

Philippine Extractive Industries Transparency Initiative
85TH MULTI-STAKEHOLDER GROUP MEETING
12 May 2023, Friday | 9:00 AM - 12:00 NN | Hybrid Meeting
Department of Finance, Manila, and Google Meet

Attendees

Government	
1. Usec. Cielo D. Magno	Department of Finance (DOF)
2. Dir. Ma. Pamela Quizon	DOF
3. Dir. Augustus Cesar Navarro	Department of Energy (DOE)
4. Engr. Romualdo Aguilos	Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB)
5. Ms. Diory Car	DENR-MGB
6. Mr. Jedd John Castillo	Department of the Interior and Local Government (DILG)
7. Mr. Lawrence Trinidad	Union of Local Authorities of the Philippines (ULAP)

Industry	
1. Atty. Ronald Rex Recidoro	Chamber of Mines of the Philippines (COMP)

Civil Society	
1. Mr. Vincent Lazatin	Bantay Kita - Publish What You Pay Philippines (BK-PWYP)
2. Ms. Aniceta Baltar	Concerned Citizens of Abra for Good Governance

3. Mr. Chito Trillanes	Social Action Center - Ecology Desk, Diocese of Tandag, Surigao del Sur
4. Prof. Ladylyn Mangada	University of the Philippines - Tacloban
5. Mr. Rodne Galicha	Living Laudato Si' Philippines
6. Ms. Arlene Sevilla	Assembly of Masses and Basic Sectors for Unity and Harmony – Initiatives for Normalization and Advancement for Human Security (AMBUH-INAH)
7. Ms. Jeanira Okubo	PILIPINA, Baguio-Benguet Chapter

PH-EITI Secretariat
1. Atty. Manuel Rodriguez II
2. Engr. Joshua Miguel Lopez
3. Ms. Mary Ann Rodolfo
4. Ms. Anna Leigh Anillo
5. Mr. Albert San Diego
6. Ms. Rhea Mae Bagacay
7. Mr. Job Besmonte
8. Ms. Rhoda Aranco
9. Ms. Andrea Denise Samson
10. Ms. Mary Nicole Hilario
11. Mr. Amiel De Guzman
12. Mr. Ricardo Evora

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Proceedings

I. Call to order

Dir. Augustus Cesar Navarro of the Department of Energy (DOE) chaired the meeting. No quorum was met for the industry representatives. The Chair suggested waiving the quorum but skipping the items in the agenda that need sufficient representation for decision making. The body agreed with the suggestion. The meeting was called to order at 9:04 AM.

II. Introduction of new government representatives and Secretariat members

The Secretariat introduced to the MSG the new representatives from the government constituency. They are Undersecretaries Carlos Primo David and Ignatius Loyola A. Rodriguez of the Department of Environment and Natural Resources (DENR), and Acting Deputy Executive Director Ma. Pamela P. Quizon of the Bureau of Local Government and Finance (BLGF). The Secretariat also introduced the new members of the PH-EITI Secretariat, namely Engr. Joshua Miguel Lopez, Ms. Nicole Hilario, and Mr. Amiel De Guzman.

III. Approval of the agenda of the 85th meeting

The Chair sought the approval of the agenda.

An industry representative motioned for the approval of the agenda. The motion was seconded, and the agenda was approved.

IV. Approval of the minutes of the 84th meeting

The Secretariat gave the members more time to peruse the minutes of the 84th meeting and send comments or corrections, if any. If no comment is received, the minutes will be deemed approved. Also, the Secretariat will circulate updates on matters arising from the previous MSG meeting that are not yet completed. A representative of civil society motioned for the approval of the agenda. The motion was seconded, and the agenda was approved.

V. Matters arising from previous meetings

	ITEM	ACTION	IN-CHARGE	STATUS	REMARKS
From the 84th MSG Meeting - February 10, 2023					
84.1	Committee Membership	The Secretariat to reopen and circulate the committee membership sign-up form to the new CSO members.	Secretariat	Completed	
84.2	PH-EITI MSG Directory	The Secretariat to update and recirculate the PH-EITI MSG directory.	Secretariat	Completed	
84.3	EO 147	The Governance and Oversight Committee (GOC) to meet and review the refinements on EO 147 amendments.	GOC	Completed	
84.4	Company Waivers	The Secretariat to coordinate with MGB and COMP in relation to the submission of company waivers.	Secretariat, MGB, and COMP	Completed	
84.5		The Secretariat to circulate to the MSG statistics about company's submission for the FY 2021 report.	Secretariat	Completed	
84.6	2023 Workplan Draft	The Secretariat to circulate to the MSG the draft 2023 work plan.	Secretariat	Completed	
84.7	MSG Conference	The Secretariat to circulate a save the date notice for the MSG Conference.	Secretariat	Completed	

84.8	MSG Conference	The Secretariat to explore the possibility of a hybrid approach for the MSG Conference.	Secretariat	Completed
84.9	Sibuyan Mining	The Secretariat to coordinate with the DENR in relation to the issue on Sibuyan mining.	Secretariat and DENR	Completed
84.10	Sibuyan Mining	The GOC to convene and make recommendations on the process of dealing with the matter on Sibuyan mining.	GOC	Partly Completed
84.11	Representation on Global Conference	The Secretariat to coordinate with Bantay Kita for CSO representation for the global conference.	Secretariat	Completed

VI. Main Business

1. FY 2021 country report

The Secretariat presented updates regarding the revision of taxpayer waivers submitted by the reporting companies for FY 2021. As of May 10, 2023, the Secretariat received 52 revised waivers out of the 54 original submissions. They received an additional 10 waivers, for a total of 48% of the 130 identified companies. This is far below the Secretariat's target participation of 86%. The Secretariat said that based on submissions, only 50% of the companies have validated and submitted data. To reach out to the 112 reporting companies, the Secretariat said that they have been reaching out to other companies via calls and emails. As for government reporting, the Secretariat mentioned that 5 out of 8 complied (MGB, DOE, PSA, PPA, and DBM), but they are still awaiting BIR, BOC, and NCIP. The Secretariat also said that they will pilot two areas for Small Scale Mining (SSM) data reporting in Paracale, Camarines Norte and Sagada, Mt. Province.

During the meeting, the Secretariat presented the proposed outline for the 9th Country Report's Contextual Information Chapter for FY 2021. An industry representative

commented that the Secretariat must determine and highlight the story of extractive policy for FY 2021. He added that if the Secretariat conducts the SDMP review and recommendation, it will require more consultation with stakeholders, a wider study, and coordination with relevant agencies. Also, the industry representative expressed concern with the number of companies participating in the submission of tax waivers. He asked the Secretariat to identify each of the companies to see if they were members of the industry chamber, and if they were, they would be compelled to cooperate. The Secretariat will take note of and consider the recommendations from the industry representative and will send to COMP the list of mining companies that are members of the chamber. The Secretariat also presented the timeline for the annual EITI reporting. A CSO representative suggested the early preparation of the country report, and the storyline of what would be prepared must be discussed in the MSG meeting. The Secretariat suggested that the outline of the country report be discussed in the Implementation Committee meeting. Also, she said that the IC should convene and discuss the outline and theme of the 2021 report.

2. Updates from Governance and Oversight Committee meeting

a. EO 147, s. 2013 amendments

The Secretariat presented updates from the second meeting of the Governance and Oversight Committee (GOC), held on April 27, 2023, and its continuation on May 4, 2023. During the meeting, the Secretariat said that they discussed the amendments to EO 147, PH-EITI Internal Rules, Terms of Reference, and PMRB. The GOC agreed on the revisions to EO 147 amendments based on the comments of DOF's Legal Affairs Office, except for the following, which shall be referred to the MSG for discussion.

- ULAP Representation (Section 2);
- BO provision (waiver) (Section 6);
- Data mainstreaming for industry (Section 5)

With regards to Section 2, the issue of categorizing ULAP under either the government or civil society sector was raised based on previous deliberations. A civil society representative expressed the belief that ULAP belongs to the government sector due to its current membership being comprised of government officials. This raised the question of why ULAP should be considered a CSO when its members are government officials.

A government representative highlighted that the EO specifies that government representatives should be heads of agencies, which contrasts with ULAP being headed by elected officials rather than agency heads.

A civil society representative emphasized the importance of referring to documents, such as ULAP's registration, to determine its identity as a government, private entity, or CSO. She reiterated her stance that ULAP is not a government agency.

Another civil society representative acknowledged the challenge of categorizing ULAP under the government since its character resembles that of an NGO. He also recognized that CSOs may not want ULAP to be included in the civil society constituency. He suggested redefining the representation of government and finding a way for ULAP to still represent the government.

A representative from ULAP clarified that, on paper, ULAP is a private organization that serves as the federation of local government authorities. ULAP represents the sentiments of local governments on the national stage. The representative suggested adding another bullet in the EO specifically for representatives of local government, with ULAP being classified under that category.

A civil society representative proposed expanding the definition of government representation to include not only national agencies but also local governments. He stressed that the role of ULAP in representing local governments to the MSG is very crucial to natural resource governance.

Another civil society representative agreed with broadening the definition of government representation. He suggested referring to the constitution and documents that provide context for ULAP's role. He emphasized that ULAP's role is vital for checks and balances and serves as a repository for the sentiments and legislations of local communities.

The ULAP representative suggested reviewing other EOs that mention ULAP, such as the National Land Use Act, where ULAP is classified under the government.

A civil society representative noted that if ULAP is classified as government, other organizations like the Irrigator's Association of the National Irrigation Authority and the DSWD's Social Work Association could also be considered government entities. The ULAP representative clarified that these organizations participate in the committee to

advocate for the concerns of their respective professions, while ULAP represents the concerns of local authorities. The ULAP representative reiterated the suggestion of adding a specific bullet in the EO addressing representation from the local government.

A civil society representative suggested consulting with experts to determine the appropriate placement of all entities in the MSG. Another civil society representative proposed continuing to engage ULAP in the MSG while consulting with experts.

The ULAP representative mentioned that most of their committee memberships classify ULAP as part of the government.

A civil society representative acknowledged that consensus might not be reached at the moment and proposed revisiting the matter in the next meeting. An industry representative inquired about the next steps and which experts should be consulted. The ULAP representative suggested referring to the DILG or contacting the Senate or HOR Legislative Offices.

A civil society representative suggested utilizing the TWGs and inviting experts in public administration and governance. An industry representative expressed support for consulting experts while initiating the expansion of the government representative's definition in the EO.

A government representative suggested returning to the local governments hosting mining and convening them to determine who they want to represent them in the MSG. She emphasized the need for representation from local governments hosting extractive activities. It was proposed that the Secretariat organize a meeting for subnational stakeholders, including LGUs, to discuss the matter and other related activities, such as efforts on civic space.

A civil society representative suggested that ULAP submit a position paper outlining all the reasons why ULAP represents the government. They also proposed that if ULAP holds a national assembly, this matter can be discussed, and a resolution regarding ULAP as the representative of all local government units affected by extractive activities can be initiated. ULAP agreed to submit the position paper through a referendum sent to the Secretariat.

With regards to Section 6 of the EO 147, s. 2013 amendment, the Secretariat clarified if mining companies would be required to pass a waiver with regards to data issue privacy.

He added that the GOC referred it to the MSG regarding their position. A representative from the government suggested that the waiver for beneficial ownership should be included in the requirements. She also raised her concern about whether the MSG has the authority to require the Securities and Exchange Commission (SEC) to issue a special issuance or an executive order with respect to the beneficial disclosure of companies. The Chair mentioned that in the SEC, there is a requirement with regards to disclosing beneficial ownership, but with regards to requiring publication, there is none. A representative from the industry recalled the discussion in the committee that beneficial ownership disclosure is going to be mandatory as it is part of the standard. He added that the waiver is still required in the publication of data. Further, he said MSG must be careful about private information being disclosed in public for no apparent reason. A representative from the CSO shared her confusion with regards to the publication and disclosure of beneficial ownership. She continued by asking how companies could be willing to disclose information but unwilling to publish it. Another representative from the CSO said if companies are willing to disclose information to the SEC, then it will become a public document and can be published for the public. The MSG agreed that the Implementation Committee convene and draft a resolution regarding BO and table the discussion for the next meeting.

With regards to Section 5, the Secretariat clarified if the industry sector should be required or only engage regarding data mainstreaming. An industry representative said that industry sectors are required to disclose data and information about their operations, including payments to the government, through publicly accessible websites, portals, reports or databases. He added that the government and private sector should come up with a standard portal for all stakeholders through which they should be able to exchange data with the PH-EITI portal, which consolidates all disclosures. A government representative said that MSG will adapt the word “require” in Section 5.

b. PH-EITI Internal Rules

The Secretariat said that the GOC agreed on the revisions to the Internal Rules. He added that it's now up to the MSG to discuss and approve the proposed changes. The MSG agreed to adapt the changes and amendments in the PH-EITI internal rules. Also, the Secretariat to circulate the revised Internal Rules.

c. Other Matters for Future Discussion

The Secretariat said that the GOC aims to include in future meetings the agenda items that were not discussed during the meeting. These items are:

- MSG Terms of Reference;
- Provincial/City Mining Regulatory Board (P/CMRB); and
- Ways moving forward regarding the Sibuyan Mining Issue

The Secretariat added that the IPILAN Nickel Corp. issue will be included in the agenda of the next GOC meeting. Also, the MSG agreed to give the Secretariat the authority to sign various issues to the concerned committees for discussions. For the Governance and Oversight Committee, the MSG agreed that Atty. Ronald Rex Recidoro will be the permanent chairman, while Mr. Vincent Lazatin will be the vice chairman. For the Implementation Committee, the MSG agreed that Dr. Glenn Pajares will be the Chairman, and the Vice Chairman will be Ms. Aniceta Baltar. For the Stakeholder Engagement Committee, the Chairman will be Dir. Anna Liza Bonagua, while the Vice Chairman will be Atty. Joan Cattiling and Mr. Rodney Galicia. For the Finance Committee, the Chairman will be Dir. Augustus Cesar Navarro, while Atty. Francis Joseph Ballesteros will be the vice chairman. The MSG agreed to give the Secretariat the authority to assign various issues to the concerned committees for discussion. Also, the Secretariat will recirculate the committee membership to the MSG body for reference.

3. *PH-EITI feedback mechanism*

The Secretariat recalled that GOC held a meeting on February 28, 2023, and extended it to the members of MSG to discuss the issue of Sibuyan mining. It was attended by DENR-MGB, but Altai Mining Corporation didn't attend. He added that it was agreed by the GOC that there would be a separate meeting regarding possible recommendations to address the issue. He said that this issue triggered the guide for crafting the grievance or feedback mechanism for PH-EITI with the guidance of Usec. Cielo Magno and Asec. Karlo Adriano. Further, he presented the process and timeline for addressing these reports. The MSG agreed to defer the feedback mechanism discussion to GOC.

4. *2023 EITI Global Conference*

The Secretariat discussed the 2023 EITI Global Conference that will be held in Dakar, Senegal on June 12-15, 2023.

The MSG agreed to defer the discussion of other matters to the next meeting.

VII. 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

VIII. Summary of Agreements

Agreements	In-Charge	Timeline
The Secretariat to circulate the updates on the matters arising from the previous MSG meeting that are not yet completed	Secretariat	May 17, 2023
The Secretariat to send to COMP the list of non-compliant mining companies that are members of the chamber.	Secretariat	May
The Implementation Committee to convene and discuss the outline and theme of the 2021 report.	Implementation Committee	Month of May
The MSG agreed to defer the discussion on the categorization of ULAP’s membership. The Secretariat to refer to experts and relevant documents citing ULAP to provide reference to the body.	Secretariat	
The Secretariat to organize a meeting with LGUs to raise matters regarding their representation to the	Secretariat	

MSG and SSM reporting.		
ULAP to share a position paper on the classification of ULAP in the MSG.	ULAP	
The Implementation Committee to convene and draft a resolution regarding BO and table the discussion for next MSG meeting.	Implementation Committee	
The MSG agreed to adapt the changes and amendments in the PH-EITI internal rules.		
The Secretariat to circulate the revised Internal Rules.	Secretariat	
The Secretariat to include the IPILAN Nickel Corp issue to be included in the agenda of the next GOC meeting.	Secretariat	
The MSG agreed to give the Secretariat the authority to assign various issues to the concerned committees for discussions.		
The Secretariat to recirculate the committee membership to the MSG body for reference.	Secretariat	
The MSG appointed chairmanship and vice-chairmanship of the various committees.		
The MSG agreed to defer the feedback mechanism discussion to GOC.		
The MSG agree to defer the discussion of other matters to the next MSG meeting.		

IX. Adjournment

With no other matters to be discussed, the meeting was adjourned at 12:09 pm.