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66TH MULTI-STAKEHOLDER GROUP MEETING
11 February 2021 | 9:00 AM – 12:00 PM | Google Meet

Minutes of the Meeting

Attendance

Government

Asec. Ma. Teresa S. Habitan	Department of Finance (DOF)
Ms. Febe J. Lim	DOF
Dir. Anna Liza Bonagua	Department of the Interior and Local Government (DILG)
Engr. Romualdo D. Aguilos	Mines and Geosciences Bureau (MGB)
Dir. Araceli S. Soluta	Department of Energy (DOE)
Ms. Maricor Ann D.G. Cauton	Union of Local Authorities of the Philippines (ULAP)

Industry

Atty. Ronald Rex S. Recidoro	Chamber of Mines of the Philippines
Atty. Joan D. Adaci-Cattiling	OceanaGold Philippines, Inc.
Atty. Francis Joseph G. Ballesteros, Jr.	Philex Mining Corporation
Atty. Odette A. Javier	Lepanto Consolidated Mining Company

Civil Society

Mr. Vincent T. Lazatin	Bantay Kita
Dr. Buenaventura M. Maata, Jr.	Philippine Grassroots Engagement in Rural Development Foundation, Inc.
Dr. Nelson C. Cuaresma Jr.	Concerned Advocates Saving Terrestrial and Marine Ecosystems, Inc.
Dr. Glenn Pajares	Social Transparency Alliance on Natural Resource Governance in Cebu
Ms. Aniceta Baltar	Concerned Citizens of Abra for Good Governance
Mr. Chito Trillanes	Social Action Center - Ecology Desk, Diocese of Tandag, Surigao del Sur
Prof. Ladylyn L. Mangada	University of the Philippines Visayas - Tacloban
Ms. Angelica Dacanay	Bantay Kita Secretariat

Guests

Mr. Demujin Antiporda	DOE
Mr. Shan Barros	DOE
Atty. William Claver	DOE
Ms. Eunika Cabel	DOE
Ms. Maria Angela Mamuyac	DILG

PH-EITI Secretariat

Mr. Eastword Manlises	55 Ms. Roselyn Salagan
Ms. Mary Ann Dizon-Rodolfo	56 Ms. Dennise Domingo
Ms. Mary Jane Baldago	57 Ms. Rhea Bagacay
Ms. Anna Leigh Anillo	58 Ms. Rhoda Aranco
Ms. Eah Antonio	59 Mr. Jaime Miguel
Ms. Zoe Jimenez	60 Mr. Ricardo Evora

62 **Agenda**

- 63 1. Call to order
64 2. Approval of the agenda of the 66th meeting
65 3. Approval of the minutes of the 65th meeting
66 4. Matters arising from previous meetings
67 5. Main Business
68 a. Revalidation
69 i. Validation Templates
70 ii. Annual Progress Report
71 b. Update on 7th Report Production
72 i. Non-participating Companies
73 c. Contract Transparency
74 i. Annexes
75 ii. Exploration Contracts
76 d. Beneficial Ownership Transparency
77 i. Public Registry
78 ii. Mandatory Compliance
79 6. Other Matters
80 a. Assessment report on stakeholder engagement activities
81 b. Report on gender mainstreaming and inclusion plans
82
83

84 **1. Call to order**

85
86 DOF Assistant Secretary Ma. Teresa Habitan chaired the 66th meeting. There being a quorum,
87 the meeting was called to order at 9:05 AM.
88

89 **2. Approval of the agenda of the 66th meeting**

90
91 The Chair sought for a motion for the approval of the agenda. An industry representative
92 moved for the approval of the agenda. The motion was seconded and the agenda was
93 approved.
94

95 **3. Approval of the minutes of the 65th meeting**

96
97 The MSG was given until February 19 to send comments and feedback on the minutes of the
98 65th Meeting. If no comment is received by the deadline, the minutes will be deemed approved.
99

100 **4. Matters arising from previous meetings**

101
102 The secretariat presented the following updates on matters arising from the previous MSG
103 meeting:
104

- 105 • *Work Plan for 2021.* As instructed by the MSG during the previous meeting, success
106 indicators and time frame were added to the final copy of the PH-EITI Work Plan for
107 2021.
108
- 109 • *Assessment of PH-EITI's BO disclosure exercise.* A report on the BO disclosure
110 exercise for the 6th Report will be delivered later in the meeting.
111
- 112 • *Assessment of stakeholder engagement activities in 2020.* A report on stakeholder
113 engagement activities in 2020 will be delivered later in the meeting.

114 Before moving on to agenda items under Main Business, the secretariat informed the Chair
115 and the MSG of the presence of guest attendees from the Department of Energy—Mr. Demujin

116 Antiporda, Mr. Sean Barros, Atty. William Claver, and Ms. Eunika Cabel. The technical
117 representatives attended the meeting to serve as resource persons for the discussion of
118 Contract Transparency requirements.

119

120 5. Main Business

121

122 a. Revalidation

123

124 i. Validation Templates

125

126 The secretariat gave an overview of the scheduled pre-Validation activities.

127

128 MSG members attended the February 8 pre-Validation meeting that was facilitated by the EITI
129 International Secretariat (IS). During the meeting, the IS discussed the following templates
130 that will be used to assess EITI implementation progress under the new Validation model.

131

- 132 • Transparency Template (Requirements 2 to 6)
- 133 • Stakeholder Engagement Template (Requirements 1.1 to 1.4)
- 134 • Outcomes and Impact Template (Requirements 1.5, and 7.1 to 7.4)

135

136 The secretariat related that the templates will be the primary data collection instrument for the
137 Revalidation process. The MSG has to accomplish and submit the templates to EITI
138 International by April 1st.

139

140 The secretariat reported that it has already prepared a rough draft of the templates. The MSG
141 will have to verify and approve the draft templates prior to the pre-Validation self-assessment
142 workshop scheduled on February 26th. The workshop will again be facilitated by the
143 International Secretariat.

144

145 Because the templates are comprehensive, particularly the Transparency Template, the
146 secretariat proposed that the MSG be grouped into three with each group working on one
147 template. Members of the secretariat will be distributed to each group to assist the MSG in
148 answering the templates. A focal person from the secretariat will also be assigned to each
149 group.

150

151 The proposed grouping is as follows:

152

- 153 • **Transparency Template** | Focal Person: Ms. Zoe Jimenez

154

155	MSG:	164	Secretariat:
156	Ms. Charmaine Odicta	165	Ms. Rhoda Aranco
157	Ms. Febe Lim	166	Ms. Rhea Bagacay
158	Dir. Araceli Soluta	167	
159	Engr. Romy Aguilos	168	Consultants:
160	Atty. Joann Adaci-Cattiling	169	Ms. Linnet Chan
161	Atty. Maria Eleonor Santiago	170	Atty. Karla Espinosa
162	Mr. Vincent Lazatin		
163	Dr. Buenaventura Maata		

171

172

173

174

175

176

177 • **Stakeholder Engagement Template** | Focal Person: Ms. Jane Baldago

178

179	MSG:	185	Secretariat:
180	Dir. Anna Bonagua	186	Ms. Anna Leigh Anillo
181	Atty. Francis Ballesteros	187	Ms. Dennise Domingo
182	Engr. Don Paulino	188	Ms. Lucielle Campanero
183	Dr. Glenn Pajares		
184	Ms. Annie Baltar		

189

190

191 • **Outcomes and Impact Template** | Focal Person: Ms. Eah Antonio

192

193	MSG:	200	Secretariat:
194	Atty. Ron Recidoro	201	Ms. Maryann Rodolfo
195	Atty. Odette Javier	202	Ms. Roselyn Salagan
196	Ms. Maricor Cauton	203	Mr. Eastword Manlises
197	Dr. Nelson Cuaresma		
198	Prof. Ladylyn Mangada		
199	Mr. Chito Trillanes		

204

205

206 The secretariat also proposed the following schedule of pre-Validation activities:

207

208 **Feb. 11-18** | Secretariat to fill out the templates; drafts are shared online via Google
209 Docs/Sheets

210

211 **Feb. 19-24** | MSG verifies/comments on the entries and provides inputs

212

213 **Feb. 25** | Secretariat to polish drafts in preparation for the self-assessment workshop

214

215 **Feb. 26** | MSG Pre-Validation Self-assessment Workshop

216

217

218 The IS has yet to send a program for the February 26 meeting but it is anticipated that the
219 meeting will be an opportunity for the MSG to run-through the templates as one group.

220

221 The secretariat presented a list of possible references in drafting responses to the Validation
222 templates. These include:

223

- 224 • The Sixth PH-EITI Report
- 225 • Previous PH-EITI Reports
- 226 • Annual Progress Reports
- 227 • Minutes of Meetings
- 228 • Publications
- 229 • Website/s
- 230 • Other Documentations

231

232

233 The secretariat sought the MSG's approval of the proposed pre-Validation pre-work plan.

234

235 An industry representative asked why there are more MSG members in the Transparency
236 group than the others.

237

238 The secretariat explained that the Transparency Template covers more EITI requirements as
239 components. As such, the template requires more people to work on it.

240

241 Another industry representative emphasized the need for good writers who can help bring out
242 the best of what PH-EITI has accomplished so far, and to ensure coherence of responses.

243

244 The Chair raised the idea of engaging the services of an editor.

245

246 The secretariat acknowledged the concern and assured the MSG that the focal person for
247 each group can write well, and while hiring an editor and writers is an option, there is no budget
248 for it.

249

250 MSG members expressed agreement to the proposed grouping via the Google Meet chat box.
251 The Chair asked for confirmation of the necessity for the MSG to run through the documents
252 before submission to EITI International.

253

254 The secretariat explained that the pre-Validation self-assessment workshop will be an
255 opportunity for the MSG to run through the documents and identify gaps in implementation.

256

257 An industry representative said that, in his understanding, the focal persons will be the
258 designated writers.

259

260 The secretariat confirmed the industry representative's statement before encouraging the
261 MSG to provide inputs to the template. The secretariat also reiterated that it welcomes having
262 an editor but there is no budget allotted for it.

263

264 A CSO representative also agreed to the grouping and expressed confidence in the capability
265 and writing skills of the members of the secretariat. The representative also volunteered to be
266 among the editors as a form of MSG ownership as encouraged by the IS.

267

268 The secretariat thanked the CSO representative for volunteering to edit the templates.

269

270 The secretariat recapped that the MSG has a consensus on the groupings and pre-Validation
271 activities.

272

273 The Chair confirmed the recapitulation before moving to the next item in the agenda.

274

275

276 ii. Annual Progress Reports

277

278 The secretariat recapped that the content of the Annual Progress Report (APR) for July 1,
279 2018 to December 31, 2019 was already presented to the MSG during MSG yearend
280 assessment and strategic planning in 2019. A draft layout is also already available.

281

282 Meanwhile, the APR for CY 2020 is underway and the secretariat assured the MSG that the
283 APRs will be ready ahead of the Validation schedule.

284

285

286 *b. Update on 7th Report production*

287

288 The updated the MSG about the list of companies that did not participate in the 7th Report. As
289 of February 11, participation is at 80% with a total of 65 projects of the total 81 projects
290 targeted.

291

- 292 • Of the 51 projects targeted in the metallic mining sector, 40 projects participated.

- 293 • Of the 25 projects targeted in the non-metallic mining sector, 23 participated.
- 294 • Of the 4 oil and gas targeted, 2 participated.
- 295 • The sole coal company targeted did not participate in the 7th Report.

296
297

298 Solid North Mineral Corporation declined to participate. Montalban Millex Aggregate
299 Corporation was unresponsive.

300

301 The two oil and gas projects that did not participate were China International Mining Petroleum
302 and The Philodrill Corporation.

303

304 Atty. William Claver of the DOE took note of the concern.

305

306 The Chair provided a background on efforts to engage Semirara Mining and Power
307 Corporation (SMPC), the sole coal company targeted to participate in the report. The Chair
308 said that ever since the government began implementing EITI in the Philippines, the PH-EITI
309 has been in constant communication with DOE with regard to the participation of SMPC but
310 that the company has remained nonparticipating up to this time. The Chair requested the DOE
311 to address the concern with SMPC in more concrete terms in order to persuade, if not compel,
312 the company to be an EITI reporting entity.

313

314 A government representative acknowledged the concern that the Chair raised regarding
315 SMPC.

316

317 The same government representative sought clarification on the number of oil and gas
318 companies participating in the 7th Report. The secretariat responded saying that there were 3
319 companies and 2 projects listed.

320

321 An industry representative emphasized that SMPC will be a major staking point in the
322 Revalidation of the Philippines. He reiterated a point raised in previous meetings to document
323 all efforts in having SMPC participate in EITI, including the more recent efforts. He also said
324 that a fresh effort should be made and documented to stress that PH-EITI is doing everything
325 to get SMPC to participate.

326

327 The secretariat acknowledged the comment and suggestion of the industry representative,
328 adding that it reached out to SMPC and also wrote a letter to request the DOE to provide PH-
329 EITI with a documentation of the agency had tried to persuade or compel SMPC to participate
330 in EITI reporting. The secretariat has also collated the letters with regard to SMPC and
331 confirmed that it is ready with the documentation.

332

333 The secretariat asked the MSG if it would invoke the enforcement of the DENR DAO 2017-07
334 against mining companies that did not participate in the 7th Report.

335

336 A government representative said that the MGB will write to the companies and find out why
337 they did not participate in the reporting cycle. The representative acknowledged that
338 companies may still have data to report even when projects are suspended or are under care
339 and maintenance.

340

341 The secretariat was directed to provide the MGB with a list of companies that did not
342 participate in the seventh reporting cycle.

343

344 The Chair said that it is incumbent upon PH-EITI to inform companies that the EITI principles
345 are beyond just revenue and production and that there are other issues that inform the PH-

346 EITI report. The Chair encouraged everyone to look into how to better communicate that
347 message to the companies.

348

349 The secretariat noted the Chair's instructions.

350

351

352 *c. Contract Transparency*

353

354 i. Annexes

355

356 The secretariat gave an overview of Requirement 2.4 on Contract Transparency. In
357 implementing Requirement 2.4, the MSG should:

358

- 359 • Disclose any new or amended contracts;
- 360 • Agree on which documents are considered annexes;
- 361 • Agree on the materiality of exploration contracts; and
- 362 • Address legal barriers (e.g., confidentiality clauses) in disclosing contracts.

363

364 In addition, the secretariat suggested optimizing contract disclosures by performing contract
365 analyses.

366

367 The secretariat reported that of the 155 contracts in the PH-EITI Contracts Pportal, 26 has
368 annexes. A non-exhaustive list of documents that are identified in the Contracts Portal as
369 annexes include:

370

- | | | | |
|-----|------------------------------|-----|-----------------------------|
| 371 | • Technical descriptions | 376 | • Site maps |
| 372 | • Coordinates | 377 | • Water quality sampling |
| 373 | • Exploration work program | 378 | • Environmental effects and |
| 374 | • Environmental work program | 379 | mitigating measures |
| 375 | • Geological mappings | 380 | • Curriculum vitae |

381

382

383 The secretariat asked the MSG whether it will require the disclosure of annexes, and if yes,
384 which documents will be considered material annexes.

385

386 A CSO representative opined that the documents mentioned are important and should be
387 disclosed.

388

389 A government representative said that technical descriptions and coordinates form part of the
390 main contract, while the other documents mentioned may have just been included as
391 mandatory requirements for application.

392

393 Another CSO representative said that the annexes are important and shared that, in his
394 experience, there is a lot of subcontracts in every MPSA. The representative suggested
395 including the lists of subcontractors in the annexes that will be required to be disclosed as
396 these will uncover the entities who really do the work on the ground. He furthered that this
397 information will be useful in engaging other stakeholders of the mining, and oil and gas sector.

398

399 A government representative explained that technical descriptions and coordinates in MPSAs
400 differ from original applications, where applicants include a declaration of location (DOL).

401

402 Another CSO representative said that it is important to have a complete picture of mining
403 projects as the value of information may not be as high if data is incomplete.

404

405 Another government representative recommended reviewing the list of annexes and identify
406 which ones are necessary for EITI compliance, considering that the number of requirements
407 may overburden reporting entities and may cause hindrance in their participation.
408

409 The Chair said that while there is some consensus in disclosing some contracts annexes, the
410 MSG are not entirely sure if all the annexes should be disclosed.
411

412 The Chair asked the secretariat of the source of the contracts disclosed in the Contracts Portal.
413

414 The secretariat said that the contracts acquired since 2018 are from the MGB although the
415 secretariat is not sure if the MGB has all the annexes for each MPSA.
416

417 An industry representative said that the MGB may have these documents in its centralized
418 database portal.
419

420 A government representative further explained that companies apply for exploration, which
421 precedes the issuance of an MPSA. The technical description and coordinates are being
422 required when applying for declaration of mining feasibility. These are part of the mandatory
423 requirements. The representative said that he will verify which annexes were included in the
424 contracts submitted to the secretariat. He said that there are plenty of MPSAs and only the
425 MPSAs of operating companies were sent to the secretariat.
426

427 In the interest of time, the secretariat proposed that the details of the annexes and which
428 annexes should be disclosed be discussed in a separate meeting or in a TWG.
429

430 A CSO representative noted there are disclosed documents, such as copies of SDMPs, that
431 are not on the list of annexes presented by the secretariat. She said that if these annexes are
432 disclosed, it will make Contract Transparency more meaningful and relevant. She asked why
433 there are reservations in publishing the annexes when these are part of the contracts.
434

435 The Chair clarified that there is no hesitancy in publishing the annexes but that the MSG needs
436 to have a better grasp of what documents are available and what are not, and give all
437 stakeholders time to think through and decide which annexes are material.
438

439 A government representative said that, upon checking, technical descriptions and accounting
440 procedures are attached to petroleum service contracts.
441

442 Mr. Demujin Antiporda of the DOE confirmed through the chat box that technical descriptions
443 and accounting procedures form part of the petroleum service contracts.
444

445 The Chair asked whether the documents listed in the secretariat's presentation are standard
446 annexes.
447

448 A government representative said that the documents in the presentation are usually
449 submitted separately.
450

451 An industry representative concurred with the government representative, adding that the
452 documents are usually attached to applications.
453

454 A CSO representative said that while it is understood that the documents presented are not
455 standard annexes, they should also be considered for public disclosure as they contain
456 material information on extractive projects. He also reiterated his earlier suggestion to have
457 the list of subcontractors included in the required disclosures.
458

459 The Chair said that the matter of annexes requires further discussion.

460 The secretariat proposed to discuss the matter further with the MGB and the DOE and
461 communicate the results of the discussion online or in a separate meeting.

462

463 The Chair agreed with the proposed way forward.

464

465

466 ii. Exploration Contracts

467

468 The secretariat asked the MSG if exploration contracts should be disclosed. The secretariat
469 shared that the EITI International suggests striking a balance between practicality and demand
470 in deciding whether to require the disclosure of exploration contracts.

471

472 An industry representative said that the MGB website may be checked for the pro forma
473 contracts and it can be noted that the pro forma contracts have very few annexes. The other
474 documents are in the application. The representative also asked the MSG if it would require
475 the participation of exploration companies, which are not yet within the ambit of the PH-EITI.
476 The representative further asked how these companies could be compelled if they are not yet
477 covered by the mandatory disclosure requirement.

478

479 A CSO representative shared that, about two months ago, their group was surprised to see
480 on the DENR website that there are three exploration contract applications for Abra. She said
481 that there has to be transparency on this transactions and information has to be released to
482 inform people that would be affected by exploration activities. The representative proposed
483 that this be included in PH-EITI's coverage.

484

485 An industry representative said that the MSG should distinguish between applications and
486 actual contracts that have been signed and issued. He opined that requiring companies to
487 disclose their application papers may overwhelm the PH-EITI with documents that may not
488 ultimately result in an MPSA. He also said that application for exploration also has to be
489 distinguished from exploration permit issued because there may be hundreds or thousands of
490 applications. The documents that the MSG are looking for are in the application of companies
491 which are not yet in production. He said that PH-EITI cannot compel them to disclose
492 documents as they are not covered by the EO.

493

494 The Chair proposed to form a TWG to discuss the matter further. The Chair reiterated the
495 need for the MSG to be clear and precise with certain terms, and strive for quality and deeper
496 understanding of the data compiled for now. The Chair said that the MSG may strive for
497 breadth and depth of information as EITI implementation in the country matures. She
498 encouraged the MSG to be more mindful about the information that it requires companies to
499 disclose and how this information can enhance EITI implementation in the Philippines.

500

501 The secretariat was directed to form a TWG to discuss Contract Transparency requirements
502 further.

503

504 A CSO representative suggested including in the TWG's agenda a discussion of instances
505 where a company is issued an MPSA for certain commodities but later on applies for a different
506 commodity and method of mining before the MPSA expires. The representative said that such
507 instances occur in their area.

508

509 The secretariat acknowledged and took note the instructions of and the concerns raised by
510 the MSG.

511

512

513

514

515 *d. Beneficial Ownership Transparency*

516

517 The secretariat gave a recap of the beneficial ownership (BO) disclosure exercise conducted
518 in 2020.

519

520 • The PH-EITI invited companies to a BO webinar on September 11, 2020, and
521 requested them to submit BO-related documents.

522

523 • The PH-EITI consulted the National Privacy Commission (NPC) regarding data privacy
524 issues related to BO disclosure.

525

526 • On November 17, 2020, the NPC submitted to PH-EITI a formal legal advisory on BO
527 disclosure

528

529 • Companies were given until November 22, 2020 to comply PH-EITI's BO disclosure
530 requirements, which included the following:

531

532 - Encrypted copy of the company's SEC BO declaration form;

533 - Notarized Politically Exposed Person/s Declaration Form;

534 - Company waiver and consent to publication of BO information as part of the
535 Sixth Country Report;

536 - Notarized board resolution granting authority to a representative to sign and
537 execute a waiver and consent on behalf of the company.

538

539 • Updates on the exercise were reported in a BO forum, entitled "The Real Owners",
540 during the PH-EITI Extractives Transparency Week (November 24, 2020).

541

542

543 Companies were asked to send hard copies of the company waiver and notarized board
544 resolution to the DOF office.

545

546 Name, nationality, country of residence, identification of Politically Exposed Persons (PEPs),
547 and level of ownership or control are the information that the PH-EITI published in the 6th
548 Report.

549

550 44% or 29 of the 65 targeted companies consented to the publication of their BO information,
551 while 12 partially participated. 24 companies or 37% did not participate.

552

553 The key findings of the exercise as narrated in Chapter 3 of the 6th Report are as follows:

554

555 • 75% of reported beneficial owners fall under Category I (they exercise control through
556 positions held in the corporation)

557 • Of the 128 names disclosed, 94 are unique

558 • 9 were declared foreign nationals (Japan, China, Australia, New Zealand)

559 • 10 beneficial owners reside outside the Philippines

560 • No PEPs were identified, except for executives of PNOC-EC

561

562

563 The following are the common reasons for the delays in meeting deadlines set for BO
564 disclosure:

565

566 • Need for internal corporate approvals and discussions of the board of directors in a
567 regular or special meeting

568 • Completion of needed signatures from board of directors

- 569
- Difficulty in securing needed signatures in the case of foreign and publicly listed companies
- 570
- Challenges in coordination due to work-from-home setup amid the pandemic
- 571

572

573

574 The following are the reasons some companies cited for not giving consent to publication:

575

- “The all-encompassing waiver is not in accordance with the mandate of EO 147 s. 2013. No such waiver was required under the law.”

- Publication of identities would open unnecessary exposure to everyone including criminals who may cause harm, harassment, extortion.

- Grave risks to security and safety (especially for a company facing a class suit)

- Waiver could lead to abuse by public officials

- Unresolved legal issues under the Data Privacy Act

- Invoked right to data privacy

- Non-mandatory nature of the request

585

586

587 The following are the options that the MSG may explore moving forward:

588

- Inclusion of BO disclosure in the ORE tool to enable uploading of BO-related documents

- Inclusion of PEP declaration in the GIS BO Declaration Form

- Data-sharing agreement with the SEC

- Passage of a law or issuance that will allow the publication of BO information

593

594

595 The secretariat also provided updates on the BO public register project of the SEC and emphasized that the BO public register is part of the Philippines’ commitment to the PH-OGP National Action Plan for 2019-2022.

598

599 As of November 24, 2020, the SEC was exploring the possibility of pushing for a legislation or circular to support the creation of a BO public registry. The SEC was anticipating action plan recommendations from experts by end of 2020. The also recognizes the need for a law that will require the disclosure of BO information in a public register to make the obligation legally binding.

604

605 The secretariat summarized in the following four questions the BO-related issues that the MSG needs to address:

607

- How can BO disclosure be made more efficient for companies?

- Will the MSG make BO disclosure and publication mandatory?

- Will the MSG create a temporary BO public register pending the BO register the SEC plans to establish?

- How will the PH-EITI ensure the accuracy of BO information disclose?

613

614

615 The Chair said that the BO information of those companies which already agreed to publication may already be included in the public register.

617

618 The Chair asked how often the companies are required to submit the information.

619

620 The secretariat said that the companies submit annually to the SEC.

621

622 A CSO representative shared thoughts that those companies who are willing to disclose are likely those companies that have nothing to hide. He also concurred with the thought that the

623

624 disclosure should not be overly burdensome for companies because for as long as it is
625 burdensome, companies will find excuses not to disclose. He said that eventually the MSG
626 has to arrive at a point where BO disclosure must be made mandatory. He stressed that
627 beneficial ownership disclosure is important not only for extractive industries but for other
628 sectors as well.

629

630 Another CSO representative said that the slow pace of BO disclosure implementation is an
631 indicator that it is not an easy task but is nonetheless important. While the requirement is part
632 of the EITI Standard, she does not want the MSG to feel obliged to implement it. She
633 acknowledged, however, that it contributes to greater transparency and accountability in the
634 extractives sector. She opined that the Philippines does not have the political maturity yet for
635 BO transparency to be fully enforced. She furthered that the information presented are
636 interesting. She said that the information at hand may already be sufficient for presentation
637 during the Revalidation and represents the reality on the ground.

638

639 An industry representative suggested revisiting the framework that the PH-EITI is using to
640 implement BO transparency as the template, he opined, will not reveal the beneficial owners.
641 He asked how the MSG can verify whether information disclosed is true and accurate. He
642 believes that the template and the public register is not the way to go. He suggested working
643 closer with companies, encouraging them to be more forthcoming. A second option, he said,
644 requires a whole-of-government approach to come up with a better database that can validate
645 the completeness and accuracy of information. A third option could be to raise the issues to
646 EITI International and seek guidance on implementation.

647

648 The Chair asked the MSG to revisit what it intends to accomplish with BO disclosure and how
649 it would benefit the country.

650

651 A CSO representative said that business practices get intertwined with politics, which often
652 causes the distortion of policies in favor of certain entities. He opined that what the MSG wants
653 is a level playing field for everyone.

654

655 Considering the discussions, the secretariat concluded that the publication of BO information
656 will not be mandatory for the 7th and 8th Reports and the approach to BO reporting will generally
657 remain the same as in the 6th Report. Nevertheless, the publication of a temporary extractives
658 BO register will push through, consistent with DOF's OGP commitment. The secretariat also
659 emphasized that the publication of extractives BO information is a requirement of the EITI
660 Standard. The requirement being not mandatory for companies in the Philippines may
661 constitute an EITI implementation gap that may, in turn, be flagged during the Revalidation.

662

663 The MSG agreed to the creation of a temporary public register.

664

665 The Chair emphasized that BO transparency is not something that the PH-EITI can work on
666 alone; rather, it requires a whole-of-government and whole-of-society approach for it to be
667 meaningful and relevant.

668

669

670 **6. Other Matters**

671

672 *a. Assessment Report on Stakeholder Engagement Activities*

673

674 The secretariat delivered an assessment report on PH-EITI's stakeholder engagement
675 activities in 2020.

676

677 There were six clusters in the first phase of the Online Learning on Extractives or On Learn,

678 the virtual edition of the PH-EITI LGU Roadshows. Participants joined the discussions via
679 Zoom, while others tuned in via Facebook.

680

681 Summary results of post-evaluation forms that participants accomplished after each cluster
682 suggests that, overall, the On Learn series is a success with a score of 8.7 over 10.
683 Participants rated the speakers 8.9/10, while the quality of discussions was rated 8.6/10. The
684 online platform also received a considerably high score at 8.1/10, but the participants in some
685 areas noted that connectivity needs improvement.

686

687 The second phase of On Learn engaged community organizations and was organized in
688 partnership with Bantay Kita. There were five clusters for Phase 2.
689 The MIMAROPA and Batangas cluster had the least number of participants due to Typhoon
690 Rolly and other sever weather conditions that hit the region at the time.

691

692 Overall, the participants rated the series 8.1/10.

693

694 A CSO representative noted how much has been accomplished in conducting the roadshow
695 through online means as compared to face-to-face engagement. She also noted how much
696 fund was saved. She suggested collecting information as to how the participants were able to
697 use the information shared with them during the subnational engagements.

698

699 In relation to stakeholder engagement, another CSO representative informed the MSG that
700 the Bantay Kita will undertake a research report on civic space in the Philippines and that they
701 intend to include this as input to the Revalidation. He then asked about the timeline of
702 Revalidation.

703

704 The secretariat said that the Revalidation will commence on April 1st.

705

706

707 *b. Report on gender mainstreaming and inclusion plans*

708

709 The secretariat presented updates from a February 8 TWG meeting that initially threshed out
710 PH-EITI's gender mainstreaming initiatives. The members of the Technical Working Group
711 are:

712

713	<i>Government</i>	719	<i>CSO</i>
714	Ms. Charm Odicta	720	Dr. Nelson Cuaresma
715	Ms. Febe Lim	721	Prof. Ladylyn Mangada
716		722	Ms. Anj Dacanay
717	<i>Industry</i>		
718	Atty. Eleanor Santiago		

723

724

725 The agenda of the TWG meeting included discussions of the significance of integrating gender
726 in extractives transparency initiatives, the state of gender in the extractives, key points from
727 PH-EITI's gender scoping study, possible tools and approaches for a gender-responsive EITI
728 implementation, and a proposed work plan for gender.

729

730 The TWG identified three immediate actions steps to be undertaken:

731

- 732 • Inventory of gender-responsive models from other countries (how women in
733 communities that host extractives are organized)
- 734 • List of women association/groups in areas where there are extractive operations
- 735 • Review policies on women in extractives

736

737 Dr. Cuaresma was nominated to lead the TWG.
738
739 The TWG is proposing a roundtable discussion on March 15 in line with the celebration of the
740 Women's Month. The results of the discussion may be shared with the stakeholders during
741 the LGU Roadshow.
742
743 The Chair asked the MSG to send comments, if any, to the secretariat through email or Viber.
744
745
746 The secretariat reminded the MSG that there will be a pre-Validation CSO consultation on
747 February 28, 3:00-5:00 PM. All MSG members are also requested to attend a pre-Validation
748 self-assessment workshop on February 26th.
749
750 The Bantay Kita Secretariat asked about the period of Validation.
751
752 The secretariat proposed that the coverage be from January 1, 2017 to March 31, 2021 in
753 order to showcase all efforts undertaken over the past three years.
754
755
756 A CSO representative commended the MSG on its performance at the House of
757 Representatives Committee on Natural Resources meeting on bills seeking to institutionalize
758 extractives transparency.
759
760
761 The Chair announced the appointment of Mr. Eastword Manlises as the PH-EITI OIC National
762 Coordinator.
763
764
765 The next meeting is scheduled on March 12, 2021.
766
767
768 **With all the items in the agenda covered, the meeting was adjourned at 12:20 PM.**