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**Philippine Extractive Industries Transparency Initiative**  
**Orientation on EITI Beneficial Ownership (BO) Disclosure Requirement**  
September 2020 | 10 AM – 12 PM | Zoom  
**Highlights of the Meeting**

## Agenda

- I. Acknowledgment of Participants
- II. Opening Remarks
- III. Overview/recap of PH-EITI's BO Disclosure Requirement
- IV. Process of Compliance
- V. Open Discussion
- VI. Final Reminders
- VII. Closing Remarks

## Highlights

### 1. Acknowledgment of Participants

The PH-EITI Secretariat opened the meeting and acknowledged the companies that confirmed attendance to the meeting:

#### Metallic

1. AAM-Phil Natural Resources Exploration and Development Corporation
2. Adnama Mining Resources, Inc.
3. Apex Mining Co., Inc.
4. Benguet Corporation
5. Berong Nickel Corporation
6. Carmen Copper Corporation
7. Carrascal Nickel Corporation
8. Century Peak Corporation
9. CTP Construction and Mining Corporation - Dahican
10. Eramen Minerals, Inc.
11. FCF Minerals Corporation
12. Greenstone Resources Corporation
13. Krominco, Inc.
14. Lepanto Consolidated Mining Co.
15. LNL Archipelago Minerals, Inc.
16. Marcventures Mining and Development Corporation
17. OceanaGold (Philippines), Inc.
18. Pacific Nickel Philippines, Inc.
19. Philex Mining Corporation
20. Philsaga Mining Corporation
21. Platinum Group Metals Corporation
22. Rio Tuba Nickel Mining Corporation
23. Sinosteel Phils. H. Y. Mining Corporation
24. Strong Built (Mining) Development Corporation

25. Techiron Resources, Inc.
26. Itogon-Suyoc Resources, Inc.
27. Taganito Mining Corporation
28. Hinatuan Mining Corporation
29. Cagdianao Mining Corporation
30. Dinapigue Mining Corp.
31. Oriental Vision Mining Philippines Corporation

#### Nonmetallic

1. Apo Land & Quarry Corporation
2. Bohol Limestone Corporation
3. Concrete Aggregates Corporation (MPSA 032-95-IV)
4. Eagle Cement Corporation
5. Filminera Resources Corporation
6. Holcim Mining and Development Corporation
7. Island Quarry and Aggregates Corporation
8. JLR Construction and Aggregates, Inc.
9. Northern Cement Corporation
10. Rapid City Realty and Development Corporation
11. Republic Cement & Building Materials, Inc.-Teresa Plant, Bulacan, Iligan
12. Rio Tuba Nickel Mining Corporation - Gotok Limestone Quarry Project

#### Oil & Gas

1. Chevron Malampaya LLC
2. Galoc Production Company WLL - Philippine Branch
3. Nido Galoc Production
4. Philippine National Oil Company - Exploration Corporation
5. Shell Philippines Exploration B.V.

## 2. Opening Remarks

MSG Industry Representative Atty. Ronald Recidoro delivered his opening remarks where he outlined the legal background of the need to comply with the BO disclosure requirement, and also expressed the Chamber of Mines' support on BO disclosure due to its benefits to the industry:

- enhances confidence in companies;
- helps ensure that there is a level playing field for all companies;
- seen as an anti-corruption, anti-money laundering initiative; and
- increases trust and accountability in the sector.

Atty. Recidoro also said that honesty and transparency may pay dividends in the long run as investors would naturally turn to companies that are honest and transparent. Atty. Recidoro also assured companies that PH-EITI will observe data privacy laws and will handle information with utmost care. Lastly, Atty. Recidoro encouraged company representatives to raise during the session any concern with regard to BO disclosure.

## 3. Objectives and Program Rundown

PH-EITI Secretariat presented the objectives of the session:

- Recap or explain the rationale of PH-EITI's requirement on beneficial ownership disclosure
- Explain the process of complying with the beneficial ownership requirement

PH-EITI also presented the agenda of the program.

#### 4. Overview of BO disclosure requirement

Former PH-EITI National Coordinator and consultant for the 6<sup>th</sup> PH-EITI Report Atty. Karla Espinosa presented an overview of the PH-EITI's BO Disclosure Requirement and the progress of the Philippines in BO disclosure:

- The EITI Standard requires BO disclosure and publication by 2020 (Requirement 2.5)
- The SEC defines beneficial owners as “the natural persons who ultimately own or control or exercise ultimate effective control over a corporation”.
- The EITI Standard requires the disclosure of the identity of companies' beneficial owner/s, i.e. the name, nationality, and country of residence.
- The EITI Standard also requires the disclosure of Politically Exposed Persons (PEPs). A beneficial owner who holds or has held public office, where "public office" means an elective or appointive position or employment in the national or local government.
- BO disclosure milestones:

2016	MSG approved the PH-EITI BO disclosure roadmap (2017-2020) during the 38 <sup>th</sup> meeting. (Dec)
2017	<ul style="list-style-type: none"> <li>• Scoping study</li> <li>• Inclusion of BO in PH-OGP National Action Plan 2017-2019</li> <li>• Inclusion of BO in program of countrywide roadshow</li> </ul>
2018	<ul style="list-style-type: none"> <li>• First multisectoral BO workshop thru PH-OGP event (May)</li> <li>• SEC issued MC No. 17, s. 2018 (Nov)</li> <li>• BO declaration made part of ORE and pilot BO disclosure included in the 5<sup>th</sup> Report (Dec)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• SEC issued MC No. 15, s. 2019 (Jul), amending MC No. 17, s. 2018</li> <li>• PH-EITI – COMP – SEC workshop on BO disclosure (Oct)</li> <li>• <i>MSG agreed to align EITI BO disclosure with SEC policy on BO declaration (with a view to mainstreaming BO transparency*) and to publish BO information in the 6<sup>th</sup> Report.</i> (Dec)</li> </ul>
2020	<ul style="list-style-type: none"> <li>• EITI deadline for public disclosure of BO information (Jan)</li> <li>• Position of PH-EITI MSG on mainstreaming BO disclosure was communicated to the International Secretariat (IS), but PH still deemed unable to meet the deadline.</li> <li>• In a TWG meeting, SEC gave updates on MC 15 implementation; publication was identified as an issue because MC 15 excludes it; SEC indicated openness to accept companies' waiver of non-publication in order to publish their BO information. (Feb)</li> </ul>

	<ul style="list-style-type: none"> <li>• MSG approved a company waiver template which was then sent to SEC for comments. (Apr)</li> <li>• PH-EITI received SEC's comments. (May 15)</li> </ul>
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- The first compliance period of MC 15 will end by August 2020.
- SEC cannot publish BO information, even with company waivers.
- SEC's position is that:  
SEC cannot publish BO information because MC 15 excludes publication and does not provide any exceptions. SEC would need to amend MC 15 to allow for exceptions. SEC can only share to PH-EITI the BO information disclosed by companies, provided – the data subjects give their consent (by themselves or by an authorized company representative thru a Board resolution) and PH-EITI executes a data sharing agreement with SEC under NPC Circular No. 16-02, in compliance with the Data Privacy Act of 2012.
- Cases challenging the validity of MC 15 have been filed with the Court of Appeals against the SEC.
- In its 62nd meeting, the MSG, decided to directly request companies for a copy of the BO declaration form they submitted to SEC and for their consent to the publication of their BO information in the 6th Report.
- BO disclosure will be one of the requirements that will be assessed during the Philippines' EITI Validation in October 2020
- Required BO information:
  - Complete name of beneficial owner/s
  - Country of residence
  - Nationality
  - Type of beneficial owner
  - Category of beneficial owner
  - Percentage of ownership, if applicable
  - If the beneficial owner is a politically-exposed person, if applicable;

## 5. Process of Compliance

PH-EITI Secretariat presented the list of documents to be submitted by the companies and the process of submission for compliance.

### Required Documents

- Encrypted Copy of the BO Declaration Form submitted to SEC
- Politically Exposed Person/s Declaration Form
- Company Waiver and Consent to publication of BO information as part of the 6th PH-EITI Report

### Report

- Board Resolution granting authority to a representative to sign and execute the waiver and consent on behalf of the company

## Process of Submission

1. E-mail to the PH-EITI Secretariat the name, Google email address, and mobile number of the duly authorized representative who will digitally transmit the company files to PH-EITI Secretariat. E-mail: [pheiti@dof.gov.ph](mailto:pheiti@dof.gov.ph)

2. The PH-EITI Secretariat will send to the authorized representative the unique PASSWORD to be used by the company in encrypting or protecting the files. The authorized representative will also be given the link to the company's designated folder.

3. The duly authorized representative shall protect the files with a password assigned before uploading to the assigned folder. A written guideline for protecting your files will be found in your assigned folder.

4. Four (4) files shall be uploaded to the assigned folder by September 22, 2020:

- Encrypted copy of the BO Declaration Form submitted to SEC
- Politically Exposed Person/s Declaration Form
- Company Waiver and Consent to publication of BO information as part of the 6th Country Report
- Board Resolution granting authority to a representative to sign and execute the waiver and consent on behalf of the company

5. Mail the original copy of your company waiver and board resolution to:

Ma. Teresa S. Habitan  
Assistant Secretary and Alternate PH-EITI Focal Person  
Department of Finance  
5th Floor, DOF Building, BSP Complex,  
Roxas Boulevard, Malate, Manila 1004

## 6. Open Discussion

Due to technical difficulty PH-EITI Secretariat's Technical and Communications Manager Eastword Manlises led the open discussion while Atty. Espinosa sends answers via the Zoom chatbox. PH-EITI Secretariat promised to send a communication to all participants containing the formal and official answers to the questions raised during the webinar but to maximize the opportunity of having everyone already present in the Zoom session, Mr. Manlises addressed some of the questions sent during the meeting:

1. What would your office do if the company will not provide you with the disclosure because the board or director objects to it?

*The PH-EITI MSG may have the Mines and Geosciences Bureau to enforce DAO 2017-07 which sanctions non-compliance with PH-EITI requirements. The PH-EITI appeals to the companies' kind cooperation to help the country comply with its international commitments*

*Atty. Espinosa: For now the PH-EITI requirement on BO disclosure is largely voluntary but the direction is towards making the information publicly available through the SEC and in coordination with the privacy commission to ensure data privacy rights are protected. I refer to publication as voluntary for now, not the requirement on disclosure as disclosure is already required by SEC MC 15.*

2. The BO form with the SEC requires us to declare with the specific address of the residential owners. That may not be something that most people want published.  
*PH-EITI is not going to publish the residential addresses of the BO owners. PH-EITI Secretariat will only publish the 7 items of information mentioned earlier in the webinar.*
3. From PHILEX: Is this authorized representative who shall electronically submit the documents the same authorized representative to execute the waiver?  
*It may not be the same person. It depends on the company. The authorized representative to sign the waiver may be the corporate secretary while the person to transmit the files is someone who is more tech savvy to do so.*
4. From Chevron: What if the beneficial owner does not consent to give his/her information?  
*PH-EITI Secretariat leaves it for Atty. Espinosa to answer.*
5. From PNOEC: Is there a possibility of extending the deadline from September 22 to September 25?  
*PH-EITI extends the deadline to September 25 considering the short period of time left to submit 4 documents but noted that PH-EITI will also need time to process submitted information and include it in the 6<sup>th</sup> country report.*
6. What does publication mean? Anyone can access the BO information anytime or any reason?  
*Only the 7 items of information mentioned will be included in the 6<sup>th</sup> country report which will be publicly available.*
7. Are foreign owned companies required to submit BO information?  
*PH-EITI Secretariat leaves this for Atty. Espinosa to answer. The SEC is putting together a memorandum circular pertaining to BO disclosure of foreign companies.*
8. From Adnama: Isn't it redundant already that the companies are required to submit such disclosures when in fact EITI can just ask from SEC and COMELEC with the waiver to be complied for?  
*PH-EITI has the same intentions as the SEC which is why PH-EITI doesn't require companies to accomplish an entirely new form and only requests a copy of the same disclosure form submitted to the SEC. The direction is to eventually mainstream this policy however for this year, it isn't possible yet because the existing MC doesn't allow sharing the information with PH-EITI.*
9. Are GOCCs required to submit BO information  
*PH-EITI Secretariat leaves this for Atty. Espinosa to answer.*
10. From Republic Cement: Can we please clarify, the data subject under the DPA is actually the presumptive "Beneficial Owner" right? We have to get their consent before the companies can release any waiver/consent. What happens if they do not agree?  
*PH-EITI Secretariat leaves this for Atty. Espinosa to answer.*
11. What are the sanctions, penalties for not complying with BO information?  
*As of the moment, it is voluntary but EITI participation is required under DAO 2017-07.*
12. For follow up questions, can we send it to PH-EITI secretariat?

*Questions may be sent to the PH-EITI email and Atty. Espinosa's responses will also be circulated to everyone.*

13. Strong Built: I was asking for a copy of the waiver, how it was worded  
*The forms have been sent to everyone but if the company hasn't received any form yet, Ms. Eah Antonio may be notified for the documents to be sent to the requesting company.*
14. For confirmation, is the BO Declaration Form and other required docs to be submitted on Sept 25 shall cover 6th Report (so the covered year is 2018, not the 7th Reporting-2019)?  
*2019 disclosure will be submitted but this will be confirmed with Atty. Espinosa.*
15. From Berong Nickel: Kindly confirm, disclosure is required but publication is voluntary.  
*If the company will not submit then the information will not be published.*
16. From Chevron: we submit GIS yearly, which applicable GIS year should we submit for PH EITI? Is it for year 2019?  
*2019 document will have to be submitted considering that MC 15 took into effect in 2019.*
17. Will all answers be emailed to participants?  
*Yes, all responses will be circulated to everyone.*
18. Is it a correct interpretation that based on SEC MC disclosure of BO is required for shareholders holding at least 25% ownership?  
*Yes.*

The 6<sup>th</sup> report will enumerate which companies complied with the BO disclosure requirement and which ones did not.

The PEP Declaration Form and the Company Waiver were presented on screen for everyone.

## 7. Closing Remarks

Department of Finance (DOF) Assistant Secretary and Alternate Chair and Focal Person of PH-EITI Asec. Ma. Teresa Habitan delivered the closing remarks and thanked companies for their cooperation.

A group photo was taken and participants were requested to answer an evaluation form.

**Appendix 1. Response to Participants' Questions** (*Responses to questions raised, prepared by Atty. Espinosa and sent to reporting companies via e-mail*)

**Appendix 2. [Presentation used for the BO orientation](#)**

**Appendix 3. [PEP Declaration Form](#)**

**Appendix 4. [Company Waiver and Consent Form](#)**

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## Appendix 1. RESPONSE TO PARTICIPANTS' QUESTIONS

### From PH-EITI Orientation on Beneficial Ownership Disclosure for Companies

Prepared by: Atty. Karla Espinosa, Consultant for the 6<sup>th</sup> PH-EITI Country Report

Questions/Comments	Answers/Response
<p><b>From Strong Built - Atty. Elias L. Espinoza:</b> If MC 15 prohibits SEC from giving the information, so why force the issue of BO disclosure?</p>	<p><b>THE PUBLICATION REQUIREMENT.</b> MC 15 does not prohibit disclosure; quite the contrary, it mandates companies to report/disclose their beneficial owners to the SEC through their annual GIS. However, MC 15 does not include <i>publication</i>, at least for now. On the other hand, the EITI, which our country has committed to implement, requires implementing countries to make beneficial ownership data available to the public.</p> <p>The consent form PH-EITI is asking all companies to sign will allow PH-EITI to make public the BO disclosures submitted by companies to the SEC under MC 15.</p>
<p><b>From AMRI &amp; ORVI - Rosel Sumayo:</b> what's the ultimate objective of exposing Beneficial Ownership?</p>	<p><b>THE OBJECTIVE OF BO TRANSPARENCY.</b> The objective of BO transparency is mainly anti-corruption – to help prevent illicit interests/holdings in extractive companies and financial flows through them (e.g., money laundering, terrorist financing, other violations of law). This way, BO transparency can also help level the industry playing field and improve the business environment.</p> <p>Extractive companies, financial institutions, and government will all benefit from knowing who the real owners of these companies are, especially for purposes of complying with the 60-40 ownership rule under the Constitution, and where politically exposed persons may be involved.</p>
<p><b>From PNOEC - Virtus Gavril Veleña:</b> does public official mean any position in the government? Does appointive mean appointed by the president of hilippines only?</p>	<p><b>ON WHO ARE POLITICALLY EXPOSED PERSONS (PEPs).</b> As regards the disclosure or identification of politically exposed persons (PEPs), a PEP has been defined by the PH-EITI Multi-stakeholder Group (MSG) as one who held or holds public office, that is, an elective or appointive position in government. Elective position includes all elected officials, down to the barangay level. Appointive position includes director level (or equivalent) and above (thus, essentially appointed by the President of the Philippines).</p>
<p><b>From Eramen Minerals, Inc. - Atty. Joni Gomez:</b> How is "Politically Exposed" defined?</p>	
<p><b>From Eramen Minerals, Inc. - Atty. Joni Gomez:</b> Hi Atty. Karla, just a follow up, so based on the definition, "politically exposed" does not include direct family members?</p>	<p>The PEP will be identified only from among the declared beneficial owners of the company. Thus, if the direct family member is listed in the GIS (by virtue of MC 15) as a beneficial owner of the company, then he/she would have to be identified as a PEP in the form provided by PH-EITI, if she/he is, in fact, a PEP.</p>



<p><b>From Strong Built - Atty. Elias L. Espinoza:</b> I agree for full disclosure if one of the BO of a mining company is/was a government official, elected or appointed. But for those who are not in any way connected with government I don't see a compelling need for disclosure. thank you</p>	<p><b>Thank you for agreeing to the disclosure of PEPs, Atty. The PEP declaration form will serve this purpose. However, there is likewise merit to making <i>all</i> beneficial owners of extractive companies – in fact, of all companies – transparent. This is stated in the rationale of MC 15 (which covers all registered stock and non-stock domestic corporations). Now, as to the <i>publication</i> of beneficial ownership information, companies' compliance will certainly demonstrate their transparency and openness, and assure the government and the public of the industry's cooperation as partners in building the nation – all while adhering to international standards such as the EITI.</b></p> <p><b>Practical results may not be immediately seen, but the exercise is part of reform measures towards better governance, better business environment, and sustainable benefits for all stakeholders in the extractive industries.</b></p>
<p><b>From Benguet Corp - Rey Mendoza:</b> Question - By publication, will the information be available to the public regardless</p>	<p><b>For purposes of the 6<sup>th</sup> PH-EITI Report, yes, Sir. Technically, the information would be available to the public, more exactly, to anyone who can and would care to access an electronic copy of the PH-EITI Report. *Practically speaking, though, we know that there are still other factors that affect accessibility of information in the country in general (Internet connectivity, computer literacy, access to electronics, etc.).</b></p>
<p><b>From Benguet Corp - Rey Mendoza:</b> what does "publication" means? Any one and every one can access the BO info at any time and for any reason?</p>	
<p><b>From Carmen Copper Corporation, bebong santiago:</b> If companies are requested for a copy of the BO declaration submitted to the SEC and for their consent/ waiver to the publication of BO info, the companies may be subject to suits/liabilities under the Data Privacy Act; thoughts?</p>	<p><b>LIMITATION OF COMPANY LIABILITY. If the liability contemplated by the question is the company's liability to its own beneficial owners, the company can say that the BO disclosure and publication here are pursuant to public authority (i.e., SEC, PH-EITI MSG since it's led by government) fulfilling its mandate and functions, which case is deemed as "<i>lawful processing of personal information</i>" under the Data Privacy Act of 2012 [Section 12(e), RA 10173].</b></p> <p><b>This is, however, not to say that measures will not be taken to protect the personal information from any unlawful breach. PH-EITI has been guided by the Data Privacy Act and the guidelines and opinions/advice issued by the National Privacy Commission in this regard.</b></p> <p><b>For one, the companies are being requested to accomplish and execute, to the best of their knowledge and belief, the waiver and the PEP declaration forms, the provisions of which set the limits/parameters of the BO information processing that will be done.</b></p>

	<p><b>Other measures include encryption of documents and redaction of non-required information therein.</b></p>
<p><b>From PNOEC - Virtus Gavril Veleña:</b> For GOCC's, where the Govt is deemed the owner, who will be considered as the "beneficial owner"?</p>	<p><b>BENEFICIAL OWNERS OF GOCCs.</b> GOCCs, the beneficial owners would still be those who would fall under any of the nine (9) categories specified in MC 15, as declared by the GOCC in its GIS submitted to the SEC.</p>
<p><b>From PNOEC - Virtus Gavril Veleña:</b> 1. As defined, beneficial owners must be NATURAL PERSONS. IN case of GOCC's, it the state, or another government agency, therefore, a JURIDICAL PERSON, has beneficial ownership. so as question are GOCCs required to submit compliance? 2. In case we are required, who are the beneficial owners who should be included? 3. Extension - can we request extension for until Sept 25?</p>	
<p><b>From Berong Nickel - Brenda Segovia:</b> Kindly confirm, disclosure is required but publication is voluntary. However, the BO form that was circulated also requires publication as stated on item 1.b that states:</p>	<p><b>WAIVER/CONSENT TO PUBLICATION TO BE STRICTLY CONSTRUED.</b> For now, PH-EITI <i>publication</i> of BO information is largely voluntary, that is, subject to consent. However, the direction is towards making BO information publicly available by default (i.e., by legal requirement) in the future, through the SEC and in coordination with the Privacy Commission to ensure that data privacy rights are protected.</p>
<p><b>From Benguet Corp - Rey Mendoza:</b> Do I understand that disclosure to EITI is required but publication is optional?</p>	<p>"Publication" – not "disclosure" – is voluntary for now, since disclosure is already required by MC 15, and non-compliance is subject to penalties thereunder [Section 11, MC 15].</p>
<p><b>From Chevron - Leah Fernandez:</b> What are the sanctions/penalties for not complying with BO information?</p>	<p>Please be assured that PH-EITI will adhere strictly to the terms of the consent/waiver your company will execute. It will publish only the required BO data in the declaration form submitted to the SEC under MC 15. <b>No sensitive personal information will be published.</b></p>
<p><b>From Strong Built - Atty. Elias L. Espinoza:</b> What would your office do</p>	<p>PH-EITI requests the companies' earnest and best efforts to comply, with the same cooperative spirit that propelled the Philippine</p>

<p>if a company would not provide you with the disclosure because the board or directors objects to it.</p>	<p><b>extractive industries to international recognition as a leader in transparency and good governance back in 2017. This standing will again be validated this October 2020. And like before, your active participation is crucial to our country's success.</b></p>
<p><b>From Eramen Minerals, Inc. - Atty. Joni Gomez:</b> Agree to the earlier question, what if no waiver and board resolution is submitted?</p>	<p><b>For its part, PH-EITI has endeavored to make compliance as reasonable and as simple as possible under the circumstances, and it is ready to assist you in whatever way it can.</b></p>
<p><b>From Republic Cement - Edward Ong:</b> Can we please clarify, the data subject under the DPA is actually the presumptive "Beneficial Owner" right? We have to get their consent before the companies can release any waiver/consent. What happens if they do not agree?</p>	<p><b>In the event that the company is unwilling or unable to comply due to objection, refusal, or non-consent of the Board or of the beneficial owner/s (i.e., the <i>data subject/s</i>, in Data Privacy Act terms), or for other reasons; PH-EITI requests only that you submit official communication conveying your reasoned reply. Your written feedback, even if negative, can help inform and improve policy and process/procedure.</b></p> <p><b>PH-EITI will report on and publish the results of this exercise, whatever the outcome, in the 6<sup>th</sup> Report, identifying the companies which comply and those which do not, including the reasons given.</b></p> <p><b>Non-compliance will negatively affect our country's standing as a frontrunner in implementing the EITI, the international standards that we are bound to observe and fulfill by virtue of Executive Order No. 79 (2012), Executive Order No. 147 (2013), as well as DENR Department Administrative Order No. 2017-07. We, therefore, ask and hope for your positive response.</b></p>
<p><b>From Eramen Minerals, Inc. - Atty. Joni Gomez:</b> The BO form with the SEC requires us to declare the specific residential address of the owners. That may not be something that most people want published.</p>	<p><b>The EITI Standard <i>requires</i> only the following information about the beneficial owner/s:</b></p> <ol style="list-style-type: none"> <li><b>1) name</b></li> <li><b>2) nationality</b></li> <li><b>3) country of residence</b></li> <li><b>4) identifying any PEP</b></li> </ol> <p><b>While MC 15 requires disclosure of (a) specific residential address as well as (b) tax identification number and (c) date of birth, the EITI Standard only <i>recommends</i> disclosure of these information. Thus, PH-EITI will <u>not</u> publish them and will make sure they are <u>redacted</u> from the copy of BO declaration forms that will be submitted to PH-EITI.</b></p>
<p><b>From PNOEC - Virtus Gavril Veleña:</b> Is there a possibility of extension from the deadline in Sept</p>	<p><b>DEADLINE. Yes, Sir. The deadline has been extended to September 25.</b></p>

22 (example, until Sept 25)	
<p><b>From Adnama - GENO DELA CRUZ:</b> Atty Karla, isn't it redundant already that the companies are required to submit such disclosures when in fact PH-EITI can just ask from SEC and COMELEC with the waiver to be complied for?</p>	<p><b>In line with PH-EITI's mainstreaming efforts, the original plan was to just get a copy of the BO declaration forms submitted by the companies to the SEC under MC 15 (instead of asking the companies to accomplish a separate reporting template). However, the SEC is presently constrained by MC 15 from publishing the BO information disclosed to it. The SEC said that it can furnish PH-EITI a copy of the BO declaration forms only if there is consent from the companies and a Data Sharing Agreement between the SEC and PH-EITI. The SEC was able to communicate these requirements to PH-EITI fairly recently such that there is not enough time for the concerned agencies to properly execute an agreement to meet the EITI deadline. In addition, the SEC is not yet collecting information about PEPs.</b></p> <p><b>Thus, the PH-EITI MSG decided to just request the companies themselves for a copy of the BO declaration form they submitted to the SEC and to execute a waiver and PEP declaration. Nevertheless, PH-EITI has been taking steps to integrate EITI BO transparency requirements in the SEC's system to ease/simplify compliance for future reporting cycles.</b></p>
<p><b>From Chevron - Leah Fernandez:</b> we submit GIS yearly, which applicable GIS year should we submit for PH EITI? Is it for year 2019?</p>	<p><b>APPLICABLE GIS YEAR. GIS for 2019 – the first GIS submitted after MC 15 became effective and in compliance with its provisions.</b></p> <p>*The part on beneficial ownership in the 6<sup>th</sup> PH-EITI Report is a special and separate chapter not necessarily confined to fiscal year 2018.</p>
<p><b>From Lepanto - April Rose Lumanglas:</b> For confirmation, is the BO Declaration Form and other required docs to be submitted on Sept 25 shall cover 6th Report (so the covered year is 2018, not the 7th Reporting-2019)?</p>	
<p><b>From CTPCMC - Ross Romanillos:</b> Is it a correct interpretation that based on SEC MC disclosure of BO is required for shareholders holding at least 25% ownership?</p>	<p><b>Yes, Sir, it is required for shareholders holding at least 25% ownership. However, this is not the only type of BO under MC 15, which lists nine (9) categories. Therefore, while there are no shareholders holding 25%, there might still be other types of beneficial owner in the company, which you will still have to disclose, if any.</b></p>
<p><b>From CTPCMC - Ross Romanillos:</b> If none of the shareholders hold 25% of the shares, there is no need to disclose BO?</p>	

<p><b>From PNOEC - Atty. Virtus Gavril Veleña:</b> Can the authorized representative not be the corporate secretary (i.e. the president or the general counsel)?</p>	<p><b>Yes, Atty, so long as the representative has been duly authorized by the company, usually through a Board resolution.</b></p>
<p><b>From Philex - Robin Bryan Concepcion:</b> Is this authorized representative (who shall electronically submit the documents) the same authorized representative to execute the waiver?</p>	<p><b>Both the person who will execute (i.e., sign) the waiver and declaration as well as the one who will actually transmit these documents to PH-EITI – <i>whether they are the same person or different persons</i> – should be authorized to do these respective acts. The former would often require a Board resolution as basis of his/her authority; the latter, only that transmittal be part of his/her official functions and that transmittal be done through official channels (e.g., using company email address, copy furnishing the principal, etc.)</b></p>
<p><b>From Strong Built - Atty. Elias L. Espinoza:</b> East there is a big difference between waive and consent...sorry but I don't like the idea of waiving our rights under the DPA..</p>	<p><b>For purposes of the PH-EITI request, 'waiver' and 'consent' effectively mean the same thing. The form does not unduly waive rights under the Data Privacy Act. On the contrary, PH-EITI has undertaken to ensure that the disclosure and publication of BO information does not run afoul of the law. The form has provisions that limit the data that are collected and how the same will be used or processed. The consent/waiver is confined to its stated purpose; outside this purpose, the applicable legal rights remain operative.</b></p>
<p><b>From Chevron - Leah Fernandez:</b> Please advise if foreign owned companies require to submit BO information?</p>	<p><b>If the foreign-owned company has domestic registration, then it is still bound to comply with MC 15, and PH-EITI still requests for the company's BO disclosure and PEP declaration as part of EITI reporting.</b></p>
<p><b>From Joan D. Adaci-Cattiling:</b> There was a question on whether foreign owned companies also need to comply, we believe there is no exemption for foreign owned domestic companies. We are foreign owned and submitted our BO Declaration. I hope this helps.</p>	<p><b>Thank you, Atty. Joan, for this pro-active position regarding complying with transparency rules and regulations. It certainly serves the corporation well not only to be law-abiding, but also to be perceived as such. Demonstrating openness by participating in EITI reporting (including BO disclosure) is one established way to do this. It may require additional effort for now, but we believe the effort will prove worthwhile. Also, measures to streamline or mainstream reporting are under way to soon make it easier for companies to comply.</b></p>