed their signatures this ___ day of __________, 20__ at __________.

LANDOWNER

________________________________
(DONOR)

Accepted:

REPUBLIC OF THE PHILIPPINES
By authority of the Secretary of the
Department of Public Works and Highways

____________________________
District (City) Engineer
(DONEE)

Signed in the presence of:
Republic of the Philippines  
PROVINCE of ___________ ) s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in _____________ personally appeared ___________________________ with Community Tax Certificate No. ___________ issued at __________________ on ______________ and ____________________, representing the Republic of the Philippines, with Community Tax Certificate No. ___________ issued at __________________ on ______________, known to me and to me known to be the same persons who executed the foregoing DEED OF DONATION and acknowledged to me that the same is their free and voluntary act and deed.

This deed consists of three pages, including this page on which this acknowledgement is written, duly signed by the DONOR and the DONEE’s duly authorized representative and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___, day of ______________, 20__ at _____________________.

_________________________  
Notary Public  
Until December 31, 20__  
PTR No. _______________  
Issued on _______ at _______ (place issued)

Doc No. : _____  
Page No. : _____  
Book No. : _____  
Series of 20___
Appendix N2
Deed of Exchange
DEED OF EXCHANGE OF REAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS:

This DEED OF EXCHANGE, made and executed by and between the Republic of the Philippines, represented herein by the Presidential Executive Assistant, hereinafter called the FIRST PARTY, and __________________________________, of legal age, single (or married to __________________________________) and a resident at ____________________________________________________________, hereinafter called the SECOND PARTY;

WITNESSETH:

WHEREAS, the FIRST PARTY is the absolute owner in fee simple of that certain parcel of land (and improvements thereon, if there are any) situated at Brgy. _________________, Municipality of __________________, Province of _________________________, Philippines, containing an area of _________ square meters, more or less, covered by Transfer (or Original) Certificate of Title No. _____________ of the Registry of Deeds, more particularly described as follows:

(Technical Description of the Property)

"Transfer (or Original) Certificate of Title No. ____________, covering a land area of _____________ more or less, located __________________________________________________________.

WHEREAS, the SECOND PARTY is likewise the absolute owner in fee simple of that certain parcel of land (and improvements thereon, if there are any) situated at Brgy. _________________, Municipality of __________________, Province of _________________________, Philippines, which will be affected by ____________________________, identified as Lot No. ___________ containing an area of _________ square meters, more or less, and covered by Transfer (or Original) Certificate of Title No. _____________ of the Registry of Deeds, more particularly described as follows:

(Technical Description of the Property)

"Transfer (or Original) Certificate of Title No. ____________, covering a land area of _____________ more or less, located __________________________________________________________."
WHEREAS, the proposed exchange is to the mutual advantage of the parties concerned, their respective properties deemed to be of equal values;

NOW, THEREFORE, for and in consideration of the foregoing premises and pursuant to the provisions of Republic Act No. 926, the parties hereto mutually agree as follows:

That the FIRST PARTY does by these presents transfer and convey by way of exchange unto the SECOND PARTY, his (or her/their) heirs, executors, and assigns, all the rights and appurtenances thereunto belonging or in anywise appertaining to the SECOND PARTY, free from all liens, charges, or encumbrances whatsoever, its property herein described, subject, however, to existing public roads and public utility easements, and further agrees to shoulder the expenses relative to the registration of this instrument;

That the SECOND PARTY, in consideration of the transfer made to him (or her/them) by the FIRST PARTY, does by these presents hereby transfer and convey by way of exchange unto the FIRST PARTY, its successors, administrators, and assigns, his (or her, or their) property herein described.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their signatures as follows:

REPUBLIC OF THE PHILIPPINES
By the Presidential Executive Assistant

. (signature) . (full name)
(FIRST PARTY)

(Date Signed) (Place)

LANDOWNER

. (signature) . (full name)
(SECOND PARTY)

(Date Signed) (Place)

Signed in the presence of:
ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in ______________ personally appeared ______________, representing the Republic of the Philippines (FIRST PARTY), with Community Tax Certificate No. __________ issued at ______________ on __________, and ______________, Landowner (SECOND PARTY), with Community Tax Certificate No. __________ issued at ______________ on __________, known to me and to me known to be the same persons who executed the foregoing DEED OF EXCHANGE and acknowledged to me that the same is their free and voluntary act and deed.

This deed consists of three pages, including this page on which this acknowledgement is written, duly signed by the FIRST PARTY’s duly authorized representative and the SECOND PARTY and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___, day of ____________, 20__ at ____________________.

________________________
Notary Public
Until December 31, 20__
PTR No. __________
Issued on __________ at ____________

Doc No. : _____
Page No. : _____
Book No. : _____
Series of 20___
Appendix N3

Agreement to Demolish and Remove Improvements
AGREEMENT FOR DEMOLITION AND REMOVAL OF IMPROVEMENTS (ADRI)

KNOW ALL MEN BY THESE PRESENTS:

This AGREEMENT, made and executed by and between the Republic of the Philippines, represented by ______________________ of ______________________________________________________, duly authorized by the Secretary of the Department of Public Works and Highways, hereinafter called the FIRST PARTY, and ___________________________ __________________________, of legal age, single (or married to _________________) and a resident at _________________________________________________, hereinafter called the SECOND PARTY;

WITNESSETH:

WHEREAS, the FIRST PARTY will be implementing construction of the ___________________________________________________________, which will partially (or totally, as may be applicable) affect the house (and/or fence or any other structure) of the SECOND PARTY;

WHEREAS, the SECOND PARTY is the true, lawful, and absolute owner in fee simple of the property herein described, covered by Transfer (or Original) Certificate of Title No. __ ___________ of the Registry of Deeds, a photocopy of which is attached and made an integral part hereof;

WHEREAS, the estimated cost of the improvement(s) that will be affected by the project is (or are) as follows:

<table>
<thead>
<tr>
<th>Type of Improvement</th>
<th>Owner’s Declaration</th>
<th>Assessor’s Findings*</th>
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</thead>
<tbody>
<tr>
<td>House (or Building)</td>
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<tr>
<td>CHB Fence</td>
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</tbody>
</table>

* If the improvement(s) will only be partially affected, Engineer’s estimate will be used.

WHEREAS,

WHEREAS, the SECOND PARTY hereby consents and binds himself (or herself/themselves) to demolish and remove the above-listed improvements outside the road right-of-way of the above-mentioned project;

WHEREAS, the SECOND PARTY agrees that the basis for the determination of just compensation for the property acquired shall be governed by the provisions of Republic Act 8974;
NOW THEREFORE, for and in consideration of the payment by the FIRST PARTY to the SECOND PARTY of the total sum of PESOS: _______ (PhP___________), a partial payment of PESOS: ______________________ (PhP___________) to be made (or deposited to the SECOND PARTY’S bank account), thereby leaving a balance of PESOS: ______________________ (PhP____________) for the demolition and removal of improvements listed hereunder, the parties hereto hereby agree, consent, and stipulate as follows:

1. That payment of the total amount will be made in two (2) equal installments; the first payment, comprising the fifty percent (50%) of the total amount, will be made upon approval of this AGREEMENT by the Secretary of the Department of Public Works and Highways, and the second payment for the balance thereof shall be made after removal of the improvements has been completed and duly certified by the Project Engineer. The deposit made with the LBP shall be deducted from the second and last installment payment;

2. That the SECOND PARTY will demolish and completely remove said improvements within _______ days from receipt of the first payment;

3. That if the SECOND PARTY chooses to retain the salvaged materials, no salvage value shall be deducted from the final payment;

<table>
<thead>
<tr>
<th>Improvements</th>
<th>Price (whichever is lower)</th>
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<tbody>
<tr>
<td>House (or Building)</td>
<td></td>
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<tr>
<td>CHB Fence</td>
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</tr>
</tbody>
</table>
IN WITNESS WHEREOF, the parties hereunto have hereto affixed their signatures this ___ day of ____________, 20__ at ________________.

REPUBLIC OF THE PHILIPPINES
By authority of the Secretary of the Department of Public Works and Highways

________________________
LANDOWNER

________________________
District (City) Engineer
(FIRST PARTY)

(SECOND PARTY)

Marital Consent:

________________________
(signature)
(full name)

Signed in the presence of:

________________________
________________________

Approved by:

________________________
Director/Secretary
Republic of the Philippines  
PROVINCE of ___________  s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in _________________ personally appeared _________________________, representing the Republic of the Philippines (FIRST PARTY), with Community Tax Certificate No. ____________ issued at ____________ on ______________, and _________________________, Landowner (SECOND PARTY), with Community Tax Certificate No. __________, issued at ________________ on _______________, known to me and to me known to be the same persons who executed the foregoing AGREEMENT and acknowledged to me that the same is their free and voluntary act and deed.

This Agreement consists of four pages, including this page on which this acknowledgement is written, duly signed by the FIRST PARTY’s duly authorized representative and the SECOND PARTY and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___, day of ____________, 20__ at ____________________

_________________________  
Notary Public  
Until December 31, 20__  
PTR No. _______________  
Issued on __________ at ______________

(date)  
(place issued)

Doc No. : _____  
Page No. : _____  
Book No. : _____  
Series of 20___
Appendix N4
Agreement to Demolish, Remove, and Reconstruct Improvements
AGREEMENT FOR DEMOLITION, REMOVAL, AND RECONSTRUCTION OF IMPROVEMENTS

KNOW ALL MEN BY THESE PRESENTS:

This AGREEMENT, made and executed by and between the Republic of the Philippines, represented by ______________________________, ________________, of __________________________________, duly authorized by the Secretary of the Department of Public Works and Highways, hereinafter called the FIRST PARTY, and ___________________________ of ________________, of legal age, single (or married to ________________), and a resident at __________________________________, hereinafter called the SECOND PARTY;

WITNESSETH:

WHEREAS, the FIRST PARTY will be implementing construction of the ____________________________________________________________, which will partially (or totally, as may be applicable) affect the house (and/or fence or any other structure) of the SECOND PARTY;

WHEREAS, the SECOND PARTY is the true, lawful, and absolute owner in fee simple of the property herein described, covered by Transfer (or Original) Certificate of Title No. ____________, of the Registry of Deeds, a photocopy of which is attached and made an integral part hereof;

WHEREAS, the estimated cost of the improvement(s) that will be affected by the project is (or are) as follows:

<table>
<thead>
<tr>
<th>Type of Improvement</th>
<th>Owner’s Declaration</th>
<th>Assessor’s Findings*</th>
</tr>
</thead>
<tbody>
<tr>
<td>House (or Building)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHB Fence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* If the improvement(s) will only be partially affected, Engineer’s estimate will be used.

WHEREAS,

WHEREAS, the SECOND PARTY hereby consents and binds himself (or herself/themselves) to demolish, remove, transfer, and reconstruct the above-listed improvements outside the road right-of-way of the above-mentioned project;

WHEREAS, the SECOND PARTY agrees that the basis for the determination of just compensation for the property acquired shall be governed by the provisions of Republic Act 8974;
NOW THEREFORE, for and in consideration of the payment by the FIRST PARTY to the SECOND PARTY of the total sum of PESOS: _______ (PhP_________), a partial payment of PESOS: _________________________ (PhP_________) to be made (or deposited to the SECOND PARTY’S bank account), thereby leaving a balance of PESOS: _________________________ (PhP_________) for the demolition, removal, and reconstruction of improvements listed hereunder, the parties hereto hereby agree, consent, and stipulate as follows:

1. That payment of the total amount will be made in two (2) equal installments; the first payment, comprising the fifty percent (50%) of the total amount, will be made upon approval of this AGREEMENT by the Secretary of the Department of Public Works and Highways, and the second payment for the balance thereof shall be made after removal of the improvements has been completed and duly certified by the Project Engineer. The deposit made with the LBP shall be deducted from the second and last installment payment;

2. That the SECOND PARTY will demolish and completely remove said improvements within _______ days from receipt of the first payment, and undertake reconstruction of the same thereafter at its own expense;

3. That if the SECOND PARTY chooses to retain the salvaged materials, no salvage value shall be deducted from the final payment;

<table>
<thead>
<tr>
<th>Improvements</th>
<th>Price (whichever is lower)</th>
</tr>
</thead>
<tbody>
<tr>
<td>House (or Building)</td>
<td></td>
</tr>
<tr>
<td>CHB Fence</td>
<td></td>
</tr>
</tbody>
</table>
IN WITNESS WHEREOF, the parties hereunto have hereto affixed their signatures this ___ day of __________, 20__ at __________________.

REPUBLIC OF THE PHILIPPINES
By authority of the Secretary of the Department of Public Works and Highways

LANDOWNER

________________________

District (City) Engineer
(FIRST PARTY)

(SECOND PARTY)

Marital Consent:

________________________

(signature)
(full name)

Signed in the presence of:

________________________

________________________

Approved by:

________________________

Director/Secretary
Republic of the Philippines
PROVINCE of ___________ s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in _________________ personally appeared _________________________, representing the Republic of the Philippines (FIRST PARTY), with Community Tax Certificate No. __________ issued at __________________ on ______________, and _________________________, Landowner (SECOND PARTY), with Community Tax Certificate No. __________, issued at __________________ on ______________, known to me and to me known to be the same persons who executed the foregoing AGREEMENT and acknowledged to me that the same is their free and voluntary act and deed.

This Agreement consists of four pages, including this page on which this acknowledgement is written, duly signed by the FIRST PARTY’s duly authorized representative and the SECOND PARTY and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___. day of ____________, 20__ at ____________________.

__________________________
Notary Public
Until December 31, 20__
PTR No. _______________
Issued on ________ at _____________

Doc No. : _____
Page No. : _____
Book No. : _____
Series of 20___
Appendix N5
Quit Claims Deed
QUIT CLAIM DEED
(For Unpatented Lands)

KNOW ALL MEN BY THESE PRESENTS:

I, ______________________, of legal age, single (or married to ___________________), and a resident at _____________________________, do hereby declare and state the following:

That I am a homestead (lease, or sale, whichever may be applicable) applicant for a piece of land situated at Brgy. ______________, Municipality of __________________, Province of ___________________, covered by Application No. _______________, and assessed at PESOS: _____________________ (PhP__________) under Tax Declaration No. _______________, more particularly described as follows:

Bounded on the North by: ________________
Bounded on the East by: ________________
Bounded on the South by: ________________
Bounded on the West by: ________________
Containing an area of   ________________

That the Republic of the Philippines, through the Department of Public Works and Highways, will be implementing construction of the ____________________________________, which will require a portion of the land above described and its improvements for the road right-of-way;

That, pursuant to the above-mentioned undertaking, I do hereby waive all my rights, now or in the future, over all parts of the land above described which may form part of the sixty (60) meters road right-of-way, as provided for under Executive Order No. 113, series of 1955, which establishes the classification of roads and prescribes among other things, the width of all public roads in the country, except for any improvements found thereon;

That I shall not claim or demand any payment for the use of any portion of the land I am applying for by the Government for the purpose above mentioned, except for damages to the improvements that will be affected by the 60 meters road right-of-way;

That, by virtue of this Deed, the District Engineer, or his duly authorized representative, may enter the premises of the property for the purpose of constructing the public road, remove such improvements thereon as the construction of the public road shall require, immediately upon payment of the just and true value of the improvements.

IN WITNESS WHEREOF, the FIRST and SECOND PARTIES have hereunto affixed their signatures this ___ day of ____________, 20__ at ___________.

_________________________
(signature)
(full name)

Signed in the presence of:

_________________________________  ___________________________________
Republic of the Philippines  
PROVINCE of ___________  ) s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in ____________________ personally appeared  
_____________________________, with Community Tax Certificate No. __________ issued at  
____________________________ on ____________, known to me and to me known to be the same  
persons who executed the foregoing QUIT CLAIM DEED and acknowledged to me that the same  
is his (or her) free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this  
___, day of ____________. 20__ at ____________________.

_________________________  
Notary Public  
Until December 31, 20__  
PTR No. _______________  
Issued on ___________ at ______________

Doc No. : _____  
Page No. : _____  
Book No. : _____  
Series of 20___
QUIT CLAIM DEED
(For Lands Acquired under the Public Land Law)

KNOW ALL MEN BY THESE PRESENTS:

I, ______________________, of legal age, single (or married to ___________________),
and a resident at ________________________________, do hereby declare and state the following:

That I am the owner of a certain parcel of land (with the building or house and
improvements thereon, if there are any) situated at Brgy. ________________, Municipality of
__________________, Province of ____________________, Philippines, known as Lot No.
__________, FP (F, or H) No. ________, containing an area of _____ square meters, and
covered by Original (or Transfer) Certificate of Title No. _________ of the Registry of Deeds;

That the Republic of the Philippines, through the Department of Public Works and
Highways, will be implementing construction of the ______________________________________
__________________________________________, which will require a portion of the land
above described and its improvements for the road right-of-way;

That, pursuant to the above-mentioned undertaking, I do hereby waive all my rights, now
or in the future, over the portion of land above described which may form part of the twenty (20) /
sixty (60) meters road right-of-way, as provided for under Section 112 of Commonwealth Act No.
141 and Presidential Decree 635 as amended, prescribing that “Said land shall further be subject
to right-of-way not exceeding twenty (20) / sixty (60) meters in width for public highways…”,
except for any improvements which may be found thereon, particularly described hereunder:

(Description of the Affected Area)

That I shall not claim or demand any payment for the use of the portion of the land by the
Government for the purpose above mentioned, except for damages to the improvements that will
be affected by the 20 / 60 meters road right-of-way;

That, by virtue of this Deed, the District Engineer, or his duly authorized representative,
may enter the premises of the property for the purpose of constructing the public road, remove
such improvements thereon as the construction of the public road shall require, immediately upon
payment of the just and true value of the improvements.

IN WITNESS WHEREOF, the FIRST and SECOND PARTIES have hereunto affixed
their signatures this ___ day of ____________, 20__ at ______________.

__________________________
(signature)

__________________________
(full name)

Signed in the presence of:

__________________________
__________________________
Republic of the Philippines
PROVINCE of ___________ s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in _____________ personally appeared ________________ , with Community Tax Certificate No. __________ issued at ____________, on ____________, known to me and to me known to be the same persons who executed the foregoing QUIT CLAIM DEED and acknowledged to me that the same is his (or her) free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___ day of ____________, 20__ at ____________________.
Notes:

1. Re the twenty (20) / sixty (60) meters road right-of-way as provided for under paragraph 4 of ROW Form 4-B

   These are the maximum widths that may be acquired by the Government for road right-of-way purposes: 20 meters (per Section 112 of CA 141) if the land was acquired before PD 635; 60 meters if it was acquired after PD 635.

2. This Deed should be registered with the Registry of Deeds for annotation at the back of the title or for issuance of a separate title in favor of the Republic of the Philippines.
Appendix N6
Easement of IROW Agreement
AGREEMENT FOR ROAD RIGHT-OF-WAY EASEMENT
(For National Roads)

KNOW ALL MEN BY THESE PRESENTS:

This AGREEMENT, made and executed by and between the Republic of the Philippines, represented by ______________________________, __________________________ of ____________________________________, duly authorized by the Secretary of the Department of Public Works and Highways, hereinafter called the FIRST PARTY, and ___________________, of legal age, single (or married to _______________________) and a resident at _____________________________________________, hereinafter called the SECOND PARTY;

WITNESSETH:

WHEREAS, the FIRST PARTY will be implementing construction of the ___________________________________________________________, the road section to start from  ______________________________________ to ________________________________________________________;

WHEREAS, the course of the proposed road will pass over and through the _________________________________________________ land of the SECOND PARTY, situated at Brgy. _______________, Municipality of _______________, Province of _______________, acquired by him (or her/them) through ________________________________, bounded by the following:

On the North, by the property of __________________________, On the East, by the property of  __________________________,
On the South, by the property of __________________________,
On the West, by the property of __________________________,

(if the land is registered) containing an area of ________ square meters, more or less, registered with the Registry of Deeds of ________________ as Lot No. ____, Block No. ____, Plan No. ____ under Transfer (or Original) Certificate of Title No. ____ in the name of __________________________;

(if the land is not registered) containing an area of ________ square meters, more or less, declared in said municipality under Tax Declaration No. ____ (page no. _____, for the year _____, copy attached), with an assessed value of PESOS: ________________________________________ (PhP__________), in the name of ____________________________, who is (or was, whichever is applicable) its present (or former) owner, and with the following person(s) presently in possession (or occupation) as lessee (or mortgagee, etc., as applicable):

________________________________________________________

(name of person/s )
NOW THEREFORE, for and in consideration of the construction and maintenance of said road by the FIRST PARTY, and of the payment to the SECOND PARTY of the sum of PESOS: _____________________________ (PhP________), (at PhP________ per square meter) as compensation or liquidated damages for the use and occupancy of said land and as full payment for the portion thereof, with the road right-of-way as finally determined, and of the other stipulations herein contained, the parties hereto agree as follows:

1. That the SECOND PARTY hereby approves and consents to the construction of said road over and through his (or her/their) land herein described and specified, and grants and cedes unto the FIRST PARTY a perpetual easement of right-of-way of ______ square meters in width over and through said land for road purposes herein set out, giving unto the FIRST PARTY the right to enter therein and to make such surveys as may be necessary to determine and locate the line and course of said road and to undertake the related construction and maintenance works for it, and, that the FIRST PARTY shall exercise exclusive rights within and over the area embraced by the boundary lines of said road right-of-way, as shown in the following sketch, until released in writing by and in its discretion:

(Sketch)

Area of the portion included in the road right-of-way:

_____ square meters

2. That the FIRST PARTY agrees to remove, at its own expense, all fences, the house, (other structures, mention as may be necessary), and similar improvements situated within the _____ square meters road right-of-way, and to rebuild same outside the boundary lines of said road right-of-way in, at least, as good as the conditions they were before being removed, or to make due and appropriate compensation therefore, including fruit-bearing trees and growing crops, as agreed upon by the parties thereto, but not to exceed the rate fixed by the Municipal (or City) Assessor as established by Executive Order No. 1035, series or 1985;

3. That, in the event it becomes necessary or advisable to alter or change the course of said road (realignment), the FIRST PARTY shall have the right to utilize such other portions (or the remaining portions) of the land and improvements thereon belonging to the SECOND PARTY, as may be necessary for that purpose, subject to the same rights, privileges, and compensation as set out in the preceding paragraphs hereof and upon the terms and conditions herein set out;
4. That if the SECOND PARTY has no other land for the realignment, and the area required and described in the first paragraph is no longer needed by the FIRST PARTY after it has made payment to the SECOND PARTY, the SECOND PARTY has the option to repossess the area upon refund of the payment made by the FIRST PARTY;

5. That if the SECOND PARTY fails to return or refund the amount he (or she/they) has received from the FIRST PARTY within two (2) years after receipt of the FIRST PARTY’s written notice of its abandonment of the area and its demand for the refund or return of the amount it has paid therefor, ownership over the abandoned area shall automatically vest on the FIRST PARTY;

IN WITNESS WHEREOF, the parties hereunto have hereto affixed their signatures this ___ day of ____________, 20__ at __________________.

REPUBLIC OF THE PHILIPPINES
By authority of the Secretary of the Department of Public Works and Highways

_________________________  __________________________
(signature)                (signature)
(full name)                (full name)
District (City) Engineer    (SECOND PARTY)
(FIRST PARTY)

Signed in the presence of:

_________________________  __________________________

Approved by:

_________________________  __________________________
(signature)                (signature)
(full name)                (full name)
Director/Secretary
Republic of the Philippines  
PROVINCE of ___________  ) s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in _________________ personally appeared _________________, representing the Republic of the Philippines (FIRST PARTY), with Community Tax Certificate No. _________ issued at _________________ on _________________, and _________________, Landowner (SECOND PARTY), with Community Tax Certificate No. __________, issued at _________________ on _________________, known to me and to me known to be the same persons who executed the foregoing AGREEMENT and acknowledged to me that the same is their free and voluntary act and deed.

This Agreement consists of four pages, including this page on which this acknowledgement is written, duly signed by the FIRST PARTY’s duly authorized representative and the SECOND PARTY and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ____. day of ______________, 20__. at ____________________.

_________________________
Notary Public

Until December 31, 20__
PTR No. _______________
Issued on ________________ at ___________ (place issued)

Doc No. : ____
Page No. : ____
Book No. : ____
Series of 20__
Appendix N7
Permit to Enter
PERMIT TO ENTER

I, ____________________________, of legal age and single/married, with residence address at ____________________________, as the registered owner of a parcel of land situated in Barangay ____________________, Municipality of ____________________, Province of ____________________, the title thereto being evidenced by OCT/TCT/EP/CLOA No. ____________, issued by the Assessor’s Office of ____________________, hereby irrevocably, unconditionally and absolutely authorizes, permits, and allows the Republic of the Philippines acting by and through the Department of Public Works and Highways, its successors’ and assigns, contractors and subcontractors, and agents and representatives, unimpeded entry and unlimited access to said parcel of land and to conduct and undertake surveying, clearing and removal of improvements, trees, crops, and other items, soil testing and such other tests, designs and pre-construction and actual construction activities as well as other activities related to or may be for the design, construction, completion, operation, and maintenance of its ____________________________ Project.

________________________________________
LANDOWNER

________________________________________
Name

ATTESTED BY:

________________________________________
DPWH IROW Engineer
Appendix N8
Deed of Absolute Sale
DEED OF ABSOLUTE SALE

KNOW ALL MEN BY THESE PRESENTS:

This Deed, made and executed by and between the Republic of the Philippines, represented herein by _________________________, _________________________ of _________________________, duly authorized by the Secretary of the Department of Public Works and Highways, hereinafter called the FIRST PARTY, and _________________________, of legal age, single (or married to _________________________) and a resident at _________________________, hereinafter called the SECOND PARTY;

WITNESSETH:

WHEREAS, the FIRST PARTY will be implementing construction of the ___________________________________________

WHEREAS, the construction will pass through the _____ square meters portion of the property of the SECOND PARTY, a certain parcel of land (with the building or house and improvements thereon, if there are any) situated at Brgy. ________________, Municipality of ________________, Province of ________________, Philippines, and more particularly described as follows:

(Technical Description of the Property)

“Transfer (or Original) Certificate of Title No. __________, Total land area ___________ and location ________________, area/portion being sold”

WHEREAS, the SECOND PARTY, being the true, lawful, and absolute owner in fee simple of the property herein described, covered by Transfer (or Original) Certificate of Title No. ___________ of the Registry of Deeds, a photocopy of which is attached and made an integral part hereof, hereby concede(s) to absolutely and irrevocably sell, transfer, and convey to the FIRST PARTY that portion of his (or her/their) property that will be affected thereby;

WHEREAS, the FIRST PARTY hereby agrees to buy the property at the price and under the terms and conditions set forth hereinafter;

NOW, THEREFORE, for and in consideration of the amount of PESOS: _________________________ (PhP___________), Philippine currency, computed at PhP_________ per square meter as per ___________, pursuant to Republic Act 8974 to be paid by the FIRST PARTY to the SECOND PARTY, his (or her/their) heirs, successors, executors, administrators, and assigns do hereby sell, transfer, and convey to the FIRST PARTY the _____ square meters property described herein free and clear of all liens and encumbrances, or claims whatsoever, except those annotated and appearing at the back of the Certificate of Title, and is, and shall continue to be, not subject to any claim, set-off, or defense which will prevent the FIRST PARTY from obtaining absolute ownership in fee simple over the property and full possession of the same;
That the property is not involved in any pending or threatened litigation or case brought before a court or any administrative body;

That the parties hereto consider and agree that the purchase price is the just and reasonable value of the property under sale and that, upon receipt of full payment thereof, the SECOND PARTY is lawfully and perpetually seized from any and all his (or her/their) rights, titles, and interests over the property;

That, by virtue of this Absolute Deed of Sale, the SECOND PARTY is obligated to deliver to the FIRST PARTY the corresponding Certificate of Title already registered in the name of the Republic of the Philippines in the manner described, or in any manner the FIRST PARTY may deem proper as owner thereof, the cost of such transfer and registration to be reimbursed by the FIRST PARTY to the SECOND PARTY;

That, it is further agreed, that the FIRST PARTY shall undertake the survey of the lot for the purpose of separating the purchased portion from the main lot, and shall likewise bear the expenses that shall be incurred therein;

That the SECOND PARTY will warrant and defend peaceful occupation and title of the FIRST PARTY from any and all claimants whatsoever at all times;

IN WITNESS WHEREOF, the FIRST and SECOND PARTIES have hereunto affixed their signatures this ___ day of ____________, 20__ at __________.

REPUBLIC OF THE PHILIPPINES
By authority of the Secretary of the Department of Public Works and Highways

LANDOWNER

(signature)
(full name)

District (City) Engineer
(FIRST PARTY)

(SECOND PARTY)

Marital Consent:

(signature)
(full name)

Signed in the presence of:

Approved by:

________________________

Director/Secretary
Republic of the Philippines  
PROVINCE of ___________  s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in ________________ personally appeared ____________________, representing the Republic of the Philippines (FIRST PARTY), with Community Tax Certificate No. __________ issued at __________________ on _______________, and __________________________, Landowner (SECOND PARTY), with Community Tax Certificate No. __________, issued at __________________ on ______________, known to me and to me known to be the same persons who executed the foregoing DEED OF ABSOLUTE SALE and acknowledged to me that the same is their free and voluntary act and deed.

This deed consists of three pages, including this page on which this acknowledgement is written, duly signed by the FIRST PARTY’s duly authorized representative and the SECOND PARTY and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___, day of ____________, 20__ at ____________________.

________________________
Notary Public
Until December 31, 20__
PTR No. _______________
Issued on (date) at (place issued)

Doc No. : _____
Page No. : _____
Book No. : _____
Series of 20__
DEED OF ABSOLUTE SALE
(For Property under Expropriation Proceedings)

KNOW ALL MEN BY THESE PRESENTS:

This Deed, made and executed by and between the Republic of the Philippines, represented herein by ____________________________, (name of representative) ____________________________, (representative’s position) ____________________________, (office the representative represents) ____________________________, duly authorized by the Secretary of the Department of Public Works and Highways, hereinafter called the FIRST PARTY, and ____________________________, of legal age, single (or married to ____________________________), and a resident at ____________________________, hereinafter called the SECOND PARTY;

WITNESSETH:

WHEREAS, the FIRST PARTY has filed expropriation proceedings against the SECOND PARTY, among others, per Civil Case No. ___________ entitled “REPUBLIC OF THE PHILIPPINES versus __________________”;

WHEREAS, the __________________________________________, which will be implemented by the FIRST PARTY, will traverse and affect the property of the SECOND PARTY, a certain parcel of land (with the building or house and improvements thereon, if there are any) situated at Brgy. ____________________________, Municipality of ____________________________, Province of ____________________________, Philippines, identified as Lot No. ____________, containing an area of _____ square meters, more or less, covered by Transfer (or Original) Certificate of Title No. ____________ of the Registry of Deeds, a photocopy of which is attached and made an integral part hereof;

WHEREAS, in compliance with Republic Act No. 8974, the price of PhP__________ per square meter was based on the _____________________________.
Per discussion of ____________________________, the price of PhP__________ per square meter ____________;

NOW, THEREFORE, for and in consideration of the total amount of PESOS: ____________________________ (PhP__________), PESOS: ____________________________ (PhP__________) has already been paid per Land Bank of the Philippines Check No. ____________ dated ____________ (or deposited to the SECOND PARTY’s account) as provisional value (assessed value) and received by the SECOND PARTY, thereby leaving a balance of ____________________________ (PhP__________), whereby, the SECOND PARTY, his heirs, assigns, administrators, executors, and successors, do hereby sell, cede, transfer, convey, and deliver unto the FIRST PARTY the following parcel of land, free and clear from all liens and encumbrances, or claims whatsoever, except those annotated and appearing at the back of the Certificate of Title, and is, and shall continue to be, not subject to any claim, set-off, or defense which will prevent the FIRST PARTY from obtaining absolute ownership in fee simple over the property and full possession of the same;

(Technical Description of the Property)
That the property is not involved in any pending or threatened litigation or case brought before a court or any administrative body;

That the parties hereto consider and agree that, upon receipt of full payment thereof, the SECOND PARTY is lawfully and perpetually seized from any and all his (or her/their) rights, titles, and interests over the property;

That, by virtue of this Absolute Deed of Sale, the SECOND PARTY is obligated to deliver to the FIRST PARTY the corresponding Torrens Title already registered in the name of the Republic of the Philippines in the manner described, or in any manner the FIRST PARTY may deem proper as owner thereof, the cost of such transfer and registration, including documentary stamps and transfer fees, to be reimbursed by the FIRST PARTY to the SECOND PARTY;

That, it is further agreed, that the FIRST PARTY shall undertake the survey of the lot for the purpose of separating the purchased portion from the main lot, and shall likewise bear the expenses that shall be incurred therein;

That the SECOND PARTY will warrant and defend peaceful occupation and title of the FIRST PARTY from any and all claimants whatsoever at all times;

IN WITNESS WHEREOF, the FIRST and SECOND PARTIES have hereunto affixed their signatures this ___ day of ____________, 20__ at __________.

REPUBLIC OF THE PHILIPPINES
By authority of the Secretary of the Department of Public Works and Highways

LANDOWNER

District (City) Engineer
(FIRST PARTY)

(SECOND PARTY)

Marital Consent:

Signed in the presence of:

Approved by:

Director/Secretary
Republic of the Philippines  
PROVINCE of ___________  ) s.s.

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in _________________ personally appeared _________________________, representing the Republic of the Philippines (FIRST PARTY), with Community Tax Certificate No. __________ issued at __________________ on ______________, and _________________________, Landowner (SECOND PARTY), with Community Tax Certificate No. __________, issued at __________________ on ______________, known to me and to me known to be the same persons who executed the foregoing DEED OF ABSOLUTE SALE and acknowledged to me that the same is their free and voluntary act and deed.

This deed consists of three pages, including this page on which this acknowledgement is written, duly signed by the FIRST PARTY’s duly authorized representative and the SECOND PARTY and their witnesses on the spaces provided for their signatures on each and every page thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature and notarial seal this ___, day of ______________. 20__ at ____________________

________________________
Notary Public
Until December 31, 20__
PTR No. _______________
Issued on ___________ at ______________

Doc No. : _____
Page No. : _____
Book No. : _____
Series of 20___