

**Philippine Extractive Industries Transparency Initiative**  
**73RD MULTI-STAKEHOLDER GROUP MEETING**  
12 November 2021, Friday | 9:00 AM - 12:00 NN | Google Meet

**Minutes of Meeting**

**Attendees**

<b>Government</b>	
1. Usec. Bayani H. Agabin	Department of Finance (DOF)
2. OIC-Asec. Atty. Valery Joy Brion	DOF
3. Ms. Charmaine Bagacay-Odicta	DOF
4. Ms. Febe J. Lim	DOF
5. Engr. Romualdo Aguilos	Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB)
6. Mr. Arce Fajardo	Department of the Interior and Local Government

<b>Industry</b>	
1. Atty. Ronald Rex Recidoro	Chamber of Mines of the Philippines (COMP)
2. Atty. Joan Adaci-Cattiling	OceanaGold (Philippines), Inc.
3. Atty. Odette Javier	Lepanto Consolidated Mining Company

<b>Civil Society</b>	
1. Mr. Vincent Lazatin	Bantay Kita - Publish What You Pay Philippines (BK)
2. Ms. Angelica Dacanay	BK
3. Dr. Buenaventura Maata, Jr.	Philippine Grassroots Engagement in Rural Development Foundation, Inc.

4. Dr. Glenn Pajares	Sectoral Transparency Alliance on Natural Resource Governance in Cebu, Inc. (STANCe)
5. Mr. Chito Trillanes	Social Action Center - Ecology Desk, Diocese of Tandag, Surigao del Sur
6. Ms. Aniceta Baltar	Concerned Citizens of Abra for Good Governance
7. Prof. Ladylyn L. Mangada	University of the Philippines - Tacloban
8. Dr. Nelson Cuaresma	Concerned Advocates Saving Terrestrial and Marine Ecosystems (COASTLINE), Inc.

<b>PH-EITI Secretariat</b>
1. Mr. Eastword D. Manlises
2. Ms. Mary Ann D. Rodolfo
3. Ms. Mary Jane I. Baldago
4. Ms. Anna Leigh V. Anillo
5. Ms. Zoe R. Jimenez
6. Ms. Katherine Dennise M. Domingo
7. Ms. Rhea Mae G. Bagacay
8. Mr. Albert A. San Diego
9. Ms. Roselyn Salagan
10. Ms. Rhoda Aranco
11. Ms. Erycce Althea Antonio
12. Ms. Andrea Denise Samson
13. Mr. Kian Ferrer
14. Mr. Jaime Miguel

## Agenda

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## Proceedings

### **I. Call to order**

DOF Undersecretary Bayani H. Agabin chaired the meeting. The meeting was called to order at 9:12 AM.

### **II. Approval of the agenda of the 73rd meeting**

The Chair sought the approval of the agenda.

A civil society representative requested removing the discussion of BK's study on coal since it will be presented during the Extractives Transparency Week. With no objection from the members, the motion and the agenda was approved.

### III. Approval of the minutes of the 72nd meeting

The Chair gave the members another week to peruse the minutes of the previous meeting and send comments or corrections, if any. If no comment is received, the minutes will be deemed approved.

### IV. Matters arising from previous meetings

NO.	ITEM	ACTION	IN CHARGE	STATUS	REMARKS
<b>From the 72nd MSG Meeting - October 8, 2021</b>					
72.1	Contract transparency and indigenous peoples	Ms. Aniceta Baltar to coordinate with the former NCIP chair to seek an explanation for the issuance of a resolution prohibiting the public disclosure of documents under the custody of the Ancestral Domains Office. These documents include community royalty development plans (CRDPs) and memorandums of agreement (MOAs) between companies and IPOs/ICCs.	Ms. Aniceta Baltar	<b>Ongoing</b>	Ms. Baltar sent communication to the former chair but the latter has yet to respond. The Secretariat will also coordinate with the former NCIP chair on the matter.
72.2	Royalties to indigenous peoples	Atty. Ronald Recidoro/COMP to gather information on COMP members' experience in remitting and reporting remittances of royalties to indigenous peoples.	Atty. Ronald Recidoro / COMP	<b>Not yet started</b>	The Secretariat has yet to coordinate with Atty. Recidoro on this matter.
72.3	Royalties to indigenous peoples	The Secretariat to facilitate a meeting with NCIP and IPOs/ICCs to discuss issues with IP royalty payments monitoring and disclosure.	Secretariat	<b>Not yet started</b>	
72.4	PH-EITI Awards	The Secretariat to assist the MSG in	Secretariat	<b>Completed</b>	Two awards committees have been

		forming and convening awards committees to deliberate on the nominees for the PH-EITI Awards			formed. The committees met separately to deliberate on the nominees for the PH-EITI Awards.
<b>72.5</b>	Technical working group meetings	The Secretariat to assist the MSG in forming and in convening technical working groups that will discuss the PH-EITI theory of change, mainstreaming, and subnationalization.	Secretariat	<b>Ongoing</b>	A technical working group (TWG) on the PH-EITI theory of change was formed. The TWG met for the first time on 3 November to discuss the framework for developing the theory of change.
<b>72.6</b>	Coal	The Secretariat to include in the provisional agenda for an MSG meeting the presentation of Bantay Kita's study on coal.		<b>Completed</b>	Bantay Kita requested not to discuss their study on coal during the MSG meeting anymore since they will be presenting the same study on the Extractives Transparency Week.
<b>72.7</b>	Mining contracts	The Secretariat to include in the provisional agenda for an MSG meeting the discussion of the renewal of contract of OceanaGold Philippines, Inc.		<b>Not yet started</b>	

\*The complete record of MSG decisions and matters arising from meetings can be accessed at <https://pheiti.dof.gov.ph/msg-decisions-and-matters-arising/>.

A civil society representative shared an issue on royalty claims and shares of IP communities. He said that there is an urgent need for NCIP and PH-EITI to discuss the matter. The Chair acknowledged the matter and tasked the Secretariat to prepare a letter to NCIP, listing all the issues that should be discussed.

An industry representative asked if there is basis for the NCIP to disclose information, and what kind of information can be disclosed. The Secretariat answered that, during the previous meeting, some legal bases had been presented indicating that the NCIP should be transparent on royalties paid to IPOs and ICCs. The Secretariat added that meetings and discussions with the NCIP can be organized.

An industry representative flagged beneficial ownership transparency as an initiative that is seemingly not moving. He pointed to current issues on Malampaya, saying that the PH-EITI should be in the thick of it. In response, the Secretariat shared that the Opening Extractives engagement plan for the Philippines will be launched during the Extractives Transparency Week. With support from EITI, Open Ownership, and BHP Foundation, the plan aims to improve beneficial ownership transparency in the Philippines.

## **V. Main Business**

### **1. Updates on Validation**

The Board discussed the Validation of the Philippines at its 51st meeting on 20-21 October 2021 but was unable to make a decision on the country's progress in meeting the Standard. Instead, the Board mandated the Validation Committee to continue its deliberations of the case with a view to agreeing a recommendation to the Board for decision. Pending a decision by the EITI Board, the PH-EITI Multi-Stakeholder Group may already consider implementing the corrective actions described in the [final Validation report](#), given that it is not expected that the majority of these actions would be amended in the Board's decision.

The Validation Committee met again on 9 November 2021 and summarized the discussions at the recent Board meeting, with the view of building consensus based on these discussions. The International Secretariat related that it is still possible for the Board to release within the year a decision on the Philippine's Validation status.

The Alternate Chair shared that, based on a meeting with the Validation Director, the Validation Committee will have two more meetings regarding the Validation of the Philippines. The realistic timeline for the committee to release a recommendation to the Board will be in January or February 2022. There will be no more changes in the corrective actions. It has been suggested that the Philippines start working on the nine corrective actions identified in the final Validation report. In case the Philippines will be suspended, the Validation Director reiterated that it will not alter the support of the International Secretariat, the membership of the Philippines to the board, as well as the EITI reporting requirements for the Philippines. The Alternate Chair added, however, that an unfavorable decision will impact the Philippines in terms of its reputation as an EITI implementing country.

The Secretariat shared that the corrective actions include steps to improve disclosure of licenses, contracts, beneficial ownership information, and revenue data. The main item that the MSG and related agencies should address is Requirement 1.3 on civil society engagement. Alleged breaches of the EITI protocol on civil society engagement are the bases of discussions of possible suspension of the Philippines.

A civil society representative asked the Secretariat to resend the set of corrective actions.

The Chair asked if the Validation Committee is still within the prescribed timeline for the Validation process. The Secretariat said that the Validation process has already gone beyond the prescribed timeline.

The Chair asked what suspension entails, and whether the Philippines will still be required to submit reports and adhere to EITI requirements. Further, the Chair tasked the Secretariat to clarify with the International Secretariat what it means to be suspended.

A civil society representative believes that the decision is unfair because the overall assessment is high and there is only one requirement that received a low score. An industry representative asked why the decision is taking too long, and what is left to be done. The Validation Committee should recommend actions to resolve the issues.

As an example, the Chair shared that the AMLC recently went through a screening process by FATF. The process uncovered issues, but there was no suspension imposed. The Philippines, instead, was greylisted. Greylisting allows a country time to address issues. The Chair added that the inaction and indecision of the Validation Committee is not good for the Philippines as it demoralizes the sector.

The Alternate Chair shared that the completion of Board review should be within a maximum of 10 weeks from the release of the final Validation report. The Secretariat added that the EITI board should have already issued a decision by October of this year. During her meeting with the Validation Director, the Alternate Chair asked what particular breaches were considered by the committee. Three items were identified: (i) the passage of the 2020 Anti-Terrorism Act; (ii) restriction of outreach activities in certain localities, and (iii) the DFA administrative order requiring registration of foreign funding. With respect to the Anti-Terrorism Act, the Validation Committee is looking at how the law is being implemented in the country.

The Chair tasked the Secretariat to write to the Validation Committee regarding the points raised. The communication should mention the Board's deviation from its own timeline. The points raised will be discussed again in future MSG meetings. A civil society representative agreed to communicate the concerns to the EITI Board. He added that the PH-EITI may not have the power to repeal the Anti-Terrorism Act, but the PH-EITI can make a stand on it and make its views known on how the law impacts civic engagement.

## 2. Updates on 8th Report production

To recall, the 8th Report will have three chapters: contextual information, reconciliation, and the SSM study. It will cover data and information from fiscal year 2020, and will cover all operating metallic mines, the top 31 non-metallic mines or

those with at least 0.5% share in the total production value of the sector, and oil & gas and coal companies that meet the 2% materiality threshold.

Data gathering and writing for the contextual information chapter is ongoing. The [inception report](#) for the chapter was circulated for MSG comments on 4 October 2021. On the same day, the Secretariat received comments from government representatives. Comments focused on the proposed theme for the report.

Data collection from companies through ORE commenced on 1 September and ended on 15 October. Extensions have been granted, however, to some companies in consideration of the challenges experienced under alternative work arrangements. As of 5 November, the final deadline extension granted to companies, **70 of the total 86 projects and companies** covered have submitted validated data through ORE. The Secretariat is now working with the independent administrator for the reconciliation process.

The Secretariat will submit to the MGB the list of companies/projects that failed to submit data/reports through ORE for the enforcement of the DENR DAO 2017-07.

For the SSM study, as reported during the 72nd meeting under matters arising from the 71st meeting, the Secretariat received comments on the proposed criteria for choosing case study areas. The comments have been communicated to the consultant. The consultant has yet to provide feedback on the practicability of the suggested criteria. The consultant cited pending information requested from the BSP for the delay in finalizing the criteria. BSP finally responded to the request on 9 November.

Considering delays in data collection, and in the overall delay in the commencement of the reporting cycle, which only began in September due to the late engagement of the consultants and problems encountered in PS-DBM in procuring cloud storage for ORE, the Secretariat does not see the 8th Report being completed within the year. The Secretariat, however, will request consultants to present at the December MSG meeting their progress in producing the report, including initial findings, if any. The complete report should be ready for public dissemination through the National Conference within Q1 2022.

The Chair asked if the delay in the production of the 8th Report will cause the Philippines to miss compliance with the EITI requirement. The Secretariat explained that it is the 7th Report that covers FY 2019 that is due for submission in 2021. It is important, however, for the 8th Report to also be completed soon to maintain the gap in reporting to only one year. The Chair set 15 December 2021 as the target date of submission of the 7th Report. For the 8th Report, the Chair suggested that the internal deadline be reset and be discussed at the next meeting.



### 3. Extractives Transparency Week

The Extractives Transparency Week is a series of talks and learning sessions meant to communicate information and encourage discourse on revenue management and resource governance. Building on EITI disclosures and considering pressing concerns and latest policy developments, the ETW aims to empower stakeholders to form opinions and make better policy decisions based on verified data and diverse insights and perspectives. The weeklong series is planned to coincide with the anniversary of the issuance of EO147(2013) that created the PH-EITI.

On its first run in November 2020, ETW offered seven learning sessions with topics ranging from gender and ownership transparency to systematic disclosure and resource governance. The series had an estimated overall turnout of more than 500, and was highly appreciated and commended by the participants.

This year, ETW adopted the theme of the 7th Report -- Resiliency in transparency -- to highlight how data transparency, accountability, and open governance contribute to resilient communities and economy, especially in the face of a global health emergency. As such, ETW 2021 will offer learning sessions on government's extractives data management tools for resiliency planning. The series will also delve on the recurring issue of LGU shares in national wealth, and the impending increase in the National Tax Allotment of LGUs. Likewise, ETW 2021 will look into the results of the concluded MICC mining reviews, PH-EITI's analyses of gender-disaggregated extractives employment data, and information on mandatory social development funds. The series will culminate in the PH-EITI Awards 2021, which will include a launching of new PH-EITI explainer videos, and launching of the Opening Extractives engagement plan for the Philippines.

Indicative events:

November 23 | 9:30 to 10:00

*Opening ceremonies*

November 23 | 10:00 to 11:30

*Inclusion and resiliency*

A fireside chat on the relevance of stakeholder participation and gender and IP inclusion in developing impactful social development programs and in building resilient communities. Session will include a sharing of the results of PH-EITI's analyses of comprehensive gender-disaggregated extractives employment data, and SDMP expenditures of mining companies.

November 24 | 10:00 – 11:30am

*Extractives Data Blitz – Civil society session*

Conference exhibit and lightning talks featuring civil society initiatives to promote extractives transparency, inclusive development, and community resiliency.

November 24 | 1:30 - 3:00

*Extractives Data Blitz – Industry session*

Conference exhibit and lightning talks featuring exemplary SDMP initiatives.

November 25 | 10:00 – 11:30

*Extractives Data Blitz – Government session*

Conference exhibit and lightning talks featuring demonstrations of extractives data management tools by the government.

November 25 | 1:30 – 3:00

*Extractives Data Blitz – Special session on the MICC mining audit and the Mandanas ruling*

Conference exhibit and lightning talks featuring presentations on the results of the MICC mining review, and the Mandanas ruling.

November 26 | 1:30pm – 3:30pm

*PH-EITI Awards 2021*

Virtual ceremonies to recognize stakeholder commitment to and diligence in the implementation of EITI in the Philippines. Event will include (i) the launch of five PH-EITI video explainers; and (ii) the launch of the Opening Extractives Plan for the Philippines.

PH-EITI Awards

The mechanics and updated criteria have been approved by the MSG in the 72nd meeting.

Awards committees have been formed to deliberate on the nominees for each award category. The awards committee for company and LGU categories met on 28 October and agreed to endorse the nominees for MSG approval. The committee was chaired by Engr. Romy Aguilos of MGB, and the members included Dir. Cely Soluta of DOE, Ms. Charm Odicla of DOF, Atty. Ron Recidoro of COMP, and Mr. Vince Lazatin of BK. The committee also gave suggestions for future improvement of the Awards.

The awards committee for NGAs met on 4 November. The committee was chaired by Ms. Maane Cauton of ULAP, and the members included Atty. Francis Ballesteros of Philex, and Ms. Annie Baltar of CCAGG. During the meeting, the committee made clarifications on the computation of points for criteria on accuracy.

All nominations were from the independent administrator.

### Opening Extractives engagement plan launch

The Philippines has been selected as one of the beneficiaries of the Opening Extractives Programme (OEP) by EITI and Open Ownership. OEP is aimed at addressing corruption and illicit financial activities perpetrated through anonymous ownership. It will provide sustained support for over five years to a dozen countries seeking to bring data on company ownership into the public domain. The programme is being implemented with support from the BHP Foundation. It was launched on 8 September 2021 in London.

On 24 September 2021, the PH-EITI, EITI, and Open Ownership co-facilitated a workshop to develop the Opening Extractives [engagement plan](#) for the Philippines. MSG members and representatives from SEC, BIR, AMLC, NPC, Congress, and other relevant government offices participated in the workshop.

The engagement plan is now being finalized for launching during the PH-EITI Awards. The International Secretariat will be co-facilitating the segment. Mark Robinson of EITI and Thom Townsend of Open Ownership are expected to attend live and deliver messages. The indicative program for the PH-EITI Awards can be accessed [here](#).

The draft engagement plan includes items and activities that will be funded by OEP. Among these items is the hiring of a BO transparency consultant for PH-EITI.

The Secretariat presented the PH-EITI Awards nominees for the categories of LGUs Tier 1 and 2, non-metallic mining companies, metallic mining companies, and oil and gas companies. The nominees for the NGA category were not presented because the committee is yet to endorse them.

A civil society representative shared the discomfort of some CSO members in the use of the word “excellence” for the awards. The Secretariat said that the category “Excellence in Reporting” can be renamed based on what the MSG will agree on. A civil society representative suggested "PH-EITI Disclosure Award" or something similar. The Alternate Chair suggested some sort of special citation. An industry representative suggested veering away from calling it “awards”. Instead, the MSG can simply refer to it as a “recognition”. He added that it would be better to call the event “PH-EITI Recognition Ceremony”. The Secretariat suggested adopting the name “PH-EITI Recognition Ceremony” and said that other issues raised by the MSG will be discussed in future meetings. With no objection from the members, the Secretariat's suggestion and the list of nominees were approved.

#### 4. *Priorities and work plan for 2022*

During the 72nd meeting, the Secretariat presented PH-EITI’s progress in implementing the 2021 work plan. Building on these accomplishments, and

considering pending activities, PH-EITI's commitments, and other global initiatives, the Secretariat proposes the following priorities for 2022. The list is divided into two -- high priority and low priority programs/activities.

#### High priority

- Legislative advocacy
- Integrity study (diagnosing corruption risks; for possible funding by EITI International)
- Opening Extractives plan
- Validation corrective actions (includes work to improve register of licenses to address EITI Requirement 2.3, and production and export data disclosure to address Requirement 3)
- Systematic disclosure (ongoing; includes fulfilling final milestones in DOF's OGP commitment for 2019-2022, and implementing action steps from the Mainstreaming Action Plan)
- FY 2021 report (includes complete coverage of the non-metallic mining sector)
- Resource mobilization

#### Low priority

- BARM engagement (could be a case for subnationalization)
- Data stories
- Gender and SSM related advocacies
- Energy transition

The Secretariat explained the difference between high priority and low priority items. High priority items are either ongoing initiatives or international commitments. Low priority items are based on policy developments and international initiatives that the MSG could consider adopting. The Alternate Chair asked why there is no medium priority, pointing to the case of energy transition that is starting to become an emerging issue, which should somehow be higher than other items in low priority. The Secretariat noted this and will adopt it if the MSG agrees on the creation of another category.

A civil society representative asked what action is being requested from the MSG. The Secretariat said that the MSG is being requested to provide comments or inputs on the proposed priorities.

An industry representative said that outreach activities should be a topmost priority, considering the concerns raised in BK's shadow report. A civil society representative made a follow-up statement and said that the process should be done with a system. There should be an explanation to help the MSG understand the prioritization. Another civil society representative agrees that outreach activities, as well as energy transition, be placed in high priority. The outreach programs should also be considered in tandem with the proposed initiatives on subnationalization.

The Alternate Chair tasked the Secretariat to redo the presentation of prioritization at the next meeting and contextualize by indicating the objectives of the activities.

A civil society representative shared that she felt bad about the approach used in the prioritization. She proposed that the MSG convene to do proper planning.

The Secretariat acknowledged all the comments. The Secretariat explained that it is difficult to convene the MSG during the pandemic. The Secretariat is trying to manage the time of each MSG member and the available resources. There is no budget for logistical requirements to facilitate in-person meetings. The meetings however can be done online just like what was done previously. The Secretariat can arrange meetings to discuss the work plan. However, the limitations should be considered including the funding and time of the MSG members.

The Secretariat added that there is a TWG organized to thresh out the Theory of Change (ToC) for PH-EITI implementation. The ToC will identify an impact statement, and all activities should contribute to the realization of that impact statement. The TWG has met once since its formation.

A civil society representative suggested that the MICC findings be included in the work plan.

Another civil society representative said that the MSG cannot come-up with a significant and meaningful ToC in just two days. The best option is to assign a TWG, with representatives from the government, industry, civil society, to do initial planning for three or four days. The plan will then be presented to the entire MSG. The Secretariat sought the MSG's confirmation whether it would like to adopt the suggestion of the civil society representative. The Secretariat also said it welcomes any support for the logistical requirements of a possible in-person meeting. The Secretariat also proposed that the initial development of the work plan be assigned to the existing TWG on ToC such that ToC development could inform plans for next year. Other MSG members can inform the Secretariat if they wish to be part of the TWG.

With no objection from the members, the task to develop the work plan for 2022 was delegated to the TWG on ToC.

## **VI. Other matters**

### **1. Issues in Carmen, Surigao del Sur**

A civil society representative presented a brief on the exploration permit application of Tribu Manobo Mining Corporation (TMCC) in Carmen, Surigao del Sur.

TMMC's Exploration Permit application is strongly opposed by the Local Government Unit of Carmen, Surigao del Sur, with the support of all the barangays, Multi-Sectoral Forest Management Council and civil society organizations in the locality.

The opposition is based, among others, on the grounds that the area applied for exploration permit infringes on municipal watersheds that are sources for communal irrigation systems servicing farmlands for a very long time, is highly susceptible to landslide based on MGB Geo-hazard map and the trauma of having experienced heavy siltation in rice lands incapacitating the local farmers to cultivate for half a decade.

While still on EXPA, TMMC has started exploration works like drilling as evidenced by the documentation made by LGU Carmen MENRO office and confirmed in a letter dated October 26, 2021 by MGB Caraga OIC Regional Director Larry Heradez that the geo-tagged drilling photos are within the confines of the applied areas.

The civil society representative presented the following recommendations:

1. The PH-EITI MSG is earnestly requested to act on this issue to uphold the standards of transparency and accountability.
2. The MGB and DILG with ULAP are also enjoined to implement transparency mechanisms and propose measures to ensure fair play especially in the process of securing mining permits.
3. MGB shall undertake appropriate actions to deny or even blacklist applicants who produce and/or submit falsified or forged documents in support of their application/s.

The Alternate Chair asked what specific actions are being requested from the MSG. The civil society representative responded that since there are MSG members coming from the DILG and MGB, the PH-EITI should investigate and take a closer look into the matter. A government representative answered that the MSG meeting is not the proper venue to raise such an issue. The MGB accepts complaints and acts on such matters through investigation. The civil society representative said that the regional office of MGB has already endorsed the application to the central office for clearance. He said that due diligence should be observed even at the level of the regional office. The government representative responded that they follow the policy on permit applications. If they see that there is a problem with the application, the application will just be returned. The Secretariat suggested that the matter be raised to the proper agencies. A civil society representative requested the Secretariat to provide the MSG with updates on this issue. The Secretariat will refer the issue to the three agencies mentioned in the briefer.

## 2. Updates from Technical Working Group (TWG) meetings

The Secretariat gave updates regarding the first meeting of the TWG on Theory of Change last November 3. The agreements involved setting the statement of change/impact of PH-EITI by:

- a. reviewing the Vision, Mission and Objectives set during the 2019 Strategic Plan
- b. determining the

- desired changes in the natural resource governance; and
- contribution or impact of PH-EITI to national development.

The Secretariat also gave updates on the activities of the TWG on gender. There were learning sessions on the fundamentals of gender in extractives. The activity produced the following outputs:

- Draft principles for gender in extractives;
- List of gender principles that should be incorporated in the Mining Act of 1995;
- List of capacity building needs to increase awareness of the stakeholders in extractives.

### 3. Additional matters

An industry representative asked about the inclusion of OceanaGold's terms of renewal to the list of matters arising from the previous meeting. She said she is happy to share the terms of renewal with the MSG. She just needs to be informed of the item's inclusion in the meeting agenda.

## **VII. Setting of the next meeting**

The 74th MSG meeting will be on December 10, 2021 (Friday).

## **VIII. Adjournment**

With no other matters to be discussed, the meeting was adjourned at 12:21 pm.