

DEPARTMENT OF AGRICULTURE (DA) – OFFICE OF THE PRESIDENTIAL ADVISER ON PEACE PROCESS (OPAPP) IMPLEMENTING GUIDELINES OF THE PAYAPANG AT MASAGANANG PAMAYANAN (PAMANA) PROGRAM

DA ADMINISTRATIVE ORDER NO. 14, S. 2013, February 20, 2013

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I. BACKGROUND

The Government is adopting a two-pronged approach: (1) negotiated political settlement of all armed conflict through peace negotiations; and (2) undertaking programs aimed at addressing the root causes of armed conflict through interventions on the ground to strengthen peace-building, reconstruction and development in conflict-vulnerable areas.

The PAMANA Program, as embodied in the Philippine Development Plan for 2011 to 2016, was launched as the National Government's framework for intervention in conflict-vulnerable areas to complement the peace negotiation efforts in line with its commitment to address the causes of conflict and issues affecting the peace process. The Program will be implemented within the 5-year period from 2011 to 2016.

A. PAMANA PROGRAM OBJECTIVES

The PAMANA Program aims to contribute to lasting peace by achieving the following objectives:

- Reduce poverty and vulnerability in conflict areas as well as areas covered by Peace Agreements;
- Improve governance; and
- Empower communities and strengthen their capacities to address issues of conflict and peace through activities that promote social cohesion.

B. PAMANA PROGRAM STRATEGIES AND APPROACHES

The Program endeavors to attain its objectives by bringing back government to PAMANA identified areas and ensuring that communities benefit from improved delivery of basic services and are served by responsive, transparent and accountable local government units.

The Program approaches are: 1) convergence of delivery of basic services; 2) good governance through responsive, transparent and accountable resource allocation and utilization; 3) community empowerment to enhance local demand for services in conflict-affected barangays; and 4) asset reform to address age-old issues of agrarian unrest and encroachment and unimpeded exploitation of ancestral domain and natural resources. To ensure that all interventions are truly peace-building, the principles of social cohesion, namely: inclusion, participation, transparency and accountability and conflict-sensitivity are applied.

In line with its food security and sufficiency mandate, the Department of Agriculture will support the PAMANA

Program by providing focused and targeted interventions and adopting strategies and approaches that improve local governance and local government unit institutional capacities which will foster sub-regional development, promote social cohesion and reduce poverty in conflict-vulnerable areas.

C. PAMANA PROGRAM FRAMEWORK

The PAMANA Program framework is anchored on three complimentary strategic pillars that define core interventions to achieve lasting peace, as follow:

- Pillar 1 - refers to interventions that support the establishment of the foundations of peace and the building of resilient communities through policy reform and development.
- Pillar 2 - refers to micro-level interventions that promote the convergent delivery of services and goods focused on households and communities by both national and local agencies/units.
- Pillar 3 - refers to meso-level interventions that address regional and sub-regional development challenges which will contribute to peace building.

The PAMANA Program shall be implemented by national line agencies in partnership with local government units (LGUs), through various modalities, as appropriate to their respective mandates.

For FY 2013, the Department of Agriculture will implement PAMANA Pillar 3 projects, along with the Department of the Interior and Local Government (DILG), Department of Environment and Natural Resources (DENR), Department of Energy (DOE)-National Electrification Administration (NEA) and the Autonomous Region in Muslim Mindanao (ARMM), while Pillar 2 shall be implemented by Department of Social Welfare and Development (DSWD) and Department of Agrarian Reform (DAR).

PAMANA Program's Pillar 3 is anchored on the goal of high-impact sub-regional economic integration, connectivity and development. It provides support for economic integration of poor areas with more prosperous areas, thus addressing development issues beyond the geographic boundaries of conflict-affected communities. This ultimately contributes to the building of communities that are resilient even in the midst of armed conflict.

Hand-in-hand with the goal of bringing sub-regional development to Conflict- Affected Areas (CAAs), PAMANA Areas, Pillar 3 also aims to heal, build and strengthen the relationships within and among communities, and between citizens and the government in order to build up the social and institutional capital necessary to further peace and development in the respective conflict-affected communities. Based on a consciousness that armed conflict is not only rooted in issues of resource scarcity such as poverty and underdevelopment, it is imperative that the PAMANA Program will as well address the subtler, yet equally potent relational and structural roots of armed conflict. As such, the Principles of Social Cohesion (PSC) are embodied in the PAMANA Program via the following process inputs:

- Inclusion - Provision of equal rights and opportunities with special focus on empowering marginalized and vulnerable individuals and groups in the communities;
- Participation - Encouragement of active involvement of all stakeholders in community initiatives and processes especially in initiatives and processes that directly affect the quality of the community's relationships and way of life;
- Transparency & Accountability - Sharing of information and acting in an open and sincere manner whereby government and other legitimate institutions hold themselves responsible and answer to stakeholders on the disposal of their authority and duties; and,

- Conflict-Sensitivity - Thinking in a manner that fosters a) understanding of the context, roots and dynamics of the armed conflict; and b) understanding of the interaction between peace interventions to the context, roots and dynamics of the armed conflict. As well as, acting in a manner that; c) minimizes the negative impacts of conflict; and d) optimizes the benefits of sustained peace in communities.

D. PAMANA PROGRAM COVERAGE

PAMANA Program covers seven geographical zones, in which target areas have been selected and prioritized based on the various peace process lines:

- Central Mindanao
- Zamboanga-Basilan-Sulu-Tawi-Tawi (ZamBaSulTa)
- Bicol-Quezon-Mindoro
- Samar Island
- Davao-Compostela Valley-CARAGA/Region XIII
- Cordillera Administrative Region (CAR) - barangays covered by the 2011 Government of the Philippines (GPH)
- Cordillera Bodong Administration (CBA) - Cordillera People's Liberation Army (CPLA) Closure Agreement
- Negros-Panay - areas covered by the peace process with the Rebolusyonaryong Partido ng Manggagawa - Pilipinas(RPMP)/Revolutionary Proletarian Army (RPA)/Alex Boncayao Brigade (ABB)

E. PAMANA PROGRAM FUND

The Program Fund will be sourced out from the CY 2013 General Appropriations Act (GAA) allotted to Department of Agriculture-Regional Field Units DA-RFUs), Bureau of Fisheries and Aquatic Resources (BFAR) and the National Irrigation Administration (NIA) Regional Offices (ROs) and other Special Allotment Release Order (SARO) to finance the budgetary requirement of sub-regional development projects under Pillar 3.

The Fund may also be used to support community projects identified under the closure programs with the CBA-CPLA and the RPMP /RPA/ ABB.

II. MECHANICS OF ACCESSING THE PAMANA PROGRAM FUND

A. ELIGIBILITY REQUIREMENTS

1. Eligible LGUs

Eligible LGUs are those previously selected and prioritized, based on the criteria set by OPAPP, in close coordination with the Security Sector, or as defined by the relevant Peace Agreements.

2. Eligible Projects

Eligible projects for funding are those that are:

- Anchored on the goal of high-impact sub-regional economic integration, connectivity and development.
- Locally-driven and owned. The agri-fishery projects to be implemented under PAMANA Program must reflect the needs of the communities, especially vulnerable sectors. Through activities that promote inclusion and participation, communities should be consulted in the planning, implementation and evaluation of the projects.

Municipal/City and Provincial LGUs should have discussed and mutually agreed on the project to be financed by the Fund.

- Conflict-sensitive and peace-promoting. The proposed agri-fishery projects must be identified through a conflict-sensitive planning and programming process as defined by the Department of Interior and Local Government. Through this, proposed projects will be identified based on the peace and development needs and challenges that should be addressed in each area. Specifically, the projects must help address security, justice and economic stressors, thereby contributing to sustainable peace and development as characterized by social cohesion, human development and social justice.

- Adopted in the Provincial Development and Physical Framework Plan/Annual Investment Plan for provinces; and the Comprehensive Development Plan/Annual Investment Plan, for municipalities and cities; to be integrated in the peace and development agenda of the region.

- Identified agri-fishery projects under the terms of the different Peace Agreements.

Local projects under the PAMANA Program may include agri-fishery infrastructure and non-infrastructure projects in conflict affected areas and IP areas.

Please refer to Annex A for samples of eligible projects.

B. PROCEDURAL REQUIREMENTS IN ACCESSING THE PAMANA PROGRAM FUND

1. Preparation, Submission and Evaluation of Project Proposals and Supporting Documents

- Eligible LGUs may seek technical assistance from the DA-RFUs/BFAR RO/NIA ROs in preparing the Project Design, following the suggested format/template of the Project Design attached as Annex B.

- Project Designs of infrastructure and non-infrastructure projects shall be prepared by Municipal Local Government Units (MLGUs) / Component City Local Government Units (CLGUs) / Provincial Local Government Units (PLGUs) covering their areas of jurisdiction.

- Formulation of the Project Design should adhere to the PAMANA Peace and Social Cohesion Standards.

- Project Design will be submitted to the DA-RFUs/BFAR ROs/NIA ROs with the following documents:

d.1

Procurement Plan

d.2

Work and Financial Plan

d.3

Program of Works and Detailed Estimates

d.4

Detailed Technical Description (for non-infrastructure projects)/ Detailed Engineering Plans (for infrastructure projects)

d.5

Geo-tagged project data. In cases where the LGU currently has no capability on applied geo-tagging technology,

the DA Regional Office may provide technical assistance to generate said data.

d.6

Appropriate Sangguniang Resolution

d.6.1

Authorizing the Local Chief Executive to enter into a Memorandum of Agreement (MOA); and

d.6.2

Approving the allocation of LGU counterpart funds, if needed.

- Projects under the Closure Programs with the CBA-CPLA and the RPMP / RPA / ABB, the pertinent DA Regional Offices shall prepare the Project Design and all pertinent documentary requirements, in close coordination with the OPAPP Project Management Offices.

2. Approval of Project Proposals and Designation of Implementing Partners

- DA-RFUs / BFAR ROs / NIA ROs shall review and approve project designs prepared by the MLGUs/CLGUs/PLGUs.

- Counterpart fund shall be required from eligible MLGUs/CLGUs/PLGUs based on existing Agri-Pinoy Commodity Programs / BFAR / NIA Guidelines.

- Based on the assessment of the respective DA-RFUs / BFAR ROs / NIA ROs and in consultation with the DILG and the AFP, PAMANA 2013 projects may be implemented through any of the following bodies, as appropriate:

b.1 Proponent Provincial/Component City/Municipal Governments by administration or by contract

b.2 DPWH by administration or by contract

b.3 AFP Engineering Brigades/Units In case, MLGUs/CLGUs/PLGUs are not capable to implement agrifishery projects, DA-RFUs / BFAR ROs / NIA ROs can be tapped to implement projects through competitive bidding.

- Parameters for assessment of Implementing Partners shall include: capability /capacity, readiness and absorptive capacity, as well as any peace and security concerns. MLGUs/CLGUs/PLGUs with outstanding DA or OPAPP-PAMANA funds for liquidation may not qualify as Implementing Partners.

- The DA-RFUs / BFAR ROs / NIA ROs shall inform the designated Implementing Partners, Proponent MLGUs/CLGUs/PLGUs and OPAPP of the final arrangements.

3. Replacement of Projects

- Proposed project may be replaced with another project based on the following circumstances:

a.1

Double funding. However, in the event that both programmed proposals have yet to be implemented, it is recommended that the project in question be implemented under the PAMANA Program Fund.

a.2

If the proposed project is found to be technically unfeasible after project appraisal.

- In cases where project replacement is necessary, the DA-RFU / BFAR RO / NIA RO shall transmit the request for replacement to the Regional Peace and Order Council (RPOC) for deliberation, copy furnished DA-Office of the Secretary. The RPOC, with the participation of the OPAPP shall recommend a replacement project in

consultation with the proponent LGU. Final approval of the replacement project shall be subject to validation of the DA-RFU / BFAR RO / NIA RO.

- Replacement projects must be:

c.1

Sourced from the results of a conflict-sensitive planning process as defined by the Department of the Interior and Local Government.

c.2

No additional project cost (shall cost the same as the allocation of the original project to be replaced).

c.3

Proof of conflict-sensitivity.

- All project changes shall be reported by the DA-RFUs / BFAR ROs / NIA ROs to DA / BFAR / NIA Central Offices and OPAPP.

- Areas covered by Peace Agreements, projects may only be replaced with clearance from the Project Management Offices of the GPHCBA/ CPLA and the GPH-RPMP/RPA/ABB Closure Processes.

4. Approval of the PAMANA Program Fund

- Upon verification of satisfactory compliance to all the requirements, the DA-RFU Regional Executive Director / BFAR Regional Director / NIA Regional Manager shall enter into a Memorandum of Agreement (MOA) with the designated Implementing Partner.

- Within ten (10) days after the signing of MOA, DA-RFU / BFAR RO / NIA RO shall issue a Certificate of Availability of Funds (CAF) to the Implementing Partner for the corresponding amount of the approved project, subject to the submission of the following documents:

b.1

Certification from a Government Bank that the Implementing Partner has opened a Special Trust Account for the PAMANA Program; and

b.2

Appropriations Ordinance to cover the total project cost from MLGU / CLGU / PLGU-Implementing Partners.

C. PAMANA PROGRAM FUND ADMINISTRATION AND MANAGEMENT

1. All applicable provisions of COA Circular No. 94-103 dated December 13, 1994 re “Rules and Regulations in the Grant Utilization and Liquidation of Funds Transferred to Implementing Agencies” and COA Circular 2012-001, S. of 2012 dated June 14, 2012 re: prescribing the revised guidelines and documentary requirements for Common Government Transactions shall be followed.

2. DA-RFUs/BFAR ROs / NIA ROs shall open a Special Trust Account (STA) exclusively intended for the management of PAMANA Program Funds.

3. The recipient Implementing Partner shall open a Special Trust Account in a Government Bank. Funds shall be directly transferred by the DA-RFU / BFAR RO / NIA RO to the Implementing Partner through the STA by tranches. The amount to be transferred shall be based on the approved Work and Financial Plan as agreed with the

LGU and the prescribed tranches

D. MECHANICS OF PAMANA PROGRAM FUND RELEASES

For all types of projects (i.e. infrastructure, livelihood, procurement of equipments/goods) fund releases will be made in three (3) tranches:

1. 50% for the 1st tranche of the total project cost to cover mobilization and other project costs specified in the detailed implementation and procurement plan and or program of works;
2. 40% for the 2nd tranche will be released once 70% of the first tranche has been disbursed and properly liquidated; and
3. 10% for the final tranche will be released upon LGU submission of evidentiary support that the release of 80% has been fully disbursed, as well as a Certificate of Completion in the case of infrastructure and livelihood projects or a Certificate of Acceptance for procurement of equipment/goods.

However, sub-projects that require one-time procurement, release of funds to the LGUs will be in full.

4. Request for fund releases shall be submitted to the DA-RFUs / BFAR ROs / NIA ROs together with the required supporting documents.
5. Liquidation of fund releases shall be made by the recipient Municipal/City / Provincial Local Government Units and other entities to DA-RFUs / BFAR ROs / NIA ROs.

III. IMPLEMENTATION ARRANGEMENTS

A. The Program National Steering Committee

1. The Program National Steering Committee (PNSC) shall be co-chaired by Undersecretaries of OPAPP and DA with the Assistant Secretaries and Directors of OPAPP and DA, as may be assigned by the heads of both agencies, as members. The Regional Secretary of the Department of Agriculture and Fisheries-ARMM and representatives of BFAR, NIA and other agencies shall be invited as needed.

2. The PNSC shall:

- provide program guidelines and policy directions for the Pillar 3 projects of the PAMANA Program;
- review and endorse to the DA and OPPAP Secretaries the annual work and financial plan of the PAMANA Program; and
- oversee the implementation of the Program.

B. The Program Regional and Provincial Steering Committees

1. The Program Regional and Provincial Steering Committees (PR/PSC) shall comprise of members of the Regional and Provincial Peace and Order Councils and their Secretariats.

2. The PR/PSC shall:

- serve as the coordinating body and project clearing house for the PAMANA Program at the regional and provincial level.
- coordinate with the RDC and PDC Secretariats for harmonization of programs and projects. This will ensure that the Peace and Conflict-Sensitive PDPFP/AIPs or CDP-ELA/AIPs shall be integrated into the Peace and Development Plans of each region and province.

- coordinate regional/provincial programs, activities and funding requirements for areas identified under the Program;
- ensure mainstreaming of regional/provincial PAMANA Program interventions into the plans and programs of concerned government agencies and local government units;
- coordinate with relevant agencies, development partners, CSOs, and project management offices on the implementation of the PAMANA Program in the region and province; and
- provide technical support to OPAPP in monitoring the implementation of PAMANA Program in the region and province. g. review of project replacement.

IV. IMPLEMENTING PARTNERS

Eligible Municipal/Component City / Provincial Local Government Units, Department of Public Works and Highways and Arm Forces of the Philippines Engineering Brigades shall:

- Enter into MOA with DA-RFUs / BFAR ROs / NIA ROs for the release of funds;
- Open a Special Trust Account for the transfer of funds;
- Designate a focal person/appropriate focal unit which will manage and coordinate the implementation of the PAMANA projects in the area;
- Implement projects by Administration or by Contract through competitive bidding, adhering to the provisions of RA 9184 and its Implementing Rules and Regulations (IRR), as revised and COA Circular No. 94-103 dated December 13, 1994 and COA Circular 2012-001, Series of 2012 dated June 14, 2012;
- Oversee the physical implementation of their respective projects to ensure that they are in accordance with the provisions stipulated in the MOA, as stated in Section III, Item D;
- Submit monthly financial and physical accomplishment reports to DA-RFUs / BFAR ROs / NIA ROs, as well as updated geo-tagged data;
- Responsible for the liquidation reports and submit to DA-RFUs / BFAR ROs / NIA ROs;
- Return the unexpended balance of the released portion of the funds or the pertinent portion related to the cancelled component to DA-RFUs / BFAR ROs / NIA ROs, whenever applicable; and
- Install billboards on each of the PAMANA project sites to provide information including the title of the project, period of implementation, fund allocation, implementing agency and other relevant information. The design of the billboard must adhere to the PAMANA Guidelines on Community and Project Billboards, attached as Annex E.

V. MONITORING AND EVALUATION

OPAPP shall act as the lead agency in monitoring of the PAMANA Program, in partnership with the PAMANA implementing agency partners.

To ensure timely approval, fund release, implementation and completion of projects under The PAMANA Program, regular monitoring and evaluation shall be conducted by DA. Site visits will be undertaken to assess project status and integration of peace and conflict sensitive tools and processes in the different aspects of local governance.

- DA shall monitor its projects supported by the PAMANA Program Fund.

- Alert mechanisms shall be established to ensure timely resolution of issues that may arise before, during and after project implementation.
- Civil Society Organizations (CSOs) shall be tapped by OPAPP as third party monitors to conduct project monitoring as part of the Transparency and Accountability Mechanism of the Program.
- Project implementation status, including geo-tagged information, shall also be posted on the PAMANA and DA websites (www.pamana.net and www.da.gov.ph). Full disclosure of project information and status of implementation shall be made through tri-media.
- Implementing Agency Partners shall submit monthly and quarterly progress reports to the Secretaries of DA and OPAPP and furnish copies to the PPOC and the RPOC.
- OPAPP shall include an update in its quarterly monitoring report to the Office of the President, DBM, Appropriations Committee of the House of Representatives and Senate Committee on Finance a consolidated report on the implementation of the PAMANA Program.

VI. PENALTIES AND SANCTIONS

The Regional Executive Director / BFAR Regional Director / NIA Regional Manager upon consultation with the Regional Peace and Order Council (RPOC) is authorized to:

1. Terminate/Cancel the Implementation of the Project for the following Instances:

- Non-compliance to prescribed project processes, standards and requirements by the designated Implementing Partner;
- Corruption and fraudulent practices;
- When situations/circumstances would make it improbable for the Project to continue to be carried out; and
- Upon request of the LGU.

In such case that the project is partially or fully cancelled due to the fault of the Implementing Partner, the Implementing Partner shall be obliged to return the unexpended balance of the released portion of the funds or the pertinent portion related to the cancelled component, whichever applicable.

2. Suspend/Withhold the Release of the Final Tranche if any of the following Occurs:

- During the conduct of review and monitoring activities it was found out that: (1) the procurement of any contract is inconsistent with RA 9184 provisions; and (2) the designated Implementing Partner is performing unsatisfactorily in the implementation and execution of the project or in the event that substantial slippage in implementation is incurred; and
- Extraordinary conditions such as force majeure, fortuitous events and the like which shall make it necessary to suspend the implementation of the Project.

Implementing Partners will be given a period of one (1) month to resolve the issue, improve performance or remedy the situation. However, termination will be resorted only if Implementing Partners, having been duly notified, do not make any effort to institute measures that will address issues at hand.

VII. EFFECTIVITY

This Administrative Order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and its filing with Administrative Register, UP Law Center.

(SGD.) PROCESO J. ALCALA

Secretary, DA

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