



PH-EITI ONLEARN 2021

ONLINE LEARNING ON EXTRACTIVES

Resiliency in Transparency: The Community Experience

EVENT DOCUMENTATION



PH-EITI OnLearn 2021 Online Learning on Extractives Resiliency in Transparency: The Community Experience

Overview

The **Philippine Extractive Industries Transparency Initiative (PH-EITI)** was formally created in 2013 by Executive Order No. 147 (EO 147), pursuant to Executive Order No. 79, s. 2012 (EO 79), where the Philippine government committed to implement the **Extractive Industries Transparency Initiative (EITI) – the global standard for the open and good governance of oil, gas and mineral resources**. The PH-EITI is governed by the Multi-stakeholder Group (MSG)¹ that is chaired by the Department of Finance (DOF), and composed of representatives from government, industry, and civil society. The MSG oversees and sets the direction of the implementation of the EITI process, which flagship product is an annual, comprehensive country report (Country Report) containing information about the Philippine extractives sector as well as independently reconciled data on company payments to the government, and government revenues from the extraction of the country's natural resources.

In 2017, after a rigorous international Validation, the Philippines was declared by the EITI Board as the first among more than 50 countries implementing EITI worldwide to have achieved “satisfactory progress” in complying with the EITI Standard. Eight years into its implementation, and currently undergoing its second Validation process, the PH-EITI steers within and through the challenges brought about by the COVID-19 pandemic. Amidst these environments, PH-EITI is geared towards facilitating the implementation of innovative, systematic and transparent data management and

¹ The **MSG** is composed of representatives from the government, the Department of Finance (**DOF**), who Chairs PH-EITI, the Department of Environment and Natural Resources (**DENR**), the Department of Energy (**DOE**), the Department of the Interior and Local Government (**DILG**), and Union of Local Authorities of the Philippines (**ULAP**). The extractive industries are represented by the Chamber of Mines of the Philippines (**COMP**), and the Petroleum Association of the Philippines (**PAP**). The civil society is mainly represented by **Bantay Kita** – Publish What You Pay Philippines, a coalition of civil society organizations advocating transparency and accountability.

reporting systems in most, if not all constituencies accountable for a transparent governance of extractives and natural resources.

To date, the PH-EITI has produced six Country Reports, with the publication of a Seventh PH-EITI Report already underway. The **7th Report** comprises data disclosed by 41 metallic mines, 29 nonmetallic mines, 3 oil and gas companies, 8 national agencies, and 116 local government units, covering **PHP 56.7 billion** in reconciled revenues for fiscal year 2019. Provisionally entitled, ***“Building Resiliency in Transparency: The Seventh PH-EITI Report”***, the 7th Report is aimed at informing stakeholders of the value of extractives transparency and accountability in pursuing inclusive and resilient economic growth and national development. The Report records the impact of the COVID-19 pandemic on mining, oil, gas, and coal industries, the consequent outlook for the sector, the sector’s response to the global health situation, and an assessment of the SDMP as a local development mechanism.

Stakeholder engagement

To communicate the foregoing to a wide multi-sectoral audience, the 7th Report was presented at the **PH-EITI National Conference 2021** on **29 July 2021**. The program included a presentation of the key findings of the 7th Report, the outlook for the sector, a report on SDMP, and the launch of the EITI Mainstreaming² Action Plan, among other presentations. With the theme **“Resiliency in Transparency”**, the National Conference brought together stakeholders from national and local governments, extractive companies, civil society, the academe, development partners, academia, and the media.

The National Conference was also the kick-off activity for the *Online Learning on Extractives (On Learn) 2021*, the virtual edition of the annual PH-EITI LGU Roadshow. On Learn is a series of regional forums that are meant to bring the EITI platform closer to local government units and communities where extractive operations are located. This year's series is also designed to gather information on priority capability needs of leaders and members of community organized groups, including indigenous peoples, to strategically participate in the EITI process and create meaningful impact in the management of their communities' natural resources. The series considered in its design the inclusion of communities that were mentioned in Bantay Kita’s shadow report for the 2021 EITI Validation of the Philippines in an attempt to address concerns on community access to data and participation in the EITI process and platform.

²Mainstreaming or systematic disclosure is the desired end-state of EITI implementation where EITI data are readily and publicly accessible through government and corporate websites and portals, enabling timely and comprehensive disclosure of information for public analyses.

Objectives

There were a total of five (5) On Learn clusters or sessions, and each ran for 2.5 to 3 hours. The entire series aimed to achieve the following objectives:

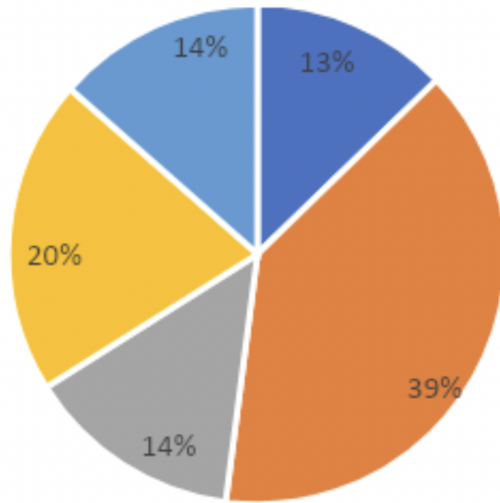
1. Update stakeholders in extractive host communities regarding actions taken on concerns raised in previous forum/consultations, and address new issues or refer them to the appropriate EITI implementing agency;
2. Gather recommendations for the continuous improvement of extractives data accessibility, comprehensibility, and overall management, including the creation opportunities for community members to contribute in analyses; and
3. Identify other capabilities that need to be developed to enable community members to meaningfully participate in the EITI process.

To achieve these objectives, digests of the relevant chapters/sections of the 7th Report were shared with the target participants, with an instruction on how they will review the materials prior to their respective On Learn session.

Participants

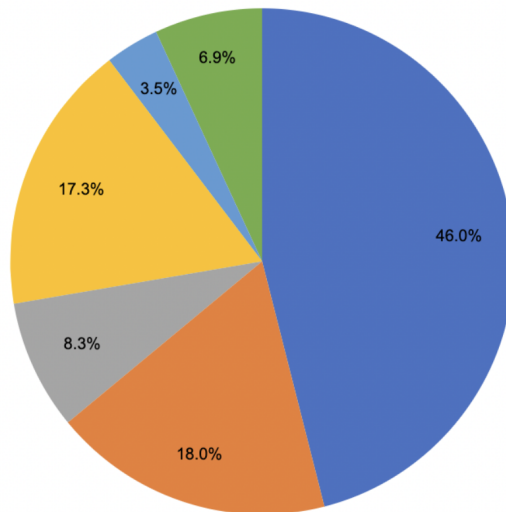
Five (5) clusters participated in this year's On Learn. Participants include representatives from the national and local government; executives and personnel of extractive companies; members of mining associations; members of civil society organizations, indigenous people organizations, and the academe.

Day No.	Leg/Cluster	Provinces Covered	Date	Turnout
1	Southern Mindanao and BARMM	Lanao, Magindanao, Tawi-Tawi, Zamboanga, Davao De Oro	September 27, 2021	50
2	Caraga	Agusan Del Norte/Sur, Surigao Del Norte/Sur	September 28, 2021	154
3	Visayas	Leyte, E. Samar, Bohol, Cebu	September 29, 2021	55
4	North & Central Luzon	Zambales, Pangasinan, La Union, Nueva Vizcaya, Isabela	September 30, 2021	80
5	Southern Tagalog	Palawan, Batangas, Rizal	October 1, 2021	53
Total Number of Participants:				392



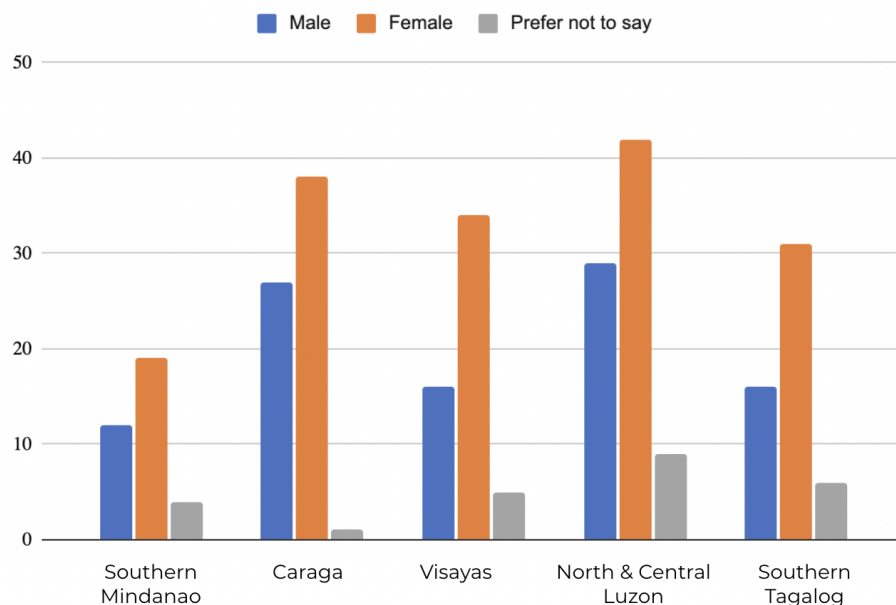
■ Southern Mindanao
 ■ Caraga
 ■ Visayas
 ■ North & Central Luzon
 ■ Southern Tagalog

Participants per Cluster



● NGA
 ● LGU
 ● CSO/NGO/IPO
 ● Industry
 ● Academe
 ● Cannot Identify

Participants per Sector (for the 5 clusters)



Participants per Gender (for the 5 clusters)

Program

I. Opening Remarks

To formally open and welcome the attendees to each On Learn session, the PH- EITI invited local government officials from the cluster or representatives from the national government. These speakers set the context for the whole event and reminded the stakeholders on the significance of On Learn 2021, the EITI process, and the value of transparency and accountability in the extractives sector.

These are the representatives for each cluster:

Day No.	Leg/Cluster	Name of Speaker
1	Southern Mindanao and BARMM	Chief Minister Ahod Ebrahim BARMM Chief Minister
2	Caraga	Gov. Francisco T. Matugas Surigao del Norte
3	Visayas	Gov. Leopoldo Dominico L. Petilla Leyte Province
4	North Luzon	Ms. Mary Ann D. Rodolfo Deputy National Coordinator, PH-EITI
5	Southern Tagalog	Gov. Jose Chaves Alvarez Palawan

II. Introduction to PH-EITI

To acquaint participants with the EITI process, the PH-EITI Secretariat prepared a short video presentation that tackled general questions about PH-EITI. This has been presented in all five clusters of the On Learn 2021, and laid the foundation for the subsequent discussions in the program.

The video answered the following questions:

- What is EITI?
- How did the EITI start in the Philippines?
- Who are the members of the PH-EITI?
- What are the objectives of PH-EITI?
- What kind of information can an ordinary citizen obtain from the PH-EITI?
- What kind of data does the PH-EITI collect to come up with country reports?
- What process do these data go through after collection?
- Where can stakeholders obtain copies of the data/reports?

III. Key findings of the 7th Country Report

The key findings of the 7th PH-EITI country report was presented to each cluster by a member of the PH-EITI Multi-stakeholder Group (MSG). The presentation contained the overview and scope of the 7th Report, content of the contextual information, and data which were specific to the clusters. Also presented were data on the distribution of LGU receipts from the mining sector, proportion of revenue streams, and summary of reconciliation results for revenue streams per agency.

These are the speakers for each cluster:

Day No.	Leg/Cluster	Name of Speaker
1	Southern Mindanao and BARMM	ASec. Maria Teresa Habitan Alternate Chair and Focal Person, PH-EITI
2	Caraga	Engr. Romualdo Aguiluz Head Executive Assistant, DENR-MGB
3	Visayas	Mr. Bernardino Sayo Executive Director, ULAP
4	North and Central Luzon	Dir. Anna Liza Bonagua DILG - Bureau of Local Government Development
5	Southern Tagalog	Dir. Araceli Soluta Financial Services, Department of Energy

IV. Social Development and Management Program (SDMP)

The Social Development and Management Program (SDMP) is the last chapter in the 7th PH-EITI country report. It is a tool that is being used for the development and implementation of community programs, projects, and activities in consultation and in partnership with the host and neighboring communities. Specific data under SDMP were presented by members of the PH-EITI Multi-stakeholder Group (MSG).

These are the speakers for each cluster:

Day No.	Leg/Cluster	Name of Speaker
1	Southern Mindanao and BARMM	Atty. Joan Adaci-Cattiling President, Oceana Gold Philippines, Inc.
2	Caraga	Atty. Francis Ballesteros Jr. Head of Public and Regulatory Affairs, Philex Mining Corporation
3	Visayas	Ms. Katherine Dennise Domingo Social, Environmental and Economics Data Specialist, PH-EITI
4	North and Central Luzon	Atty. Odette Javier Vice-President/Chief Information Officer/Asst. Secretary, Lepanto Consolidated Mining Co.
5	Southern Tagalog	Atty. Ronald Rex Recidoro Executive Director, Chamber of Mines of the Philippines

V. Issues and concerns from OnLearn 2020 and previous stakeholder engagements

In each session, the highlights of the LGU Roadshow for the previous year were presented to the participants, as well as the corresponding actions taken by responsible agencies. Also shared were the summary of the issues raised in previous PH-EITI stakeholder engagement activities and the actions taken as response to these concerns.

These are the speakers for each cluster:

Day No.	Leg/Cluster	Name of Speaker
1	Southern Mindanao and BARMM	Mr. Eastword Manlises National Coordinator, PH-EITI
2	Caraga	Ms. Mary Ann Rodolfo Deputy National Coordinator, PH-EITI
3	Visayas	Ms. Katherine Dennise Domingo Social, Environmental and Economics Data Specialist, PH-EITI
4	North and Central Luzon	Ms. Katherine Dennise Domingo

		Social, Environmental and Economics Data Specialist, PH-EITI
5	Southern Tagalog	Ms. Rhea Mae Bagacay Mines Engagement Specialist and Admin Officer, PH-EITI

VI. Open Forum

An open forum has been conducted for each session to give participants the opportunity to raise questions, comments, clarifications, if any, from the reports that were shared.

OPEN FORUM ON SOUTHERN MINDANAO CLUSTER	
QUESTIONS	RESPONSES
<p>Question # 1: Bakit hindi kasama ang BARMM sa previous reporting cycle ng PH- EITI?</p>	<p>Mr. Eastword D. Manlises: Nakakasama naman natin ang BARMM in previous stakeholder or sub-national stakeholder engagement activities, pero sa mga panahon na iyon ay kasagsagan ng transition katulad na lamang ng paglalakad ng enactment ng batas, pag-transition to BARMM, at kailangan i-capacitate ang BARMM government upang masuportahan ang sarili nito, so hindi pa natin ito matutukan. And aside from that, may autonomy po ang BARMM, hindi po ito sakop ng Department of Finance or ng Department of Environmental and Natural Resources. If BARMM would decide to implement EITI, pwede nang mapag-usapan kung paano ang terms. Kung ang implementation ba ay para sa BARMM lang or kung ang BARMM ba ay magpa-participate sa the rest ng nation. Isinusulong din ng ating civil society organization sa MSG and pati na rin sa international level mayroon ding pag-uusap patungkol sa sub-nationalization, so that could be a form of sub-nationalization. Ang magagawa na lang din po ng PH-EITI ay tulungan ang BARMM na magsimula at tuloy-tuloy ang implementation ng EITI. Pero ito ay kailangan pang aprubahan at pagdesisyon ng kanilang senior ministers, so wala pa pong final na usapan kung kasama ba ang mga kumpanya sa BARMM sa EITI reporting.</p>

<p>Question # 2: Paano masigurado na natanggap na ng LGU ang share nito from national wealth?</p>	<p>Mr. Eastword D. Manlises: Ang traditional way upang malaman ng mga stakeholder kung natanggap na ba ng LGU ang kanilang LGU shares from the national wealth ay pag-contact sa DBM. Pero sa ngayon mayroon ng bagong portal na ginawa ang Department of Budget and Management upang mas mapadali na malaman kung magkano, anong period, at kung dumating na ba ang kanilang share. At sa aking pagkakaalam mayroong paper works din po, papadalhan po kayo ng advice or notice on that.</p>
<p>Question # 3: Kung hindi masusunod ng companies ang SDMP and environmental commitments, ano kaya ang magiging action ng MGB?</p>	<p>Mr. Eastword D. Manlises: MGB ang dapat magpapataw ng mga sanctions o parusa kung hindi nila natutupad ang kanilang commitments. Sa ngayon, maraming administrative orders ang MGB, especially na-lift na ngayon ang moratorium on new mineral agreements through EO 130, so may panibagong IRR. May mga karampatang sanctions. But first, make a case on alleged non-compliance with requirements then submit to MGB.</p> <p>Mr. Ariel Barrientos: Generally, when they say condition, they have to comply with the conditions. Kung binigyan sila ng permit tapos nandoon ang conditions and social obligations na iyon, breach of commitment ng permit na kung hindi sila tutupad. That would come up sa malaking fines, suspension, or even cancellation ng operational permits. Malaking bagay po iyon. So generally, ganon po ang mangyayari sa kanila, depende naman po siguro sa processing operations pero yung operation that would really involve economic and social issues napakalaking responsibilidad ng social commitments that would come up to suspension of operation. Hopefully sa permits issued by Mines and Geosciences Bureau ganoon din ang weight non, depende sa klase ng operation.</p> <p>Atty. Joan Adaci- Cattiling: May consequences po, nagre-range yan iba-iba, pwede itong penalty.</p>

	<p>Halimbawa, hindi na fully utilize ang SDMP ng taon na iyon tapos hindi naman ma-explain ano ang rason. Pwedeng may notice of violation din from EMB kung yan ay environmental programs. Huwag po kayong mag-alala, we are heavily regulated, napakadami pong compliance, permit requirements, and conditions. Ang ating government naman ay lagi nire-revisit ang policy. Katulad na lamang ng MGB tinitignan nila kung saan pa pwedeng ma-enhance ang compliance ng companies. At this time ang mechanism po natin is very strong, there is always a counterpart, a measure, or a provision already in the rules with respect to non-compliance.</p>
<p>Question # 4: Paano kaya mate-train ang POs, IPOs, at CSOs sa pagbasa ng data?</p>	<p>Mr. Eastword D. Manlises: Mayroon tayong tinatawag na data dive or mga workshops para sa mga participants, teaching them how to open the reports. Nagkakaroon tayo ng pagkakataon mabuksan ang report, alamin ano ang klase ng mga tables, ano ang mga ibig sabihin ng mga jargons, mga technical terms na nandoon, at merong mga games before na mag-summarize ng data or gumawa ng infographics based on the data contained on the report. We will be happy to know kung meron tayong malaking demand po o pangangailangan for that, it's just that medyo challenged tayo right now in terms of logistics, di tayo makababa sa mga communities. Siguro kung kayo po ay civil society organization, you can make a request na magkaroon tayo ng specific session. Kung halimbawa naman LGU, pwede rin po ninyong imbitahan ang national secretariat or even the MSG members para po bumaba sa inyong lugar, at matignan kung anong mga activities ang pwedeng gawin doon in terms of studying the data or analyzing report. Sa ngayon lang po talaga malaking challenge para sa atin ang pandemic.</p>

OPEN FORUM ON CARAGA CLUSTER

QUESTIONS	RESPONSES
<p>Question # 1: Maaari bang makilahok ang mga CSO sa pag-monitor kung ano-ano ang mga nangyayari sa share ng LGU sa national wealth?</p>	<p>Mr. Eastword D. Manlises: Posible na po ang monitoring, using the new national wealth shares portal of the DBM. Ngayon po ay publicly accessible na po ang data na ito through National Wealth Shares Portal by DBM. March ngayong taon lang po ito na-develop at ibibigay po namin ang link. Pero dahil ngayon lang po ito, kinakailangan na magkaroon ng capacity building para sa members ng community at sa civil society organization on how to use the portal. During the national conference of PH-EITI noong July, nag-present ang DBM patungkol dito at gusto rin po naming siyang ulitin sa November para ang mga di naka-attend ng July ay magkaroon ng chance to see the portal ngayong paparating pong Nobyembre. Yes po, mayroon na pong pagkakataon na at anytime and anywhere pwede niyo na pong ma-monitor ang national wealth share ng inyong lugar. Pero kung saan ito gagamitin, saan po ia-allocate, I think that's the matter of engaging to your local government unit.</p> <p>Mr. Chito Trillanes: Actually, Mr. East was right that there is a way for the Local Government Units (LGUs) to claim their share from the National Government. But, in my understanding of that question, will the national government be able to monitor the LGUs once they claim their share and how will they be able to monitor the LGUs on how and from what they used the shares from the mining companies. For instance, in Surigao Del Sur or Surigao Del Norte, that's what we always deliver and we insist that there should be transparency in it if there are any replacements or problems. For example, it is not inaccessible that the share acquired by the LGUs is merely mixed with the entire general fund. So, we will insist on placing the share acquired in the trust fund to monitor exactly how much money comes in, how much money comes out, and how those funds are being used</p>

that are in the trust fund share from mining companies. So, it is also important to have a policy environment that is free for civil society to talk to their LGU without being afraid to go to its mayor, its members of the town council to investigate these matters because transparency is also very important especially the appearance of spending these funds. After all, we know what risk we might face due to these projects like mining around us and it is also appropriate that we strictly monitor it so as not to waste the money we receive as part of the operation so that it could be applied to the correct expenses.

Buenaventura Maata Jr.: Actually, just regarding Chito's mention. Just 2 weeks ago, I was just able to check that different municipalities have already updated their national wealth share with the shares because I always say, at the ground level, that the barangay will have 35%, the municipality 45%, and the provincial 20%. That's what is clear to different people but when they start checking, many projects are being done, which it's not clear yet. It is quite understandable because there has just been an intensive discussion about this but what is important, at this point, is actually what PH-EITI is doing which is very important for them to understand that this download is in the money of each municipality, each barangay, and provinces. They should understand very well that this is the process. It is not like withdrawing your money from the ATM that your money will just come out right away. That is not the process. It must be understood that there is a process that takes a long time to represent or make. That's why we sometimes go to Manila to get this money. Now our suggestion and my suggestion are based on the Philippine level, we need to know so that we can know the projects that use that money from the national wealth share. Hopefully, local government units will have to put separate money on the transparency board. They will put on the transparency board all the money they receive from the national wealth share. Thank you very much. That's my only suggestion because it's important.

<p>Question # 2:How do you compute the royalty fund for the IP community?</p> <p><i>(from Platinum Group Metals Corp. mine site)</i></p>	<p>Mr. Eastword D. Manlises: May nakalagay sa batas na dapat 1% ang computation. Halimbawa, kung sa SDMP ay 1.5% of the operating cost, ito naman ay minimum of 1% of the gross output. Ang mga ancestral domain areas or ang mga IPOs natin, kailangan pong may memorandum of agreement with the company, whatever stipulated po doon ay yon po ang dapat ibayad sa inyo. The other members of MSG can correct this information po.</p> <p>Ms. Zoe Jimenez: To answer the question on IP Royalty, when the ICCs give their written consent, a royalty payment shall be negotiated which shall not be less than 1% of the gross output of the mining operations in the area.</p> <p>Mr. Chito Trillanes: This simply means that the law mandates that you do not have less than 1% for IP Royalty but if in your negotiations with the company you can choose how many percent you will agree. So the agreement, the contract or this agreement, is the law between you, the IP and the company so you should respect the parties, the IP party and the company. But what we are saying is that in your agreement, it should never have been less than 1% because that is required by the law.</p> <p>Mr. Eastword D. Manlises: Gross output is synonymous to gross sales ng company. Kung ano ang gross revenue, kung saan di pa nababawas ang mga taxes, and etc. doon po ico-compute ang 1%. Minimum ang 1%, depende sa agreement.</p>
<p>Question # 3: Ask ko lang po kung ang SDMP, IPs, and AEPEP are subject sa withholding tax?</p> <p><i>(from Ronnie Duya of CTP CMC)</i></p>	<p>Mr. Eastword D. Manlises: IPs yes, subject siya sa withholding para sa claims owners. IP royalty payment kasi ay para siyang income/revenue ng IPO, taxable siya. Ang SDMP at AEPEP ay funds so hindi siya revenue ng kung sino man. They are social environmental funds, set aside for specific purposes so wala siyang tax.</p>

	<p>Buenaventura Maata Jr.: The total production cost and total shares obtained by the mining, 60% of that, remains with the national government, the 40% goes down to the local government unit, that 40% will be divided to 20% at the provincial level, 45% at the municipal level and 35% at the barangay level. However, this discussion did not coordinate to that level which is the provincial level. As of now, they do not know how much was the total amount received, and how much went to the province, or went to the barangays, not unless they are transparent about this, that is why I suggested earlier that it should be under the transparency board. They didn't look at the transparency board. During your small-town conference, barangay meetings, and municipal meeting, it should be announced to all the people where the money is and what it is used for. In the Municipality of Caraga, I haven't heard announcements that were open and transparent in this field or topic, because they are using, in some way, this money, that goes to the general fund, and these general funds will be divided into different projects, as what Sir Chito has said recently, so if he is divided into different projects, what will happen, it will be very difficult for you to account. How many were received, which project? Then, nobody will mention that this money came from the mining instead, they will say that the money came from the mayor or the mayor, of course, the national wealth share is included.</p>
<p>Question # 4: What are the possible consequences of the LGUs that do not follow guidelines in the utilization of their shares in the National Wealth?</p> <p><i>(from Platinum Group Metals Corp. mine site)</i></p>	<p>Mr. Chito Trillanes: Actually, that is why we are urging a joint memorandum circular between the DBM and our government agencies to issue guidelines. The current guidelines implemented there, was the DILG guidelines in the utilization of the national share that does cover the issues of mining. Hopefully, the joint memorandum circular will be signed to make it clear what are the costs of the shares from the mining, and if there are violations on it, still in accordance with the local code, which is the mining law. The mining law governs these issues of spending on national shares, for now, we always reiterate and discuss it further, and that is the commitment of the agencies</p>

to facilitate the acquisition of shares, and it will be clear where the LGU's acquired shares will go, how much it will be spent for it will be easier to monitor by the stakeholders, especially civil society organizations, that, if there is a transparency board mentioned by Dr. Ben, having published how much money has been received and what projects and programs it has covered. We should post it in conspicuous places, those places that are visible/clear to the public so that they can understand how to manage the local powerful share received by it.

Director Anna Bonagua: Alam naman natin nasa local government code provision kung saan dapat ginagamit ang national wealth shares ng local government units particularly lalo na kung ito ay galing sa pag-develop ng energy sources nadapat ang 80% ay ginagamit in lowering the cost of the electricity in the locality and ang remaining 20% ay for local development projects, so may mga ganon. Ang ating COA naman ay aware sa mga ganitong policy na nakasaad sa local government, ito ay sinasama sa mga COA findings and observations. Kung may mga complaints naman regarding sa mga maling paggamit ng mga local government units, pwede din ninyong isangguni sa DILG and you can provide reminders to the local government unit. Kung despite sa mga reminders, hindi pa rin maitatama ang paggamit ng utilization ng national wealth, the DILG can issue validation and verification. So may mga layers naman ng policy para ma-ensure ang tamang paggamit ng national wealth shares. May mga joint circular policy na inilabas ang DILG at DBM at may isa pang circular na dapat mailabas regarding utilization at tamang panahon ng pag-transfer ng national wealth share.

OPEN FORUM ON VISAYAS CLUSTER

QUESTIONS	RESPONSES
<p>Question # 1: Bakit delay/ wala ang downloading ng excise tax or remittance ng LGU shares papunta ng province, municipal, at ng barangay?</p> <p><i>(from Diosdado Parreno of Techiron)</i></p>	<p>DBM Region VI – Ms. Cecile Lacson: Ang release ng shares ng national wealth po ay sa central office po naming yan, wala po dito sa regional office. DBM Central Office po ang transaction at pagre-release.</p> <p>Mr. Diosdado Parreno: Sa PH-EITI hihingi lang po sana kami ng tulong pati na ang ibang mining companies na kung pwede ma-resolve ang concern na ito, para mai-download na sila ng maayos ng mga communities.</p> <p>DBM VI – Cecile Lacson: Yes po, duly noted po.</p> <p>Mr. Eastword D. Manlises: Nakasulat na po ba ang community or LGU sa DBM Central office? Kagaya po ng sinabi ni Ma’am Cecille na centralized po ang proseso sa Manila.</p> <p>Mr. Diosdado Parreno: Actually, Marami na kaming na-attendan na mga minor meetings and conference na lagi nare-raise ang issue na ito, pero hanggang ngayon walang nagiging sagot.</p> <p>DBM Region VIII – Ms. Aleli Hernandez– Before, kami po ang nag-i-issue at nagta-transfer. Pag dumating na si NCA issued by the central office, mag-i-issue na po kami ng notice. Ngayon po hindi na, BIR na po ang nagre-release. Transfer from DBM to BPR, BPR to LGU. I think there was a query raised by the mayor of Guiuan regarding the shares of national wealth pero parang na-inquire natin sa central office, at ito’y may release na po. Pero, we have to check, I will get the details. Looking into our GA for 2021, we have an allocation of PHP 6, 258,293,000. This case related to the revenue collected in prior years, from 2018-2020. Yun po ang basis, titingnan po natin ang sinasabi po ninyo po kung what particular year na dapat nada-download sa inyo based on collections from the BPO and BIR which was submitted to BM as basis in the allocation in our GIA for 2021. I will get the information para</p>

	<p>mag feedback din po ako sa inyo through municipality and project officer of Guiuan.</p> <p>Mr. Eastword D. Manlises: Para rin po on record ang magiging inquiry and also the responses, would it help po ba if we request the LGU to formally write to regional office? Para po meron tayong paper trail na na-solusyunan na po ang issue.</p> <p>DBM Region VIII – Ms. Aleli Hernandez: Yes po sir, maganda po ang suggestion natin. They have to inquire na lang sa Regional Office or they can also request via online.</p> <p>DBM VI – Ms. Cecile Lacson: We welcome written queries upang mabigyan po agad ng action at para magkaroon din ng document na nagtatanong kayo.</p> <p>PTO Bohol – Ms. Aida Evangelista: Concern of Sir Parreno is same po sa concern ng Bohol, and we are from the province, could not understand also the appropriate sharing for the province.</p> <p>DBM Region VIII – Ms. Aleli Hernandez: I think we have guidelines. Si DBM po taga-release lang ng joint certificate included na po ang schedule ng corresponding shares of the beneficiary in due and that is the basis of DBM to release.</p> <p>Mr. Albert Antonio San Diego: Para rin po sa kaalaman ng lahat, magkakaroon din po tayo ng ETW or Extractives Transparency Week sa paparating po na November. Mape-present po natin doon ang national wealth shares portal. So, para po sa iba pang concerns mas mabuti po siguro na maka-attend po tayo doon para po mas malinawan po tayo sa concern natin about dito sa shares.</p>
<p>Question # 2: Paano po mamonitor ang utilization of LGU shares from national wealth?</p>	<p>Mr. Eastword D. Manlises: What we understand is, kapag dumating ang share ng LGU sa national wealth or national tax allocation na ngayon, aggregated na silang lahat. Hindi na natin siya mapaghihiwa-hiwalay kasi pinagsasama na lahat ng sources ng funds. Ang alam lang natin ay may certain amount from excise</p>

	<p>taxes, lalo na kapag in-allocate na siya sa specific project ay hindi na natin ma-identify kung saan nagamit or napunta. May panukalang Joint Memorandum Circular ilang taon na ang nakakalipas, para sana maayos ang monitoring and also mapabilis, mas maging tama ang proseso ng downloading ng LGU shares and national wealth. Meron ding provision doon na nagtatakda ng special fund for extractives, hiwalay doon sa general fund pero hanggang ngayon hindi pa siya pirmado, pending pa rin siya sa DBM Central Office. Sa ngayon po wala pa pong malinaw na mekanismo kung paano makikita ang utilization. We just know na yung amounts that are being paid by the companies, being transmitted back to the LGUs are contributing to the projects and programs implemented at local level. This is definitely something na pwede magkaroon pa ng policy in the future.</p> <p>Mr. Rommel Correa (DILG 7): Unfortunately po wala po tayong kino-conduct na monitoring sa utilization on allocation for the NGOs. Probably, it is under BLGF.</p> <p>*Nasa LGC po ang guidelines of utilization of share on national wealth.</p> <p>STANCe- Chadwick Llanos: Sec 294 of the Local Government Code details the utilization.</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OPEN FORUM ON NORTH AND CENTRAL LUZON CLUSTER	
QUESTIONS/ CONCERNS	RESPONSES
<p>Question # 1: Sa issues and concern nabanggit na bibigyan tayo ng update ng MGB Region 3 tungkol sa basehan kung bakit nabuksan ang mga ipinasarang company sa Zambales at ano ang status ng tatlong kompanya na ito?</p>	<p>MGB R3 Mr. Lauro Garcia Jr.: February 8, 2017, the DENR Secretary of regional office issued the cancelling the Benguet Corp, Eramen, ZDMC after the main audit. For ZDMC, on November 12, 2018, nagkaroon po sila ng motion for reconsideration sa DENR and nung March 19, 2019 naglabas ng memorandum ang ating Undersecretary for Climate Change, requiring the regional concerned office to submit</p>

	<p>status report ng mga mining companies na na-suspend. After that, April 1-2 vinalidate po ang ZDMC tungkol sa compliance po nila, it is composed of representatives from DENR regional offices and MGB regional offices. Sa Lami naman po, na-validate naman po ang kanyang compliances noong February 5, 2020. At subsequently, yung validation na ginawa natin sa EMI. And eventually po, sinubmit na natin ang mga report sa DENR Central Office po, naglabas po ng memorandum coming from the DENR which is nung September 30, 2019, DENR Central Office issued a lifting order the suspension of ZDMC's mining corporation while sa Lami po nung January 14, 2021, a memorandum coming from the MGB Central office regarding the lifting and setting aside of DENR order dated February 8, 2017, meron na rin po silang order. While doon po sa EMI, we received a memorandum coming from the MGB Central on October 28, 2020 kung saan po nili-lift po ang suspension and setting aside of February 8, 2017 order po ng DENR. For BMNI, nagkaroon po ng memorandum dated September 17, 2020 based on DENR Secretary's order po ng August 4, 2020 lifting and setting aside po ng order ng suspension. It means po na, after validation, recommendation and ng compliance po ng company nag-order ang central office to lift the suspension order po ng apat na mining companies na ito. They are all operational po ngayon. While po yung sa tanong na regarding sa Air Asia Mining and Development Corp. sa Donya Remedios Trinidad, ang status po nito ngayon ay operating po siya under the remaining months under special mines permit. Nagkaroon po sila ng request ng utilization ng unutilized special mines permit po noong April 28, 2021.</p>
<p>Question # 2: Would it be possible to obtain a soft copy of the video reporting and presentation?</p>	<p>Mr. Albert Antonio San Diego: Ito pong mga video recordings po natin ay magiging available po sa website po ng PH-EITI, also magsesend din po kami sa inyo ng copy ng report. And</p>

	<p>magiging helpful din po siguro kung ifo-follow niyo po ang mga social media accounts since nagpo-post din po kami ng mga updates doon.</p>
<p>Question # 3: Paano po nata-tract kung saan napunta or paano ginamit ang royalty fee na nakuha ng IP communities?</p>	<p>Mr. Eastword D. Manlises: Kinokolekta ng PH-EITI ang mga data ng IP royalties dahil considered ito as social payment or sa NCIP nga parang social justice. This is a form of achieving social justice dahil ang lupa or social domain ay pagmamay-ari ng IPOs. Pwede siyang pumasok sa social environmental payment expenditures pero hindi ito pumapasok sa government, direkta itong ibinabayad sa IP community. Now, meron dapat magkaroon muna ng FTIC bago magkaroon ng minahan ang isang social domain kasama dito ang tinatawag nating memorandum agreement. Dapat may agreement muna ng company at ng IPO, naka-stipulate doon kung magkano kasi ang minimum natin di ba ay 1% at pwede itong tumaas depende sa kasunduan. Meron din tayong regulation na dapat magkaroon ang IPOs community development plan, nakasaad doon kung paano gagamitin ang royalty payment na ibinabayad sa IP communities. However, sa PH-EITI hindi pa natin ito namo-monitor, meron tayo sanang isinusulong na mechanism pero hindi pa natin ito napopolido or nai-implement dahil meron pang commission en banc resolution prohibiting public disclosure of copies of memorandum of agreement CRDP. Dito sana sa dalawang dokumento na ito ay pwedeng tingnan kung ang tinatanggap ba ng IP communities ay nagagastos ayon sa MOA or CRDP. PH-EITI we cannot monitor that as of the moment. The NCIP, probably, dapat namo-monitor nila ito. Dahil ito ang way natin to ensure that the payments contribute sa development ng IP communities. Kumbaga may pupuntahan or may kapaki-pakinabang na proyekto or paggagamitan itong payments na ito. But we respect that IPOs have the prerogative kung paano nila iyon gamitin dahil ayon nga ang income nila sa paggamit ng</p>

	<p>mining companies sa kanilang ancestral land. For the PH-EITI meron po tayong initiative or balakin na ma-monitor ang mga ito na eventually at ma-disclose ang information publicly.</p>
<p>Question # 4: Nabanggit po kanina kung ano ang role ng CSO sa national resource governance. Baka gusto magbigay ng update ng BK kung ano ang ginagawa ng CSO members to strengthen the role of CSO on national governance?</p>	<p>BK – Ms. Rose Paragas: On CSO po syempre tutok po tayo sa capacity building ng ating service communities lalo na ang mga mining affected communities. Tumutulong po tayo na mag-orient sa kanila on the EITI process and even the EITI itself. Tumutulong din tayo na maibaba sa community ang mga data na ito dahil very technical, so gusto natin na mas kapaki-pakinabang sa community ang mga ito, so we are there in the communities para iabot ang mga datos na sa tingin nila ay mas malapit sa pangangailangan nila tulad ng IP royalties, SDMP, even yung mga status ng mining applications and MTSA na meron sa mga lugar nila. Kasama na rin po kung paano nila i-access ang mga data sa EITI portal at paano nila iyon magagamit for decision making. Kanina nabanggit po yung CRDP and monitoring so ngayon po ay may Project DATA si Bantay Kita which is yung gusto niyang gawin ay palalimin ang pag-access natin sa data at paano siya magagamit ng komunidad so we had round table discussions with NCIP-CAR na i-review ang IP royalty and monitoring tool. PH-EITI was there po and invited ang mga mining affected communities natin and also the LGUs para tignan natin yung tool kung paano ba siya magagamit, kasi it's really good to monitor royalties natin but there's a lot of things to do pa kaya inu-umpisahan natin ang mga discussion na yon. Pangalawa, we also conduct community trainings on FTIC together syempre ng resource person natin from NCIP. So mula sa umpisa, from FTIC to exploration, to operation hanggang sa rehabilitation, we are trying to explore with communities the relevance of government agency and LGU kung paano ba ang participation ng communities sa bawat yugto ng</p>

	<p>pagmimina. So, all the data na kailangan din bantayan ng community sa bawat yugto ay were trying to discuss with them. Syempre the data primarily ay galing sa EITI.</p> <p>Ms. Annie Baltar: Isa ako sa CSO representative sa Multi Stakeholder Group sa PH-EITI, so ano naman ang ginagampanan naming CSO representative doon sa PH-EITI National. As usual, kapag CSO ka, ikaw ay third party. We are engaging with the companies and government at bahagi po kami doon sa tinatawag na kolektibong pagdedesisyon doon sa usapin ng transparency and accountability sa extractive sector sa national level. Maganda pong platform ito na kung saan yung mga issues sa baba lalo na ng mga communities affected by extractive sectors ay magbibigay po ng mga feedbacks kung ano ang nangyayari sa baba para ipaabot doon sa national level upang mapag-usapan. Marami po kaming ginagawa doon at ang isang output ay every year magkakaroon ng country report, pinag-uusapan namin yan, pinagdedesisyunan namin ano ang content nito, ano ang itsura niya, kailan ilo-launch, paano magagamit ang mga data na nandoon. So basically, in short kami po yung third party doon sa MSG as CSO representative.</p>
<p>Concern # 1 PLGU NV - Ms. Rhoda Morena: There are two mining companies in Nueva Vizcaya. Our problem is the delayed remittance of our share on excise tax on minerals and it's been our problem. Yes, your data is very useful to us and we have been using that in reconciliation of the collection that we received from these mining companies. There is always a disparity in our data, that is because of the delayed remittance of the national</p>	<p>DBM RO1- Mr. John Alster Alviarne: Lahat naman po siguro tayo ay familiar na sa lumabas na ruling ng supreme court. Prior to that supreme court ruling, the Mandanas-Garcia ruling, limitado lang ang basis ng shares ng LGU but because of the Mandanas-Garcia ruling nadagdagan ang shares nila at kasama na din ang kita sa mining. With that, ang shares ng LGU manggagaling iyon primarily from collections kay BIR. Once na may data na ng collection from BIR and BOC mag-i-issue sila ng certificate pati ng kinukuha ng DBM for the national tax allocation pero ang gumagawa kasi noon ay ang national office po and since kami ay regional office lang, ang hawak lang po</p>

<p>government of our share from excise tax of minerals. We have been requesting and up to now, hindi pa nabibigay ang aming request. We are requesting po from the companies or EITI if possible po, that can we have a furnished copy of the payment made through BIR as our basis of target setting on this particular tax. Already reported na po ng 2 companies ang payment made to BIR in the case of excise tax on minerals, pero ang share ng LGU napaka-delay po. Actually, the latest po na na-receive from Oceana Gold is around 2018-2019. We are not even sure, kasi wala kaming data to compare our notes, hindi rin kami nafu-furnishan how they came up with the computation. Sana mabigyan din kami ng statement ng all payments made and also the basis on the computation for our records, for us to validate kung ano ang remitted amount to Nueva Vizcaya. This is very important din po kasi ang target setting po natin as per national tax allotment, nakalagay kasi doon na we have to coordinate with the concerned agency pertaining to how much were collected in the past. Para yung basis natin for the NATA for this particular tax sana. Wala kaming idea kung magkano ba yung ating ita-target or projective income for 2022 doon sa additional special share LGU as provided ng DBM circular.</p>	<p>namin ay ang pag-o-authorize and pag-e-execute ng budget kung meron na but the allocation ay ang central office po ang gumagawa. But all collections are accounted for naman po at sinu-sure naman po ni DBM central po natama ang binibigay na share po ng bawat LGU.</p> <p>PLGU NV - Ms. Rhoda Morena: About sa bagong ruling ng supreme court on Mandanas-Garcia petitions, it's in 2.2 – 2.4 ng LBM about special share natin from the proceeds of national taxes and isa doon ang excise tax on minerals. So, we wrote already sa BIR and it's been 2 months but until now we haven't received a reply kung saan ba napunta yung covered ng Mandanas in the past 3 years, 2019 collections na makukuha natin in 2022 in addition to national tax allotment as prescribed on 2.2 2.4 of LBM circular no. 82. Ayon ang worry ko kasi we have to present to Sangguniang Panlalawigan ang basis ko in income projection. Sana may appeal before the PH-EITI if we can compel the mining companies to also give us a statement of all payments made to the national government.</p> <p>Ms. Mary Jane Baldago: Ma'am Rhoda siguro po pwede po kayong magpadala ng letter sa BIR through EITI, just write your predicament. At gusto rin po naming i-share sa inyo ang tungkol sa pag-track ng share from the national wealth. Noong July 21 ni-launch ng DBM ang kanilang bagong portal kung saan madali nang makita ng mga LGUs ang inyong share sa national wealth at ito'y ishe-share ulit ng DBM during our Extractives Transparency Week on November.</p>
<p>Concern # 2</p>	<p>Dinapigue Mining Corporation: Sagutin ko lamang po ang sinabi ni Ma'am kanina</p>

<p>Maria Theresa Araneta Flores (Provincial Treasurer of Isabela): - Hindi pa nagagamit ang mga data dahil no available data pa mula sa mga mining company dito sa Isabela katulad na lamang ng Dinapigue Mining Corporation. Makikita po sa data na na-receive naming sa handouts na ibinigay ninyo, talagang zero (0) pa po ang naka-reflect doon. We also have tax concerns with them. We will be happy if we hear from them too.</p>	<p>regarding po sa data. Napansin din po namin based sa readings na ibinigay po ni PH-EITI. So, mayroon naman po kaming mga projects na na-implement start nga po ng 2015 nung nakuha na ni Nickel Asia ang Geogen from dating company, so ngayon po Dinapigue Mining Corporation na po kami, subsidiary po kami ng Nickel Asia Corporation. Aside po sa mga CSRs na nabanggit po ni Ma'am kanina, meron din po kaming mga SDMP and PPAs na na-implement na simula po ng 2015 until 2021. Siguro Ma'am ihabol po namin yung data ng 2020 kasi meron po kaming annual accomplishment report po na sina-submit naman po kay MGB every first 15 calendar days po ng taon. Ibigay nalang po namin ang data pero sa ngayon po hawak ko po ang aming annual accomplishment report nung 2020. For COVID expenditures meron po kaming na-implement na project po sa apat po nating barangay. Email nalang po siguro namin Ma'am yung data kung sakali para maihabol po.</p> <p>Ms. Maria Theresa Araneta Flores:Kailangan din po namin malaman kung mae-email ni Ma'am from Dinapigue Mining sa PH-EITI. We would be glad if we would also be furnished with a copy of those documents.</p> <p>Dinapigue Mining Corporation: Yes Ma'am. Tanong ko na lang din po sa PH-EITI kung in contact po kayo sa aming head office, kay Ms. Belle Peralta? Siya po kasi ang nag consolidate po ng aming mga data.</p>
<p>Concern # 3 Mr. Edgardo (Under Bantay Kita): Ang problema po kasi talaga namin dito ay yung operation ay nakakasira ngunit ang mining multipartite monitoring team ay walang nakikitang perwisyo, ganon din po sa mga na-lift na naibahagi ni Sir Lauro Garcia, sa dami po ng</p>	<p>MGB R3 Mr. Lauro Garcia Jr.: Actually, yung audit po coming from the DENR Central Office validated po ang compliance ng mga mining companies and the conditional suspension ay validated po by DENR Region 3, EMB Region 3, and MGB Region 3. Hindi lang po si MGB ang nag-validate niyan ng compliance. Then, inakyat po ang report sa central office and the DENR central office po recommended po for the lifting ng mga suspension order po ng apat na mining</p>

conditions na inilatag ng MGB paano na-lift ang suspension, hindi pa po fully complied 100%. Ang ang katanungan ko po kasi na tayo po ay mag-a-apply ng permit, pag hindi mo pa 100% ang conditions hindi ka pa makakapag-operate or makakapag-start man lang. Pero ito ay na-close na ni Secretary Lopez. Prior, bakit isinara? May reasons po for closure, hindi naman po siguro na-busy or walang basis ang government para i-close or i-suspend. Pero pagkatapos nga pong i-suspend ay nabalik ulit or na-lift. Ang ipinagtataka po namin ay wala kaming kaalam-alam sa basis ng mga reasons why na-lift yung mga conditions na ang dami pa pong di naco-comply. Hindi ipinapakita sa amin na ang mga conditions kung na-comply na at kung pwede na. Ang MGB at mining companies na lang ang nag-uusap para ma-lift na ang suspension.

companies. Nasunod naman po nila ang mga nakalagay sa conditions don sa lifting and also po nakapag-conduct ng mga study tungkol sa siltation noong 2015. Lumalabas po sa study na hindi lang ang mining operation kung hindi pati narin dahil na rin sa natural phenomena kaya nagkakaroon ng siltations sa mga river system. Inutusan din po i-enhance ng mga mining companies ang kanilang mga environmental motivating measure na up to now, they are continuously enhancing their environmental structure po of protection of segregation. Ayon po galing po ang order sa taas.

Mr. Edgardo (Under Bantay Kita): Hindi po nila nagawa ang desilting ng farm launch, desilting ng Alitao river, at ang one mine hole road pero nag-operate naulit sila. Pinakamahalaga po iyong Alitao river dahil umaapaw ito kapag umuulan, nababaha ang mga kabahayan at mga palayan. At maraming palayan po dito sa may San Fernando at Panalbao river ay hindi pa rin po na de-desilt pero may order na ide-desilt po ang mga iyon. May order din po na magkaroon sila ng one mine hole road para hindi po ma-traffic dito dahil dumadaan po sila sa kabahayan at malalaking truck po ito. Hindi po na-comply ang tatlong iyon. Now, yung proseso po nila sa taas hindi po kami affected doon. Affected lang po kami pag may baha. Pero yung pang araw-araw na buhay namin ay hindi naman nila pinapakielaman. Ayon po ang gusto kong ma-raise kay Sir Lauro.

MGB R3 Mr. Lauro Garcia Jr.: Ang mga nasabing farms and fish ponds po na affected, actually na-validate na po yan ng 2015 kung saan nagkaroon po ng mga financial assistance po sa mga farmers at may-ari ng fish ponds dahil with regard sa damages po. Binigay po ito ng 2016. Then pagkatapos po non, yung tungkol po sa one mine hole road, nagbigay po ng clearance certificate ang ating mga LGUs to use municipal, barangay road, and also national road po coming from provincial government po.

	<p>And up to now po nilalakad naman po nila to the LGU para po maisakatuparan po ang one mine hole road kasi nga po magkakaiba na po silang mga port destination. Hindi na po sila katulad dati na iisang destination lang po.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p style="text-align: center;">OPEN FORUM ON SOUTHERN TAGALOG CLUSTER</p>	
<p style="text-align: center;">QUESTIONS</p>	<p style="text-align: center;">RESPONSES</p>
<p>Question # 1: There was an issue earlier, why there are companies with no data or zero (0) on social and environmental expenses. Is it due to non-availability of data or information of the mining and government or zero (0) expenditure for EPEP or SDMP?</p>	<p>Mr. Eastword D. Manlises: May ibang mga companies ang hindi nag-participate for last year. By hindi nag-participate, ibig sabihin hindi sila nakapagpadala ng kanilang data due to various reasons. Again, ang production ng 7th report happened at the height of the ongoing COVID-19 pandemic at katulad ng nararanasan natin sa gobyerno, nararanasan ng mga pribadong sektor, nagkaroon din ng difficulty ang mga mining industry sa pagpapadala ng mga report kasi marami naman talaga sa atin ay paper-based parin ang paggawa ng mga reports so kailangan pumunta sa opisina, kaso may alternative work arrangement o hindi makapunta sa opisina dahil walang sasakyan kaya di nakapagpadala ng report. Yung iba po ay humabol magpadala pero hindi na siya umabot sa ating tinatawag na reconciliation process. Kapag ganyan po hindi po natin nire-report, dahil ang ipinapakita po namin sa inyong data sa roadshow ay ang reconciled data na. So kapag hindi namin siya na-reconcile, either ire-report po namin sa inyo nang unilateral na reporting or hindi talaga po namin ire-reflect na kasi hindi siya dumaan sa reconciliation process. So maaari pong hindi nakapag-participate or humabol namang mag-participate pero hindi na namin sinama kasi hindi po reconciled ang data. The others po na hindi po talaga nakapag-report ay binigyan ng warning ng MGB na if they will not participate, i-enforce sa kanila yung sanctions na naka-stipulate po sa DAO 2017-07.</p>

Question # 2: Based from the report ang tax na natatanggap ng kaban ng bayan ay mas maliit kumpara sa tax na nakukuha mula sa agrikultura. kung ang porsyento ng tax ay base sa kita, nagpapakita nga ba ito na mas maliit ang kita ng mga mining company kumpara sa mga magsasaka.

(from Elizabeth Ibane)

Mr. Eastword D. Manlises: We acknowledge yung observation ni Ms. Elizabeth Ibane. Pero siguro po ang kailangan nating tignan dito ay ang buong industriya hindi lang yung individual people. For example po dito yung ni-report namin sa PH-EITI and even yun pong mga lumalabas na datos mula po sa Philippine Statistic Authority, yung tinatawag po nating Mining and Quarrying Industry, ang nire-report po namin at ng PSA ay yung tinatawag nating upstream na industry. When we say upstream, kung hindi po familiar ang iba, ito po yung mula po talaga sa sourcing, kumbaga sa ilog nasa bukal palang so hindi pa siya dumaan sa any processing or manufacturing, hindi pa siya dumaan sa tinatawag nating downstream. So iyon po ang nire-report natin doon, hindi po kasama dito yung nagkaroon ng manufacturing of the minerals. Halimbawa sa oil and gas yung distribution through gas station, hindi pa po kasama yon dito. Whereas sa agriculture po kasama po dito ang agriculture business, so maliban po sa contribution ng mga magsasaka, nandiyan din po ang mga nag-aalaga ng mga hayop. As entire section po sila nire-report. Actually, ang pinakamalaking industriya sa Pilipinas ay manufacturing and agriculture so hindi po yung mining industry. Meron lang po tayong at least 50 sa metallic at 50 sa non-metallic, so higit na mas marami o malaki pa rin ang agriculture industry. Kaya mas malaki pa rin po ang agriculture industry kaysa sa mining industry natin kaya mas malaki pa rin po ang kanilang contribution in terms of taxes paid to the government.

Atty. Ron Recidoro (Chamber of Mines): Dagdagan ko lang po ang sinabi ni East kasi it's not right, hindi tayo pwedeng mag "apple to apple" comparison given that we're dealing with right now. Kailangan niyan ng mas malalim na pagsusuri ng data. We don't have data on agriculture now and katulad nga ng sinabi ni East lalong napakaliit naman ng mining industry kumpara sa agriculture. There are only 43 operating large chemical metallic mines compared to agriculture industry. Pangalawa, siguro dapat ibahin din natin ang ating pananaw, hindi dapat tingnan kung maliit o malaki ang kontribusyon ng isang sektor sa taxation, dapat tignan natin bilang isang bansa ay ano ba ang mga resources natin available within the country that we can use para

	<p>magamit for economic development. Porke maliit ba ang nababayad na buwis ng isang sector ay i-ignore na natin ito. Kasi kung ganon ang ating pananaw ay maraming sektor na dapat ang di nag-o-operate, but, like I said we need all pistons firing for the economy to improve. And clearly, malaki ang mineral wealth ng Pilipinas, it would be irresponsible of us to ignore mining as a driver of the economy. Ang kailangan lang mangyari ay we make sure that mining is done responsibly and secondly it contributes to the economy in terms of taxes, fees, and royalties. I recognized yung puna na baka nga maliit ang contribution ng mining in terms of taxation pero ang necessary question there is ano ang tamang taxation, gaanong kalaki ba dapat ang i-buwis sa mining, malaking debate yan kasi ang nakikita ng karamihan ay yung kita. Nag-report si mining company ng bilyon ang kinita and etc. pero ang di nakikita ng karamihan ay bilyon din ang ginagastos ng mining company to operate. Malaki ang kinakailangang pera para makapag-operate ng isang maayos at responsableng mina. Kaya maliit ang profit margins ng mga mining companies. We have to understand that if we want a mining company to be responsible, we also have to accept na they will incur a lot of cost that shrinks their profit margin. So, the challenge for us is to arrive at an equitable tax regime that gives the government a fair share in mining revenues and at the same time allowing mining companies a fair return on their investment.</p>
<p>Question # 3: Paano mata-tract kung paano ginamit ng LGU ang share niya from national government?</p>	<p>Mr. Eastword D. Manlises: Hindi po ito bagong issue, ilang taon na rin po itong natatanong sa ating sub-national engagements yung pag-monitor kung saan nagamit. Kaya naman natin i-monitor yung pag remit don sa LGU pero yung utilization po talaga hindi pa po natin siya ma-monitor properly because kung ano man ang matatanggap ng LGU it's part of the general fund so parang lahat ng industriya, lahat ng sektor na may bayad para sa LGU collection ay halo-halo na mapupunta lahat doon sa pondo ng LGU. Hindi tayo nagde-designate na ang pondo na ito ay gagamitin lang on this particular purpose, although may mga provision sa batas na nagsasabi na ang dapat ang isang particular fund ay gamitin sa electrification but I think</p>

	<p>totoo yon for oil and gas but I think for mining sector hindi similar kasi mapupunta siya sa general fund and hindi naililista yon ng local treasurer ng LGU na itong fund na ito ay sa ganito ginamit kasi isang buong fund na siya kaya di natin siya ma- monitor. Siguro ang kaya lang pong i-monitor ng LGU ay yung binayad or saan napuntang proyekto ang pondo ng pamahalaan. Siguro ang magiging mindset na lang natin as of now hangga't wala pa tayong ganong mekanismo ay naka-contribute diyan ang lahat ng industriya o lahat ng sektor including yung mining industry. Sa ngayon ganon po muna natin siya dapat tignan. Pero sa Joint Memorandum Circular ng DBM, may ganong panukalang gumawa ng special account para sa wealth shares from minerals excise tax although ang JMC na po na iyon ay hindi pa rin po nai-issue until now. Wala pa po tayong maayos na mekanismo or monitoring sa utilization.</p> <p>BLGF- Ms. Mary ann Rada: I agree po sa sinabi ni Sir East na ang fund ng LGU na galing sa mining companies ay napupunta sa annual budget o general fund nila. Hindi talaga natin mata-tag, specifically kung saan fund kinuha ang certain project pero meron sa system natin sa ENR data management tool na we collect data on the collections and utilizations of LGU doon sa shares nila from national wealth and doon sa local collection nila. So, we do have data on what specific project is that, how much spent or total amount used and then may remarks na lang doon kung saang specific fund sa annual budget nila. So specifically, hindi galing sa collection ng certain company so ganon lang po ka-limited yung data that we have on the utilization of collections from national wealth. Nasa website din po siya namin pero limited lang po siya per LGU data and how much is the total expenditures for PS MOOE Capital Outlay, so that's the only data that we have.</p>
<p>Question # 4: Nakakapag-participate na po ba ang NCIP sa pag-monitor ng royalties na natatanggap ng IPs?</p>	<p>Mr. Eastword D. Manlises: Siguro ang tamang tanong po doon ay kung nagagawa na po ba ng NCIP ang kanilang mandate to monitor, kumbaga hindi lang participation because NCIP should be the one doing that activity or performing that function. And we are pleased to share with you that NCIP despite sa</p>

challenges on manpower and also funding ay ginagawa naman po ang lahat para matugunan itong kanilang mandato. In fact, itong mga nakalipas na buwan ay patuloy po ang engagement natin with NCIP, we have a meeting with them about this matter and also i-explore pa ang possibility na ang mga kopya ng mga Memorandum of Agreement ay ma-publicly disclose or maisa-publiko. At ang pinakahuli po nating activity with the NCIP ay kasama po ang mga representatives mula sa mga regional offices and we oriented them po how to use the online reporting in the extractive tool, doon po magsa-submit ang mga kompanya at iba pang ahensya ng gobyerno ng kanilang mga datos pagdating sa oil and gas. So we also trained the NCIP representatives across the country how to use that. Hopefully para po magsimula silang mag-report doon directly. Kumbaga matulungan natin sila na magampanan ang kanilang tungkulin.

BK - Ms. Rose Paragas: Regarding the monitoring of royalties, it's true po na kailangan pa ring paigtingin yung mechanisms natin doon sa IP royalties and even the MOA. As of now, were working on Project DATA in Luzon (Benguet and Abra), so we are starting discussions with NCIP regional offices and the province doon sa pag-review ng IP royalty monitoring tool and MOA which NC East has mentioned earlier, we did this po sa Cordillera and we are in the process of reviewing with them kung ano ba ang mga kailangan pang idagdag doon sa existing na tool natin. At ang position paper ay inaanatay pa rin po natin with them, so they also recognized the need talaga na magkaroon ng isang mechanism para matukoy natin. There are a lot of challenges but I think they are also working on it talaga kaya that's our role din as CSOs that we can facilitate these kinds of discussion. Hopefully by next year tayo ay magkaroon na ng mas maayos na tool kasi itong tool natin ay noong 2015 pa kaya kailangan na nating i-update kung paano siya gagamitin, kung sino ang involved na NCIP personnel, ano ang involvement ng CSOs, ng community representatives and also yung mga questions kung hanggang saan ang coverage ng tool. Ang matingkad po na lumabas sa round table discussion ay paano yung before operations pa pero kailangan din tanungin or

	incorporate sa tool ang mga negotiations kasi doon na mismo sa process na iyon pinag-uusapan yung MOA at kung ilan ang royalties na naide-demand ng mga IP communities and even the stage of life cycle of the mines kailangan maisama doon sa tool. And we are working with NCIP and provincial government of Benguet.
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

VII. Workshop

The PH-EITI Secretariat prepared 2-part workshops for participants of each cluster. The first part focused mainly on building capacities for data utilization, while the second part concentrated on strengthening EITI implementation.

Synthesis of Responses

SOUTHERN MINDANAO CLUSTER
PART I
<ul style="list-style-type: none"> ● Participants from Southern Mindanao and BARMM were not yet involved nor familiar with using the data given by the PH-EITI. ● The data was used to gain an understanding of the social impacts and contributions of extractive companies operating in their community. ● Farmers group of APEX mining stated that it is enough for them to know that there is a Social Management Development Program. <p>Recommendation/s:</p> <ul style="list-style-type: none"> ● The use of figures and graphs are favorable in showing reports to allow participants to understand the data easier.
PART II
<p>LGU & NGA Representatives</p> <ul style="list-style-type: none"> ● Data from the PH-EITI report was not used in developing projects. ● Community members were not involved in developing projects. <p>Recommendation/s:</p> <ul style="list-style-type: none"> ● The use of social media and information drive activities for the concerned community are necessary to increase participation in developing

community-based initiatives.

Community Organization: No responses

Community Relations Officer/Company Representatives:

- For companies, the data from the PH-EITI report was used as a reference in understanding the needs of the community in order to help those that were affected by COVID-19. It also helped the companies on their health, education, livelihood, public infrastructure, and socio-cultural programs.
- According to the companies, they work with community organizations, indigenous people, and especially MMT members in developing and planning local projects under the Social Development and Management Program.

Recommendation/s:

- The use of assessment tools to determine the training needs of community members or organization to increase their participation in developing community-based initiatives.
- For ComRels, leadership skills and other capability trainings are needed.

CARAGA CLUSTER

PART I

- Most of the data that are often used by stakeholders from the PH-EITI report are the contributions of the extractives industry to the government, examples of which are the data of LGU taxes, royalty data, BIR, BOC, as well as the Social Development and Management Program.
- Stakeholders are able to use the data in community meetings and discussions to increase the knowledge of each member and to assess how contributions are being utilized in nation building. Also, posting it on their website or social media account to show the contributions of mining.

Recommendation/s:

- Create an app or make the data available on social media accounts like Facebook so that more people can access and understand.
- Reports with data sections help to make the data easier to find and understand.
- Provide monitoring reports of the mine operation in their area. (example: where the raw materials are being used, etc.)

PART II

LGU & NGA Representatives: No responses

Community Organizations:

- Community organizations have the opportunity to participate in the FGD and SDMP planning/development.

Recommendation/s:

- To increase knowledge regarding the use of data, enhancement seminars or trainings, and continuous participation are needed.

Community Relations Officer/Company Representative

- Using data from the PH-EITI report in developing and planning projects especially in the SDMP aspect. Also, for public transparency and environmental actions under SDMP.

Recommendation/s:

- Increase the level of participation of community members/ organizations in developing community-based initiatives through community information drive, community consultation, and other initiatives done by the company.
- It is recommended to have a budget for information drive activities.
- Intensify IEC programs that address issues/concerns and continuous partnership with the local agencies, POs, and NGOs.
- Provide trainings and seminars to community members to increase their participation in developing community-based initiatives.

VISAYAS CLUSTER

PART I

- Most of the participants of the North Luzon cluster usually use data about previous reports, BIR, SDMP and environmental implementation of metallic mines.
- PH-EITI report is useful to LGUs and barangays especially when there are meetings and discussions.

Recommendation/s:

- Use of data visualization to allow finding necessary data easier.
- Use of pop media and infographics in local dialects can help to better understand the data.
- Emphasize environmental and SDMP expenditures taxes remitted.

PART II

LGU Representatives: No response

Community Organization:

- There is an opportunity for community organizations to participate in planning and developing projects in their area through Local Development Council, Provincial Development Council, and BUB.

Recommendation/s:

- Consider capacity development.
- Present data that are more applicable on local economic development.
- Focus on providing knowledge related to the process on the national wealth.
- Conduct multilateral forums and FGDs can be a way for community organizations to communicate their ideas and perspectives on the data in the PH-EITI report.

Community Relations Officer/Company Representatives:

- Data from the PH-EITI report have been significant for projects that provide assistance in schools and communities especially during pandemic.
- Community relations and company representatives include community members/organizations in meetings with barangay leaders in developing projects.

Recommendation/s:

- Conduct tutorial or training for stakeholders on accessing the tools online.
- Simplify analysis and interpretation of data.

NORTH AND CENTRAL LUZON CLUSTER

PART I

- Data regarding the share from national wealth and the revenues derived from mining taxes are the most commonly used data from the PH-EITI report.
- Stakeholders are also paying attention to SDMP accomplishment reports,

EPEP accomplishment report, SHS accomplishment report.

- The data have been useful in the enhancement of the irrigation system and irrigation canals of Candelaria Farmer's Association of Municipality of Candelaria, Zambales.
- The data are used as the basis for estimating revenue which helps in the preparation and planning of the agency's budget.

Recommendation/s

- Charts and percentages can be useful in presenting data for grasping the information easily.
- Include data about COVID-19 related PPAs that can be placed under the SDMP of the barangays.
- Transparency in operating expenses and annual accomplishment report of the mining companies can also be included in the report.

PART II

LGU Representatives:

- Some said that they have not been able to use the data because mining companies in their area have not yet provided the data while others said that they are using this data for community projects such as education and other livelihood programs for the affected barangays.
- They are conducting PFIC meetings and continuous consultation with community members/organizations to gather opinions and suggestions.
- Community members/ organizations are included in meetings to provide them with information about suitable projects that can help their community.

Recommendation/s:

- Regularly provide data to community members/organizations for them to gain ideas regarding the benefits that they can get and where they can use the SDMP in the development of their community.
- Involve community members in the process and implementation of community-based initiatives through meetings.
- Continuing IEC/advocacy activities, capacity building of IPNE's IP leaders, and NCIP staff for the preparation of CRDP.

Community Organization:

- Community members participate in community consultation.

Community Relations Officer/Company Representatives:

- There are implemented projects for the affected communities just like CRSs, PPAs, and SDMP.

SOUTHERN TAGALOG CLUSTER

PART I

- The data are useful in monitoring and planning projects.
- These data are also used in regular reporting to regional government agencies and for production reports.

Recommendation/s:

- Table of contents helps the stakeholders to find the data easier.

PART II

LGU and NGA Representatives:

- The data from the PH-EITI report are used in various development projects and programs for the benefit of each sector.
- LGU and NGA representatives include community members/organizations in planning SDMP and municipal development programs.

Recommendation/s:

- Conduct online learning for the community members/organization for them to understand the benefits that their community can get from the extractive companies.
- Identify projects that each LGU wants to implement to avoid duplication of projects.

Community Organization: No responses

Community Relations Officer/Company Representatives:

- The data are useful in monitoring and planning projects.
- Company relations/company representatives include community members/organizations in environmental, safety, and SDMP implementation.

Recommendation/s:

- Organize more FGDs regarding environment safety and SDMP.
- Stronger IECs to encourage the community to participate.
- Involve all sectors to achieve better results. (community to provincial level)

VI. Closing Remarks

To officially end each session of the OnLearn 2021, members of the PH-EITI Multistakeholder Group (MSG) delivered closing remarks to the different clusters. The speakers recapped the discussions and activities that were conducted throughout the program.

These are the representatives for each cluster:

Day No.	Leg/Cluster	Name of Speaker
1	Southern Mindanao and BARMM	Mr. Gus Blanco
2	Caraga	Mr. Chito Trillanes
3	Visayas	Prof. Ladylyn Mangada
4	North and Central Luzon	Ms. Annie Baltar
5	Southern Tagalog	Dr. Nelson Cuaresma

Feedback: Takeaways from the OnLearn 2021 sessions

Common Issues and Concerns

LGU Share from National Wealth
<ul style="list-style-type: none">● How to ensure that the LGU receives the share from the national wealth?● How to monitor the utilization of LGU shares from national wealth?● There is no data or delay in uploading data regarding the excise tax or remittance of LGU shares to the provinces, municipalities, and barangays.
Royalty Management
<ul style="list-style-type: none">● How do you compute the royalty fund for the IP community?● Are IPs subject to withholding tax?● Has NCIP been able to participate in monitoring the royalties received by IPs?
Accountability and Commitment of Constituency
<ul style="list-style-type: none">● Action of MGB, if companies fail to comply with SDMP and environmental commitments● Are SDMP and EPEP subject to withholding tax?● No data from Dinapigue Mining

- What are the consequences if LGUs do not follow guidelines in the utilization of their shares in the National Wealth?
- Why did the companies that were ordered to stop operations in Zambales reoperate and what is the status of these companies?
- Can CSOs participate to be able to understand and monitor what is happening to the LGU share from national wealth?
- Community members in Zambales were not consulted before lifting the suspension of mining companies.
- Training for CSOs, PO, IPOs to make the data easier to find and understand
- Role of CSO in national resource governance

Report Coverage

- Why is BARMM not included in the report?
- Why are there companies with no data or zero (0) on social and environmental expenses? Is it due to non-availability of data or information of the mining and government or zero (0) expenditure for EPEP or SDMP?

Cost and Benefit of extractive

- The tax received by the country from the extractives is smaller compared to the tax received from agriculture. If the tax percentage is based on income, does it show that the income of mining companies is less compared to the farmers?

Highlights of Workshop #1

Utilization of Data

- Significant number of participants are not familiar with PH-EITI data
- For local economic development planning and monitoring
- Understanding of the social impacts and contributions of extractive companies operating in their community
- Project development for SDMP, COVID-19 response
- Useful to LGUs and barangays especially when there are meetings and discussions
- Contributions of the extractives industry to the government, examples of which are the data of LGU taxes, royalty data, BIR, BOC, as well as the Social Development and Management Program.
- North Luzon cluster usually use data about previous reports, BIR, SDMP and environmental implementation of metallic mines
- Data have been useful in the enhancement of irrigation system and irrigation canals of Candelaria Farmer's Association of Municipality of Candelaria, Zambales

- Used in regular reporting to regional government agencies and for production reports

Accessibility

- Create an app or make the data available on social media accounts like Facebook so that more people can access and understand
- Reports with data sections help make the data easier to find and understand.
- Provide monitoring reports of the mine operation in their area. (example: where the raw materials are being used, etc.)
- Data should be available on social media

Comprehensibility

- To increase knowledge regarding the use of data, enhancement seminars or trainings and continuous participation are needed
- Data visualization to find necessary data easier. Charts and percentages can be useful in presenting data for easier grasping of information.
- Use of pop media and infographics in local dialects can help to better understand the data
- Simplify analysis and interpretation of data

Highlights of Workshop #2

Involvement of Community Organizations in Data Management

- Companies work with community organizations, indigenous people, and especially MMT members in developing and planning local projects under the Social Development and Management Program.
- Mining companies in their area have not yet provided data.
- Focus on providing knowledge related to the process on the national wealth

Increasing Capacity of the Community Organizations

- Use of assessment tools to determine the training needs of community members or organizations to increase their participation in developing community-based initiatives.
- Provide trainings, fora, FGDs and seminars to community members to increase their participation in developing community-based initiatives.

- Increase information drive, community consultations and other initiatives of company
- Increase budget for IEC
- For ComRels, leadership skills and other capability trainings are needed.
- Conduct trainings on how to access online data.
- Identify projects that each LGU wants to implement to avoid duplication of projects.