



FOI Practice Report of Bantay Kita, March 2017

BANTAY KITA (BK) is a national coalition with over 80 members, and 64 network affiliates. It was established in 2009 and formally registered in 2013.

The Coalition advocates for transparency and accountability in the extractives industry to ensure that gains derived are maximized, shared fairly, and contribute to sustainable development. BK's strategy includes research, capacity building, advocacy, and engagement with multi-stakeholder groups. Bantay Kita led the campaign for the adoption of Extractive Industries Transparency Initiative (EITI) in the Philippines. To date, BK is a member of the PH-EITI Multistakeholder Group (MSG). EITI is touted as the FOI counterpart for mining, oil, and gas sectors. EITI requires extractive companies to report on payments made to the government and Indigenous Peoples, while demanding the government to report its revenues for the same. The amounts reported are reconciled and validated by an independent administrator. The PH-EITI also demands a report on employment, as well as on social and environmental expenditures made by the companies.

BK is a Publish What You Pay affiliate.

1. BACKGROUND OF THE ISSUE (WHAT ISSUE ARE YOU INQUIRING INTO; WHY IS IT IMPORTANT TO YOUR ADVOCACY/AREA OF WORK)

We wanted to know if we could have a copy of a directory of Civil Society Organizations (CSOs) who are (1) members of the Multi-partite Monitoring Teams (MMTs) and (2) accredited for mining oversight (but are not necessarily members of the MMTs) and (3) the requirements for accreditation. The document requests would help us identify target participants for capacity building for transparency and accountability initiatives in the mining sector.

2. WHAT ARE YOUR SPECIFIC INFORMATION NEEDS, AND HOW IS IT IMPORTANT TO THE ISSUE/ADVOCACY?

We were after the Directory of Civil Society Organizations (CSOs) who are (1) members of the Multi-partite Monitoring Teams (MMTs) and (2) accredited for mining oversight (but are not necessarily members of the MMTs) and (3) the requirements for accreditation.

Aside from providing capacity building, we wanted to know if there was a centralized database and clear process for CSO selection in mining oversight committees. If none, it would help us make the case of recommending a credible selection process.

3. REQUEST EXPERIENCE

Documents requested:

Directory of Civil Society Organizations (CSOs) who are:

- (1) members of the Multi-partite Monitoring Teams (MMTs) and
- (2) accredited for mining oversight (but are not necessarily members of the MMTs) and
- (3) the requirements for accreditation.

AGENCY APPROACHED: Department of Environment and Natural Resources and Mines and Geoscience Bureau (MGB)

MONITORING AND RESULTS:

On October 3, 2016, BK began its FOI practice. The BK secretariat sent a letter to the DENR central office requesting for above-mentioned documents.

BK followed up its request from October to the first week of November 2016, through a series of calls, faxes, and emails, with partial success. Based on a phone conversation with a senior MGB official in early October, it was confirmed that item 2 does not exist. As per item 3, there is no central accreditation process; accreditation is left to the oversight committees and the central office is not aware of their processes. On January 31, 2017, BK commenced its follow-up. Per MGB, item 1 is being populated by inputs from the regions.

On February 21, 2017, a letter dated January 31, 2017 that was signed by MGB Director Jacinto on February 15, 2017, along with the partial list corresponding to items 1 and 3, was hand delivered to the BK Office.

4. HOW WERE THE DOCUMENTS RELEASED USED/HELPFUL TO YOUR ISSUE; HOW DID THE DENIED DOCUMENTS AFFECT YOUR ISSUE/ADVOCACY?

The absence of items 1- 3 at the central office strengthens our case to push for a credible selection process and database of CSOs in mining oversight. The long delays in gathering information on MMT CSO members has negatively affected the opportunity to provide capacity building that would help them carry out their duties.

5. INSIGHTS ON THE FOI PRACTICE EXPERIENCE (OBSERVATIONS ON GOVERNMENT PROCEDURE/RESPONSE; LEARNINGS; QUESTIONS; RECOMMENDATIONS).

LEARNINGS:

- Know where to ask for the documents (what office, bureau, etc)
- Whom to ask it from (particular person)
- Best if you already know someone from the office
- Need to build relationships with point persons

RECOMMENDATIONS:

Develop an Information Map for documents. Such a map should be descriptive and indicate which office is the document’s primary custodian. This can be a basis for the agency’s record-keeping and FOI frontliners. It would also be helpful in identifying documents and directing requests to the proper offices.

QUALITY OF DATA:

MGB responded to three items requested. For items 1 and 3, the MGB provided a partial list of CSO representatives and the requirements for accreditation to the MMT set per oversight committee. In the cover letter provided, it states that the complete list for items 1 and 3 would be issued once available. On requirements for accreditation, majority of the responses were unsatisfactory. It indicated the document that was the basis for appointment such as a Resolution or MOA, but did not mention the actual requirements. But while the practice did not meet the required FOI guidelines, we see this as a positive attempt of government to provide information.

BK FOI Practice Request Log:

DATE	TIME	ACTION	FAX, EMAIL, CALL	PHONE NO.	CONTACT PERSON
Oct. 3, 2016	1:55 PM	Sent letter request	email	central@mgb.gov.ph	
	2:00 PM	Sent letter request	fax	920-16-35	
	2:01 PM	Called to ensure receipt and ask whom to follow up with. Ms. Lian's name was provided	call		Joyce Flaviano
Oct. 4, 2016	10:30 AM	Contacted DENR number provided but there was no response	call	902-9120	
Oct. 5, 2016	10:15AM	Called MS. Lian through another no. 920-16-35. BK was told to follow up with Mine, Safety, Environment and Social Development Division through Ms.		902-16-35	

		Emma			
		Called to Mine, Safety, Environment and Social Development Division (MSESDD) Office to follow up. MSESDD informed BK that they would be sending the request letter to the regions (since the central office does not have the data).	call	667-67-00 loc. 103	look for Emma
	3:45 PM	Called MSESDD Chief to verify: Request #1: no updated list from MGB so the letter will be sent to the regions to request for information. Request #2: there is no central accreditation system and database of accredited mining oversight representatives who are not necessarily members of the MMT. Request #3: Each oversight body sets up its accreditation process and requirements	call	667-6700 loc. 103	Engr. Rodolfo Velasco
		Engr. Velasco requested a copy of the email. Email was sent		central@mgb.gov.ph	
Oct. 6, 2016	5:30PM	Followed-up with Engr. Velasco	call	667-6700 loc. 103	Engr. Velasco
	5:58PM	Engr. Velasco suggested to formally write to USEC Jacinto	email	central@mgb.gov.ph	
Oct. 10	1:10PM	Letter was re-drafted and addressed to DENR Usec. Mario Jacinto and concurrent MGB Director by fax	fax	920-1635	Received by: Ms. Lian
Oct. 11	1:28PM	MSESDD requested for a re-fax and said that follow-up should be with Engr. Rodolfo Velasco	fax	920-1635	
	11:00 AM	Followed up with Engr. Velasco	thru email	rvelasco@hotmail.com	Engr. Velasco
Oct. 18	2:57PM	Request has yet to be responded to according to Ms. Emma (from the office of Engr. Velasco)	call	667-6700	Emma
Oct. 26		No inputs yet from Regional Offices. Central office gave regional offices 7 days to comply	call	667-6700 loc 122	Kevin Latisa (aka chistian)
Nov. 7		No inputs from Regional Offices yet			Kevin Latisa (aka

					chistian)
Nov. 10	1:50PM	Dr. Jacinto is out of the office - no updates form his office	call	667-6700 loc 122	Kevin Latisa
Jan. 31	11:25PM	Database is still incomplete. Awaiting other the Regional Offices to comply.	call	667-6700 loc 122	Kevin Latisa
Feb. 1	10:55 AM	Kevin Latisa is putting the partial list together and is willing to send it thru fax	call	667-6700 loc 122	Kevin Latisa
Feb. 3	2:58PM	The partial list is available but no clearance/ signature from Engr. Velasco to release the list and accompanying memo	call	667-6700 loc 122	Kevin Latisa
Feb-21	10:00 AM	Formal letter dated January 31, and signed off by the office of the MGB Director Jacinto on February 15, along with the partial list requested was received.	hand delivered		

Bantay Kita

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