

Philippine Extractive Industries Transparency Initiative
84TH MULTI-STAKEHOLDER GROUP MEETING
 10 February 2023, Friday | 9:00 AM - 12:00 NN | Hybrid Meeting
 Department of Finance, Manila, and Google Meet

Attendees

Government	
1. Engr. Romualdo Aguilos	Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB)
2. Ms. Febe Lim	Department of Finance (DOF)
3. Ms. Charmaine Bagacay-Odicta	DOF
4. Ms. Maricor Cauton	Union of Local Authorities of the Philippines

Industry	
1. Atty. Ronald Rex Recidoro	Chamber of Mines of the Philippines (COMP)
2. Atty. Joan D. Adaci-Cattiling	OceanaGold (Philippines), Inc.
3. Atty. Odette Javier	Lepanto Consolidated Mining Company
4. Atty. Francis Joseph Ballesteros, Jr.	Philex Mining Corp.

Civil Society	
1. Mr. Vincent Lazatin	Bantay Kita - Publish What You Pay Philippines (BK)
2. Mr. Chito Trillanes	Social Action Center - Ecology Desk, Diocese of Tandag, Surigao del Sur
3. Prof. Ladylyn Mangada	University of the Philippines - Tacloban

4. Mr. Rodne Galicha	Living Laudato Si' Philippines
5. Ms. Arlene Sevilla	Assembly of Masses and Basic Sectors for Unity and Harmony – Initiatives for Normalization and Advancement for Human Security (AMBUH-INAH)

EITI International
1. Atty. Brenda Jay Mendoza

PH-EITI Secretariat
1. Atty. Manuel Rodriguez II
2. Ms. Mary Ann Rodolfo
3. Ms. Anna Leigh Anillo
4. Mr. Albert San Diego
5. Ms. Rhea Mae Bagacay
6. Mr. Jeremiah Magno
7. Mr. Job Besmonte
8. Ms. Rhoda Aranco
9. Ms. Andrea Denise Samson
10. Ms. Pamela Kim Aquino
11. Ms. Therese Andrea Bartolome
12. Mr. Dennis Atienza
13. Mr. Ricardo Evora

Agenda

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Proceedings

I. Call to order

Engr. Romualdo Aguilos of the DENR-MGB chaired the meeting. There being a quorum, the meeting was called to order at 9:04 AM. The Secretariat introduced to the MSG the new representatives from the civil society constituency.

II. Approval of the agenda of the 84th meeting

The Chair sought the approval of the agenda.

A civil society representative motioned for the approval of the agenda. The motion was seconded and the agenda was approved.

III. Approval of the minutes of the 83rd meeting

The Chair gave the members more time to peruse the minutes of the 83rd 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

	ITEM	ACTION	IN-CHARGE	STATUS	REMARKS
From the 83rd MSG Meeting - December 9, 2022					
83.1	MSG meetings	The Secretariat is instructed to review the system of counting quorum during MSG meetings.	Secretariat	Completed	
83.2	Civil society representation	The Secretariat will conduct onboarding with the new CSO representatives. A briefing on the EITI Standard will be included in the onboarding.	Secretariat and civil society constituency	Completed	

83.3	Permanent committees	The Secretariat is instructed to amend the resolution on permanent committees based on the MSG's comments.	Secretariat	Completed
83.4	FY 2020 report	The Secretariat is instructed to recirculate the draft of the FY 2020 report and the recommendations within the day. The MSG is given until December 15 to comment.	Secretariat and MSG	Completed
83.5	Country reporting	The Secretariat is instructed to coordinate with the MGB on the steps to address the issue of non-participating companies.	Secretariat and MGB	Completed
83.6	MSG strategic planning	The Secretariat is instructed to circulate to the MSG the proposed MSG strategic plan framework.	Secretariat and MSG	Completed
83.7	Stakeholder engagement	The Secretariat is directed to do a scoping study on stakeholder feedback mechanism.	Secretariat	Ongoing
83.8	Energy transition and climate change	The MSG is requested to submit suggestions about energy transition and climate change that will become part of the PH-EITI country report. The Secretariat is also instructed to focus the	MSG	Ongoing

		discussions about energy transition on something that is applicable to the Philippine context and will complement existing initiatives.		
83.9	Validation corrective actions	The Secretariat is instructed to draft an MSG resolution on the recommendations to address the Validation corrective actions. The resolution can be used when engaging with agencies.	Secretariat	Ongoing
83.10	Extractives Transparency Week	The Secretariat is instructed to circulate a detailed financial report of the ETW.	Secretariat	Ongoing
83.11	LGU shares	The Secretariat is directed to identify the constraint on the release of LGU shares, and engage with BIR and DBM to address the problem.	Secretariat	Not yet started
83.12	Stakeholder engagement	The Secretariat is instructed to conduct a study and prepare a briefing paper for the MSG on the extent of what the PH-EITI do, to show the gaps and the need to engage with agencies. The initiatives of the PH-EITI should be mapped out and matched	Secretariat	Not yet started

		with the initiatives of the agencies that we aim to engage with.			
83.13	Industry representation	The Secretariat is instructed to convene the industry representatives to discuss the industry representation in the MSG and contribution. A briefing paper will be prepared by the Secretariat. The industry constituency is requested to submit a summary or guidance note on how representatives are selected.	Secretariat and industry constituency	Not yet started	
83.14	Civil society representation	Bantay Kita is instructed to draft a report and mapping on the reach of its CSO members.	Bantay Kita	Not yet started	
83.15	PH-EITI membership	The Secretariat is instructed to coordinate with the industry constituency and explore the idea of company membership to the PH-EITI and membership fee.	Secretariat and industry constituency	Not yet started	

	ITEM	ACTION	IN-CHARGE	STATUS	REMARKS
From the 13 January 2023 Special MSG Meeting					
2023-01-13.1	Refinements on EITI Standard	For requirement 5.2, “gaps on implementation” should also be evaluated, not just “material discrepancies”.	Secretariat and MSG	Completed	
2023-01-13.2	Refinements on EITI Standard	On requirement 7.1, include that “The government shall ensure that there are no obstacles to free and open public debate and discussion”.	Secretariat and MSG	Completed	
2023-01-13.3		The Chair will draft a paper reflecting the sentiment of the MSG that there must be a benchmarking and framework for just transition and responsible sourcing of minerals.	Usec. Cielo	Completed	
2023-01-13.4	MSG-CSO Members	The constituencies are expected to circulate their new set of members before the strategic planning.	Secretariat	Completed	
2023-01-13.5	Strategic Plan	The MSG suggested to include the following in the strategic planning: <ul style="list-style-type: none"> ● Planning for 2023 FORGE PH ● Refinements to the EITI Standard 	MSG and Secretariat	Completed	

		<ul style="list-style-type: none"> ● Implementation Framework and Theory of Change ● TOR and Internal Rules 		
2023-01-13.6	Refinements on EITI Standard	The Secretariat is tasked to come up with reference documents on EITI requirements that are required, expected, and encouraged.	Secretariat	Completed
2023-01-13.7	EITI Organizational Structure	The Secretariat is instructed to release a formal announcement on the structure of the Secretariat staff.	Secretariat	Completed
2023-01-13.8	Refinements on EITI Standard	On requirement 2.2, it was suggested to amend the word “fast-tracked” to “deviations from the contracting process and qualification criteria of the companies.”	Secretariat and MSG	Completed
2023-01-13.9	Capacity development plan	It was suggested to plan for a capacity building for data disclosure to be more useful.	Secretariat and MSG	Ongoing
2023-01-13.10	Data disclosure	The Secretariat is instructed to discuss with the MGB the issue of exploration companies being required to disclose their data.	Secretariat and MGB	Not yet started

2023-01-13.11	EO147	The Secretariat is tasked to review inconsistencies in the EO147 to ensure that it is aligned with the proposed standard.	Secretariat	Not yet started
2023-01-13.12	Climate Change	The Secretariat is instructed to arrange a session on climate change, including a discussion on national energy transition commitment.	Secretariat	Not yet started
2023-01-13.13	CSO Representation	It was suggested for Bantay Kita to expand the representation of CSOs to other sectors, including media. It was also suggested for BK to review the criteria and mechanism in selecting CSO members.	Bantay Kita	Not yet started

On item no. 2023-01-13.13, a civil society representative shared that Bantay Kita has already updated their selection process, and will share this criteria to the MSG.

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/>.

V. Main Business

1. MSG committees

a. Committee assignments and housekeeping

The Secretariat previously requested the MSG members to choose the committee that they want to be part of. Each MSG member was required to be a member of at

least one committee, but may join two or more committees. The Secretariat presented the composition of the four MSG committees.

Implementation Committee		
<i>In charge of monitoring progress in implementing the EITI Standard, providing recommendations to address gaps in implementation, ensuring public disclosure of extractive industries data and publication of annual country reports, and addressing Validation corrective actions on technical requirements.</i>		
Constituency	Member	Agency/Organization
Government	Romualdo Aguilos	DENR-MGB
	Dakila Carlo Cua/Maricor Cauton	ULAP
Industry	Ronald Rex Recidoro	COMP
	Ed Cutiongco	PAP
	Joan Adaci-Cattiling	OceanaGold Philippines
Civil society	Aniceta Baltar	CCAGG
	Glenn Pajares	STANCe
Secretariat Support: Andrea Dennise Samson		

Stakeholder Engagement Committee		
<i>In charge of supporting the MSG in ensuring inclusive and meaningful stakeholder participation in the EITI, and in monitoring, deliberating, and addressing issues on the same, including related corrective actions and recommendations, resulting from the regular EITI Validation process.</i>		
Constituency	Member	Agency/Organization
Government	Anna Liza Bonagua (Chair)	DILG
	Romualdo D. Aguilos	DENR-MGB
	Dakila Carlo Cua/Maricor Cauton	ULAP
Industry	Joan Adaci-Cattiling	OceanaGold Philippines

	Eulalio Austin	Philex
Civil society	Vincent Lazatin	Bantay Kita
	Glenn Pajares	STANCe
	Chito Trillanes	Diocese of Tandag
Secretariat Support: Jeremiah Magno		

<p>Governance and Oversight Committee</p> <p><i>In charge of issues relating to the governance of the PH-EITI, including decision-making procedures, accountability lines, governance of the PH-EITI Secretariat, MSG membership, internal rules and terms of reference, and constituency guidelines, among others.</i></p>		
Constituency	Member	Agency/Organization
Government	Agustus Cesar Navarro	DOE
Industry	Ronald Rex Recidoro	COMP
	Francis Joseph Ballesteros	PHILEX
	Kiril Caral	PAP
Civil society	Vincent Lazatin	Bantay Kita
	Chito U. Trillanes	Diocese of Tandag
	Ladylyn Mangada	UPV Tacloban
Secretariat Support: Albert San Diego		

<p>Finance Committee</p> <p><i>In charge of monitoring PH-EITI expenditures and providing recommendations to mobilize resources for EITI implementation, including stakeholder engagement activities.</i></p>		
Constituency	Member	Agency/Organization

Government	Agustus Cesar Navarro	DOE
Industry	Odette Javier	Lepanto
	Francis Joseph Ballesteros	Philex
Civil society	Ladylyn Mangada	UPV Tacloban
Secretariat Support: Mary Ann Rodolfo		

b. Updates from Stakeholder Engagement Committee meeting

The Secretariat presented updates from the first meeting of the Stakeholder Engagement Committee (SEC) held on 9 February 2023. During the meeting, the committee agreed to adopt the rules in the PH-EITI internal rules subject to some refinements as maybe necessary. The committee also agreed that there should be no fixed frequency of meetings and the committee may meet every time the need arises. The committee agreed to include in the next meeting the discussion on the definition of terms stated in Validation Corrective Action (CA) 1.3-2. It was also suggested during the meeting to invite a member of the Anti-Terrorism Council in future meetings about CA 1.3-2. The Secretariat was also instructed to to circulate copies of proposed bills about red-tagging. On the amendments to EO147, the committee instructed the Secretariat to present the recommended amendments on the next meeting. The Chair of the SEC recommended formulating the possible contents and framework for the report on the state of civic engagement. On committee housekeeping, the committee agreed that there should be a rotation of reporter that will present the committee’s outputs to the MSG, and the schedule of meetings must be set ahead of time.

c. Updates from Governance and Oversight Committee meeting

The Secretariat presented updates from the first meeting of the Governance and Oversight Committee (GOC) held on 31 January 2023. During the meeting, the Secretariat presented PH-EITI documents that could be reviewed by the GOC, including the PH-EITI Internal Rules, MSG Terms of Reference (TOR), and updates on the EO 147 amendments. The GOC instructed the Secretariat to circulate a summary of the parts of these documents that require updating. On committee housekeeping,

the GOC agreed to adopt the rules in the PH-EITI Internal Rules. The GOC agreed that there should be a rotation of meeting chairmanship, as well as the reporter that will present the committee's outputs to the MSG. The schedule of committee meetings must also be set ahead of time.

A government representative pointed out that there are new MSG members that are not yet included in any of the MSG committees, and suggested recirculating the sign-up form. The Secretariat noted the instruction and will recirculate the form to the MSG.

2. *Update on EO147 amendments*

The Secretariat presented updates on the EO147 amendments. As a refresher, the Secretariat said that the MSG agreed to propose amendments to EO No. 147, s. 2013 pursuant to calls for greater inclusivity and meaningful stakeholder participation in the EITI process. On 16 February 2022, the MSG passed a resolution creating a TWG for the revision of the composition and functions of the PH-EITI MSG and Secretariat, amending for the purpose EO No. 147, s. 2013. The TWG developed the draft amendments, which the MSG approved in its 77th meeting on March 18, 2022.

The proposed EO aims to ensure inclusive stakeholder participation; strengthen the role and function of the MSG; mandate compliance of key industries; enable public disclosure of extractives data and information; and ensure sustainability of PH-EITI implementation.

The Secretariat forwarded the MSG-approved EO 147 amendment to DOF's Legal Affairs Office (LAO) for review. The Governance and Oversight Committee (GOC) initially discussed the amendments in relation to the comments of LAO. The Secretariat also presented to the MSG the comments of LAO, which include the following:

Government representation. *The President (through the EO) directly designate Secretaries or heads of agencies as members of the PH-EITI MSG rather than a senior official. The Secretary or head of an agency may instead be given authority to designate his own alternate/s.*

MSG Powers and Functions.

“Provide policy recommendations to relevant government offices, legislators, companies, and other stakeholders to improve extractives transparency, resource

governance, and revenue management;”

- *Clarify what constitutes policy recommendations on revenue management. Will this power intrude into the DOF's mandate?*

“Establish and implement a reporting, monitoring, and feedback mechanism for EITI-related issues;”

- *Clarify if feedback shall cover the resolution or reconciliation of EITI related issues.*

“Set a standard or mechanism for quality assurance of extractives data to be implemented by the PH-EITI Secretariat or an independent administrator”

- *Insert the phrase "following the prevailing EITI Standard" after the word "mechanism".*

“Lead the analysis of extractives data”

- *Include "review" with analysis of extractives data. This would be more consistent with the PH-EITI's commitment to refocus its role from data collection and publication to data analysis and policy recommendations.*
- *Check for possible overlap of DOF and DENR mandate*

“Through its various members, conduct outreach to, and capacity development of, various sectors in support of PH-EITI implementation at national and sub-national levels, communicate and build awareness about PH- EITI, and enable safe and constructive stakeholder engagement in PH-EITI implementation; and”

- *Define “enable, safe and constructive”*

Public disclosure extractive industries data

“d. The PH-EITI shall encourage industry sectors covered by its implementation to make timely disclosures of required data and information about their operations, including payments to the government, through publicly accessible websites, portals, reports or databases.”

- *Sec. 9 (d) states that the PH-EITI "shall encourage" industry sectors covered by its implementation to make timely disclosures of required data. We take this to mean that disclosure is voluntary rather than mandatory. Will this be consistent with our commitment to the EITI Standard?*

- *Add under item “ix. NCIP royalties”*

The Secretariat suggested that the next step is for the previously created TWG to convene again for the refinement and finalization of the draft amendment, which will then be reviewed by the LAO, and endorsed to the President. The timeline will be from the first to the second quarter of 2023.

A government representative suggested considering in the amendments the revised EITI Standard which will be released during the Global Conference in June 2023. On the government representation section of the EO, a civil society representative commented that a permanent member, in case he or she is not available, should be represented by a permanent alternate. An industry representative suggested that instead of the TWG, the GOC can continue its discussion on the amendments and come up with recommendations that can be submitted to the MSG. Other members of the TWG on EO147 amendments can also join the GOC in the discussions. An industry representative and a civil society representative suggested a change in the tone of the EO, that it should be a coming together of equals. The MSG agreed for the GOC to convene and review the EO147 amendments.

3. *Country reports*

The Secretariat gave updates on the production of the FY2020 and FY2021 country reports. For the FY2020 report, the Secretariat said that the Summary Data File was sent to the EITI International Secretariat (IS) on 6 February 2023. On February 16, the IS data team will conduct training on the EITI Summary Data Template. The template will be used as one of the references when assessing the Philippines’ adherence to Requirement 7.2 in the upcoming Validation.

For the FY2021 report, BIR asked for the revision of Taxpayer’s Waivers submitted by the reporting companies for FY 2021. The waiver should bear the name of the current BIR Commissioner. The Secretariat said that revised tax waivers will be accepted until 24 February 2023. As of 9 February 2023, the Secretariat has received a total of 21 tax waivers.

An industry representative asked what the target number of waivers is. The Secretariat responded that the target is 103 waivers, but only 21 waivers are received. The Secretariat clarified that several extensions were made, and the companies were contacted via call and email. The same industry representative said having only 21

companies with waivers means that there is a problem. He suggested that the Secretariat coordinate with the Chamber of Mines of the Philippines (COMP) in relation to the submission of company waivers. The Secretariat will draft a formal letter addressed to the head of companies with the MGB Director as the signatory. The Secretariat will also circulate to the MSG the statistics about companies' submissions for the FY2021 report.

4. *MSG Conference*

The Secretariat gave initial updates on the preparations for the 2023 PH-EITI MSG Conference. With the theme "Setting the direction and building capacity for open and transparent extractives governance", this year's MSG conference aligns with the overall direction of PH-EITI in fostering open and responsible governance of the extractives sector. The activity has two-pronged objectives. On one hand, it aims to capacitate the MSG on the fundamentals of production and export data analysis and disclosure in response to the emerging issues on transfer pricing and prevailing issues on corruption. On the other hand, it will serve as a venue to develop annual and medium-term work plans that will address EITI requirements, enable meaningful and impactful implementation of EITI in the country, and ensure the MSG's preparedness for the January 2024 EITI Validation of the Philippines.

The conference will consist of two (2) parts that will facilitate the achievement of the objectives of the conference. The first session will be capacity-building on the fundamentals of production and export data analysis and disclosure. The second session will be strategic planning for the MSG, which will have four modules: 1. Context Analysis, 2. Crafting operational and strategic plans, 3. Defining the roles and responsibilities of the MSG, and 4. Harmonizing work efficiency and effectiveness.

The Secretariat also presented a draft of the PH-EITI implementation framework, which will be discussed by the MSG during the conference.



The proposed schedule of the MSG Conference is on 14-17 March 2023 in a venue in Clark, Pampanga. The cost of the conference will be charged against the PH-EITI General Appropriations Act (GAA) of 2023 and funding by USAID through the EITI International Secretariat (IS).

Members of the MSG raised their concerns about the schedule and venue of the conference. The Secretariat will keep its line open for final confirmation of the attendance of the MSG members.

VI. Other matters

1. EITI Board Nomination

The Secretariat shared that former PH-EITI Alternate Chair DOF Assistant Secretary Valery Joy Brion has resigned from her membership to the EITI Board. With this, the Philippines has nominated PH-EITI Chair DOF Undersecretary Cielo Magno as the new member for East Asia representation to the EITI Board. The Secretariat consulted the MSG whether they approve of it or not. The MSG expressed no objection to the nomination.

2. *Grievance letter from the Municipality of Odiongan Romblon*

The Secretariat shared the grievance letter received from the Municipality of Odiongan, Romblon in relation to the possible violations of Atlai Philippines Mining Corporation (APMC).

The grievance letter indicated the following concerns about APMC in relation to their mining operation:

- No Tree Cutting Permit and Foreshore Lease Agreement (FLA) secured from the DENR;
- Construction of APMC's port without the necessary permit from the LGU of San Fernando;
- Lack of Barangay Clearance and Municipal Business Permit to conduct such activities

A civil society representative said that discussions like this are important to allow the constituencies to express their concerns in such issues. He recommended continuously putting the matter on future agendas.

An industry representative said that grievance machinery should be crafted, but it shouldn't mean that PH-EITI will have the authority to accept evidence and do conflict resolutions. The PH-EITI should just provide a platform for stakeholders to report concerns, and make recommendations to address these issues. He added that all sectors should be invited to discussions to get a more complete view.

A civil society representative said that the process in granting permits should be reviewed. Another civil society representative said that there are mining companies in Odiongan that are not members of COMP, and if so, it will be hard to apply the standards to them.

The Secretariat suggested that the issue be discussed in the committee level. A civil society representative said that the GOC can convene and discuss the next steps on how to handle matters like this. He added that it should be noted that the MSG does not resolve and make policies, but cultivate a platform to discuss matters that are related to the extractives.

A civil society representative said that a grievance platform can be one of the best practices of PH-EITI which may be beneficial for the government, industry, and the civil society, among others. An industry representative suggested culling out experiences of other EITI implementing countries in relation to their grievance platforms.

3. *Global Conference*

The Secretariat discussed that there are slots for civil society representatives that participate in the 2023 EITI Global Conference that will take place in Dakar, Senegal in June. A representative from EITI International shared that the initial theme of the conference is “extractives in transition” and will involve topics like energy transition, empowering communities, anti-corruption, beneficial ownership, transparency in the renewable energy sector, and strengthening gender inclusion. The same representative from EITI International said that it would be better for the MSG to nominate a civil society representative that can speak about the extractives in the ground level. The Secretariat will coordinate with Bantay Kita for the representation of the civil society constituency to the global conference. The deadline for nomination will be on 15 February 2023.

The representative from EITI International also requested for the MSG to discuss what the PH-EITI will showcase in the conference.

VII. **Summary of MSG decisions, agreements, and instructions**

Agreements	Responsibility Center
The Secretariat to reopen and circulate the committee membership sign-up form to the new CSO members.	Secretariat
The Secretariat to update and recirculate the PH-EITI MSG directory.	Secretariat
The Governance and Oversight Committee (GOC) to meet and review the refinements on EO 147 amendments.	GOC
The Secretariat to coordinate with MGB and COMP in relation to the submission of company waivers.	Secretariat, MGB, and COMP
The Secretariat to circulate to the MSG statistics about company’s submission for the FY 2021 report.	Secretariat

Agreements	Responsibility Center
The Secretariat to circulate to the MSG the draft 2023 work plan.	Secretariat
The Secretariat to circulate a save the date notice for the MSG Conference.	Secretariat
The Secretariat to explore the possibility of a hybrid approach for the MSG Conference.	Secretariat
The MSG agreed on the nomination of DOF USec. Cielo Magno to represent the Philippines and other Southeast Asian implementing countries in the EITI Board.	MSG
The Secretariat to coordinate with the DENR in relation to the issue on Sibuyan mining.	Secretariat and DENR
The GOC to convene and make recommendations on the process of dealing with the matter on Sibuyan mining.	GOC
The Secretariat to coordinate with Bantay Kita for CSO representation for the global conference.	Secretariat

VIII. Setting of the next meetings

The Secretariat presented the following schedule for the next MSG meetings and activities:

May 12, 2023	85th meeting
August 11, 2023	86th meeting
November 27-28, 2023	ETW and FORGE PH
December 1, 2023	87th meeting

An industry representative asked when the said schedule was discussed by the MSG. A civil society representative responded that there was a recommendation from the MSG to conduct the meetings once every quarter.

The MSG agreed to follow the schedule.

IX. Adjournment

With no other matters to be discussed, the meeting was adjourned at 12:24 pm.