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# FILIPINO CHRONICLE

*Happy Father's Day!*

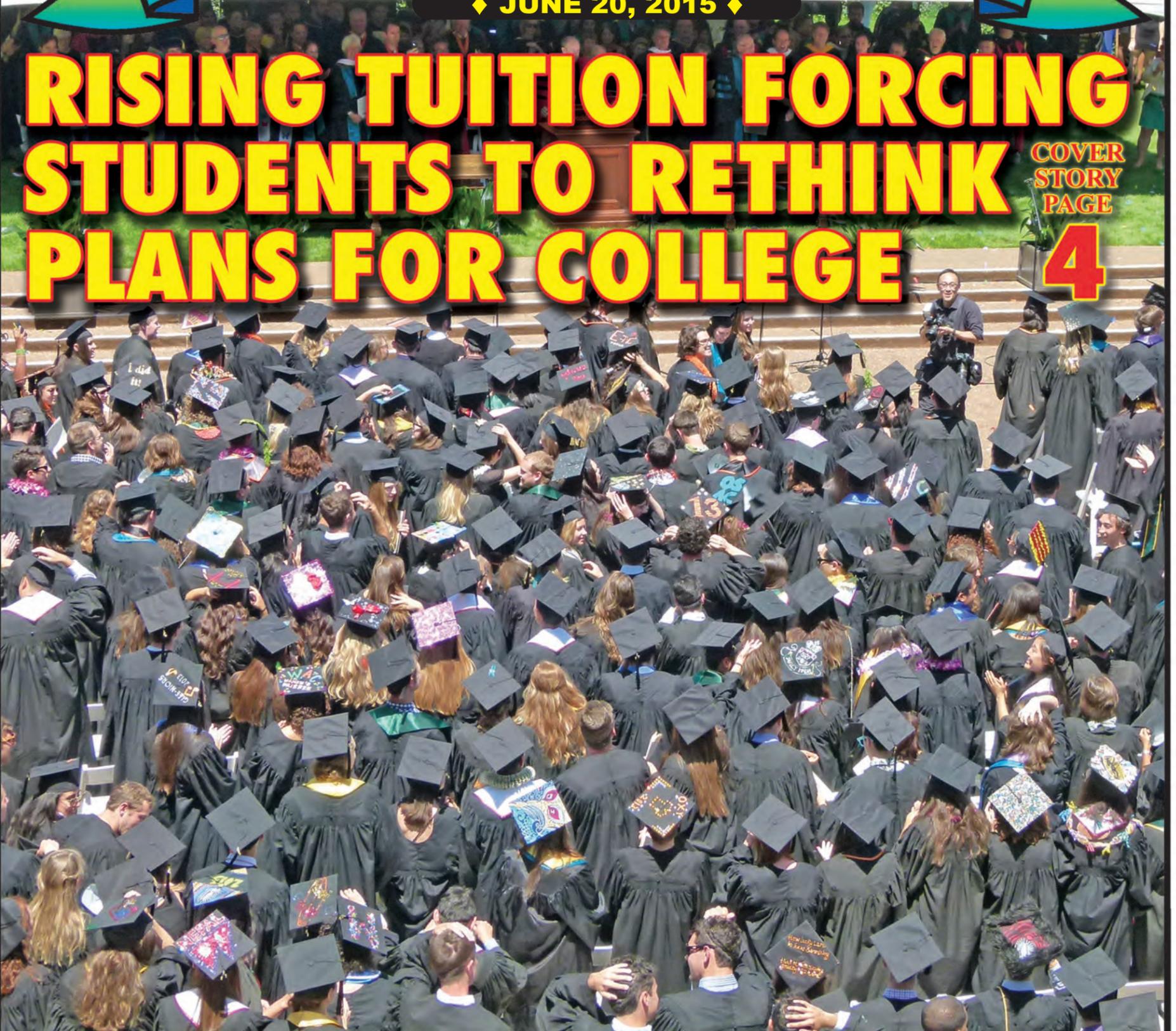
HAWAII'S #1 FILIPINO NEWSPAPER

◆ JUNE 20, 2015 ◆

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## EDITORIALS

## Free College Tuition— Reality or Pipe Dream?

**A**

2014 report by the White House showed that 71 percent of new college graduates faced an average debt of \$29,400. Over the past three decades, student debt has skyrocketed by 300 percent and is approaching \$1.3 trillion. Graduates who struggle to find jobs that pay enough to cover monthly student loan payments risk a severely damaged credit rating, making it harder to buy a car, house or even secure a credit card.

Several proposals on free college tuition have been made, including one from President Barack Obama for two years of free community college. Progressive congressional Democrats like U.S. Senators Brian Schatz (DHawaii) and Bernie Sanders (D-Vermont) have also made their own proposals. Sanders' plan is to have Wall Street pay for students' college tuition and to require states to spend more on higher education. Specifically, he supports a tax on stock trades which he says would raise \$47 billion.

The issue will likely be up for discussion in the 2016 presidential campaign. It is also receiving more support as indicated in a January 2015 poll by GBA Strategies that showed 71 percent of likely voters across all parties supporting the idea of debt-free college. Additionally, a group called Campaign For America's Future has collected 400,000 signatures in support of legislation calling for debt-free college. While the goal of debt-free college may sound laudable, critics of the idea say that having to pay for one's education does foster a sense of responsibility and an incentive to work hard. Republicans are also likely to oppose the proposal since the government is already paying interest on an \$18 trillion national debt.

But supporters insist debt-free college is not a radical or unattainable goal, considering that college is already free in countries like Germany, France, Norway and Brazil. In Germany, the government funds the education of its citizens and even foreigners in an effort to attract more skilled workers. If Germany can afford it, why not the U.S.—the richest country in the world? But as with any "next big idea," the devil will be in the details and thorough discussion required. What is needed most is the political will and cooperation from both sides of the aisle. If the nation's political leaders cannot come up with a way to provide quality yet affordable higher education for college students, the end result will be crippling personal debt or default—a result that no one wants.

## Graduates of 2015: How Will You Change The World?

**T**

he graduation season has come and gone. But to the thousands of high school and college graduates, the memories will live on. A graduation is perhaps one of the ten, or even five moments in one's lifetime, that is easily retrievable in one's memory bank. It's rare that someone 20 years later is unable to recall some touching moment of this milestone.

A graduation is not only a true rite of passage that marks a transition from youth to young adulthood, but it is memorable because it overflows with hope, love, and accomplishment.

Graduates and their family are hopeful for a promising career and livelihood. Possibilities are boundless. Youth and ambition are powerfully and harmoniously in parallel for graduates, and quite possibly, for this once and last time as youth quickly fades. Love, well, it's everywhere — from warm embraces, firm pats on the back, and big, endearing smiles from family and friends. There's no shortage of that good old-fashioned fuzzy vibe permeating the entire auditorium or outdoor venue. It's simply electric,

## FROM THE PUBLISHER

**A**

loha and welcome to the latest issue of the Hawaii Filipino Chronicle. I hope that you are enjoying your summer vacation! Instead of idling your time away, why not do things

that will enrich yourself? For starters, you could go to the library, take a hike, enjoy a beach outing, or even learn a new skill such as cooking. Whatever you do, always try to make the most of your summer vacation!

Don't forget that June 21st is Father's Day—a very special day for the men in our lives! If you're a dad, thank you for loving your family and being the best dad you possibly can be. In today's world, it's not easy being a dad. In our Chronicle Pulse on page 9, we asked several dads what has been the proudest moment in their lives so far. Not surprisingly, most dads take great pride in the birth of their children, or when their children graduate. Happy Father's Day to all of our dads!

Our cover story for this issue is about the rising costs of higher education, which has been growing rapidly over the years. Even at the University of Hawaii-Manoa, the state's flagship campus, tuition for the 2015-2016 school year is \$10,344 for resident (in-state) students. Nevertheless, UH-Manoa still represents a good value when compared to mainland universities offering a similar caliber of education. Tuition, however, is becoming more and more a financial challenge for many local families. To find out more, turn to page 4 for "Rising Cost of College Tuition Affecting Students' Dreams of Higher Education" written by the Chronicle's Associate Editor Dennis Galolo.

We also have in this issue the Chronicle's special wedding supplement. We chose this month since June is far and away the favorite month of the year for brides to tie the wedding knot. Please take time to read the many useful articles in our special supplement, which includes useful advice on how to avoid being a victim of a poorly-made wedding gown if you decide to purchase your gown online. We also interviewed three couples who are celebrating their 50th wedding anniversary and profiled Bella Tomas, owner of B'Ellagance Bridal & Gowns, a leading wedding gown business on Oahu.

That's all for now. Thank you once again for your faithful support. As always, if you would like to share a story idea, suggestion or concern, please email it to our staff at: [filipinochronicle@gmail.com](mailto:filipinochronicle@gmail.com).

Until next time... *aloha* and *mabuhay!*

*Chona A. Montesines-Sonido*

a kind of invisible band-width of energy and bliss.

Then lastly, a feeling of accomplishment — this is when the tears roll down. All the trying moments of being separated from family while away in college; all of the hard-work burning the midnight oil studying to solve that math problem or write that convincing, awe-inspiring thesis; and all of the emotional highs and lows — they all collectively have been worth the struggle.

### Now What...

It would be a fairy tale to say that struggle ends for graduates, but the good news is at least there is a paycheck handed out for the struggle; and more importantly, a real chance for them to make an impact in the world.

Besides each graduate's personal and unique journey ahead, what the older generation anticipates with curiosity is to see how graduates and future leaders will change our current situation. Many of the same socio-economic problems exist worldwide. Some of them have gotten better; others worse.

Graduates should be asking themselves many questions. One among them should be: How will you graduates deal with home-



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The Hawaii Filipino Chronicle is published weekly by The Hawaii Filipino Chronicle Inc. It is mailed directly to subscribers and distributed at various outlets around Oahu and the neighbor islands. Editorial and advertising deadlines are three weeks prior to publication date. Subscriptions are available at \$75 per year for Oahu and the neighbor islands, continental U.S. \$80, foreign country \$90. Copyright 2006-2014. The Hawaii Filipino Chronicle Inc. is located at 94-356 Waipahu Depot, Waipahu, HI 96797. Telephone (808) 678-8930 Facsimile (808) 678-1829. E-mail [filipinochronicle@gmail.com](mailto:filipinochronicle@gmail.com). Website: [www.thefilipinochronicle.com](http://www.thefilipinochronicle.com). Opinions expressed by the columnists and contributors do not necessarily reflect those of the Hawaii Filipino Chronicle management. Reproduction of the contents in whole or in part is prohibited without written permission from the management. All rights reserved. Printed in the U.S.A.

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(continued on page 3)

CANDID PERSPECTIVES



By Emil Guillermo

# Hawaii Leads Push for Congressional Gold Medals for Filipino WWII Vets

**O**s there anyone in his right mind who doesn't think that Filipino veterans of World War II shouldn't get Congressional Gold Medals?

After answering the call on a promise of being equal in terms of benefits and the opportunity for citizenship, the U.S. in 1946 broke its promise (official term "rescinded"), leaving the vets to fight the war of their lives for every last penny and painkiller due them.

After decades of fighting just for pension and VA health benefits, the latest incremental victory in 2009 gave vets living in the U.S. a \$15,000 lump sum payment. The vets who stayed in the Philippines got \$9,000. The fight isn't over as some are still fighting the bureaucracy over eligibility. Everything the vets have received has taken monumental effort to wrest it away from the stingy fingers of Congress, which has used an attrition strategy

to dole out benefits to just a fraction of the 260,000 Filipino WWII vets.

Given all that, Congress now has an opportunity to honor the vets for their service in one final feel, good way. Last week, bipartisan legislation was launched in the House and Senate to honor the vets with the prestigious Congressional Gold Medal.

Leading the charge was Hawaii-raised retired major general Anthony Taguba. It's personal for Taguba, author of the report that first exposed abuses in Abu Ghraib prison. His father was a soldier in the Philippine Scouts who fought in the Battle of Bataan and survived the Bataan Death March.

"Despite having their benefits rescinded by Congress in 1946, they maintained their unwavering loyalty to the U.S.," Taguba said. "We are eternally grateful for their faithful and dedicated service. They have earned national recognition from Congress proven by the thousands of lives lost in combat and for those

wounded for life. We ask Congress to approve the Congressional Gold Medal for the Filipino WWII Soldiers."

Taguba said Senate Bill S1555 and House Bill HR2737 will impact veterans who fought and were assigned to the Philippine Scouts, Philippine Commonwealth Army, Philippine Constabulary, New Philippine Scouts, Recognized Guerrillas, First Filipino Infantry Regiment, 2nd Filipino Infantry Battalion (Separate) and First Reconnaissance Battalion. The bills also include U.S. Army officers (Caucasians) who commanded the units.

"We think there about 16,000 to 17,000 still alive from some 260,000 who fought back in WWII," Taguba said.

Well, that would be nice for the men and women who served to be alive, wouldn't it? But this should be a posthumous award for everyone who served in the aforementioned units. They served, so they should get the medal. Forget the pension

and the painkillers—Congress should hand out the hardware.

As logical as that is, it still could be a battle if people don't demand it from their House representatives and senators. Hirono and Gabbard are leading the charge in the House and Senate. But this shouldn't just be a Filipino thing.

The vets were in service to all.

But as we know, politics has been the biggest obstacle to the vets. And considering the warm, cooperative nature of Congress (are you kidding?), something about this makes Taguba feel optimistic.

The general e-mailed me this weekend.

"This is the first time this bill was introduced and we believe wide bi-partisan support will come," Taguba wrote. "Barring any objec-

tions from select members of Senate and House, we hope this will pass later this year or early next year."

What can members of Congress possibly object to? The price of gold? These heroes deserve recognition. To those in military, the medal completes the deal. But it will only get done if the community gets behind the effort.

To find out more on the effort to award Congressional Gold Medals for Filipino Veterans, visit the FilVetREP website at: <http://www.filvetsrecognition.org> or their Facebook page at: <http://www.facebook.com/FilVetREP>.

*EMIL GUILLERMO served on the editorial board of the Honolulu Advertiser. An award winning journalist, he was the first Filipino to host a national news program when he hosted NPR's "All Things Considered." He lives in Northern California.*

**EDITORIALS** (from page 2, GRADUATES...)

lessness? Honolulu has one of the highest rates of homelessness per population in the nation. From the Leeward coast to urban Honolulu, even suburbs, homelessness could be seen everywhere. The issue is one of the most sensitive and difficult to deal with. From a moral and humanitarian perspective, clearly the homeless deserves help, particularly those who are single parents and hard workers with low-paying jobs. But at what cost does our community move forward on this issue with practicality and fairness in mind? Jobs, government assistance, housing, education, development, property values, rent control, land shortage, political will, public sentiment – gradu-

ates and the younger generation must navigate through all these to come up with better, workable solutions to homelessness that the older generation failed to anticipate. The key is creativity.

Graduates should also be thinking about development. How much is too much? Are there limits to development before irreparable harm is done unto the environment and the beauty of our islands? Should more agriculture lands be converted into subdivisions for homes? What about affordability, condominium height limitations, integration of green elements into future projects such as solar panels and garden rooftops? Again, the key for the future is creativity.

Politics and governance: young graduates, how would you like your leaders to govern? This is arguably the area where our older generation of leaders has failed the most. A line from a classic 60s song entitled "We Won't Get Fooled Again" aptly describes what has been occurring in politics for generations: "Meet the new boss; same as the old boss."

The election platform calling for a "change" in the way government runs has been used by Democrats and Republicans every election. The results have been so minimal that "change" is hardly believable at this point. At the national level, people blame partisanship and political party gridlock as culprits. But is it really? Look at

(continued on page 6)

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## COVER STORY

# Rising Cost of College Tuition Affecting Students' Dreams of Higher Education

By Dennis Galolo

**F**rom *Surfrider* to *Silversword*. West Side-raised Laica Mae Arcibal will soon be trading in her laid back Waiānae country lifestyle for college life in urban Honolulu.

But don't let her easy-going personality fool you. Arcibal was at the top of her class as a valedictorian at Waiānae High School, where she was a member of the science and art clubs, competed in air riflery and maintained a 4.0 GPA. An avid bookworm who devours novels in her spare time, Arcibal has her sights set on being a cancer researcher. Her goal is to one day discover a natural anti-cancer drug.

Arcibal will be attending Chaminade University in the Fall and live on campus, as required for all incoming freshmen. The University of Hawaii-Manoa was also an option, but Chaminade offered a better financial aid package which covered nearly the entire cost of tuition for Arcibal's freshman year—which was good news for her parents. Her dad works as a landscaper, while her mom is housewife.

"The financial aid I received was worth almost

\$20,000," she says. "The other expenses will be covered by scholarships I won this past year."

A second student, Rae Alexie Bali, opted for college on the mainland. She was the valedictorian at Leilehua High School and earned an 4.1 grade point average. Bali will attend the University of Portland in the Fall, where she will major in biology. Her goal is to one day become a pediatric surgeon.

"I've always wanted to be in the medical field," she says. "I competed in a health competition this past year and went to a seminar for surgeons, which really got me interested. After that, I decided to become a pediatric surgeon."

Bali cited greater opportunities and the chance to become more independent as the main reasons why she chose to study on the mainland. The total cost for her freshman

year at the Catholic-based university, including tuition, room and board, a meal plan and other expenses, comes out to \$55,530.

Fortunately, she received \$32,500 in financial aid and joined a Federal Work Study Program, leaving her with an out-of-pocket balance of some \$17,000 which her parents have agreed to help pay. Her dad Roberto is a maintenance worker at Honolulu International Airport, while her mom Benjamina is a cook at Zippy's.

"We're really don't have savings, so we're depending on her scholarship and a loan for the remainder," says Benjamina. "Education is really important. That's the only thing that we can provide for her future. As long as she studies hard, we will always try our best and sacrifice for her."

## Upward Bound

For recent high school graduates like Arcibal and Bali, the cost of pursuing higher education continues to rise each year.

At the University of Hawaii-Manoa, tuition for the 2014-2015 school year for full-time resident (or in-state) undergraduate students was \$4,920 per semester. For non-resident undergraduates, the amount was nearly three times as much at \$14,316 per semester.

Two years from now, resident undergraduate tuition for the 2016-2017 school year will rise by \$500 per semester to \$5,436 while non-residents will pay an additional \$2,130 for a total \$16,452 per semester.

These escalating rates were approved by the UH Board of Regents in 2011 as



part of a five-year tuition schedule proposal that began in Fall 2012 and runs through Spring 2017.

Then-BOR chair Eric Martinson said the decision to raise tuition was one of the hardest decisions he has made as a regent.

"We are well-aware of the economic struggle that many Hawaii families are experiencing," Martinson said in a press release. "We made this decision with the best interests of Hawaii's citizens and our only public higher education institution in mind."

The BOR at the time predicted the tuition hikes to generate between \$15 million in additional revenues during the first year and up to \$25 million in the final year of the increase. School officials justified the increase based on a need to meet critical system-wide and campus-specific needs, including a \$350 million maintenance and repair backlog and some \$86 million in cuts to the university's core operating budget from 2009-2010.

Over the five year period from 2012 to 2017, tuition at the state's flagship Manoa campus for full-time under-

graduate students will have risen by 20 percent. For non-resident students, the five-year tuition increase is slightly higher at 24 percent.

Not surprisingly, overall enrollment at UHM since the first year of the tuition increase is down slightly from 20,426 in the Fall 2012 semester to 19,507 in Fall 2014. What is surprising, is that the enrollment of students of Filipino ancestry rose slightly from 1,576 in Fall 2012 to 1,628 in the Fall 2014—an increase of 3.2 percent.

Clement Bautista, director of the UH-Manoa Office of Multicultural Student Services, attributes the slight increase to scholarships awarded to minorities, especially Hawaiians with part-Filipino blood.

"Since the tuition plan was implemented, fewer students overall have been enrolling," he says. "This must be seen also in light of very good financial aid available to Native Hawaiian students, many of whom are part-Filipino. It is definitely more advantageous to claim your Native Hawaiian ethnic background given the funds available for education."

(continued on page 5)



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COVER STORY

(from page 4, **RISING** ....)

Other than tuition, there are added costs to factor in that further drive up the price of a college education. These include:

- Miscellaneous fees: library, student government, athletic facilities, etc.
- Books and supplies: computers, etc.
- Room and board
- Personal expenses: travel & transportation, clothing, entertainment, etc.

A 2014 report by the College Board found that the cost of higher education outpaced the 1.5 percent average growth in incomes. The cost to attend the typical public university, including room and board, meals, textbooks and other expenses—was up 2.6 percent to \$23,410. Private college tuition was up between 3-4 percent at \$46,272.

At Chaminade—the only Catholic University in Hawaii, and one of three Marianist higher-education institutions in the U.S.—tuition and fees for the 2015-2016 school year is \$21,780. Throw in room and board, books and supplies, personal expenses and transportation, and the cost jumps to \$38,037 for the entire year.

The cost at Hawaii Pacific University is comparable. Tuition at HPU for the 2014-2015 year was \$20,930. When adding room and board (\$13,330) and other expenses, the price tag is \$37,838.

**College Bound**

Over half a century ago, most people thought that college was for only wealthy families. The mentality began to change after World War II with the passage of the GI Bill of Rights. The bill, known as the Servicemen's Readjustment Act of 1944, made college affordable for veterans, many of whom never dreamt of an education beyond high school.

To help families pay for college, the federal government in 1958 established the National Defense Student Loan program, which was later called the Federal Perkins

Loan program. This program opened the doors of college even wider for civilians. The ranks swelled further during the civil rights movement, particularly the passage of the Higher Education Act of 1965 which allowed women and minorities the opportunity to pursue a college degree.

The turning point happened during the early 1970s which saw double-digit inflation, an oil embargo and a sputtering economy. As a result, college tuition and fees climbed higher and at a faster pace than the inflation rate. As family income fell, borrowing to pay for college took off, while public investment in higher education dropped. Observers say a drop in state funding is the major reason for the increase in college costs.

But in today's competitive job market and high cost of living, a college degree is a must, since a high school diploma just won't cut it very far. For most Hawaii residents, particularly Filipino parents, higher education for their children is worth the cost.

**Financial Sense**

Bautista advises Filipino students and their families to not give up on a college education, despite the financial challenges.

"They need to consider all available options, especially the variety of options at UH," Bautista says. "For students seeking a program available only at UH-Manoa but find the costs too high, they can start at a community college and transfer when starting their major courses."

For community college students who receive financial aid and want to transfer to UHM, Bautista reminds them to do so as soon as possible due to the time limit. There is also financial assistance that students should take advantage of. The best source for financial assistance, Bautista says, is federal financial aid, which requires submitting a Free Application for Federal Student Aid (FAFSA).

"The application is free, so do not use websites or services that charge a fee," he



says. "Federal aid is need-based while other scholarships may be need-based or achievement-based."

He also advises applying for scholarships from UH which can be done online via the STAR webpage, or from the Hawaii Community Foundation. There are also Filipino community-based scholarships which are usually fewer in number and limited mostly to members' families or graduates from select high schools.

Each year, the federal government spends approximately \$80 billion on subsidies for higher education, which can be broken up into three basic categories—direct subsidies, tax credits and tax

breaks.

The most important of the direct subsidies are Pell grants, which are earmarked for low-income students and by far the best-known source of federal subsidies to colleges and universities. Unlike a loan, a federal government Pell grant does not have to be repaid. For the 2015-16 year, the maximum award will be \$5,775. The amount a student receives depends on his or her financial need, cost of attendance, status as a full-time or part-time student, and plans to attend school for a full academic year or less.

Jennifer Marshall, college and guidance counselor at Hawaii Baptist Academy, advises students to apply early

and often for financial aid and to never let cost be a deterrent.

"I always recommend that students and families apply to a variety of colleges, since you never know what kind of aid package will come back," Marshall says. "Colleges look at a family's need, but they also award money for a student's merits and accomplishments, so doing well academically is advantageous and can give students more opportunities."

For students looking to study on the mainland, Marshall recommends an exchange program with a Western Undergraduate Exchange (WUE) school, or transferring after a year or two at an in-state school. The WUE program allows students to attend participating schools in other states for reduced tuition. Students also do not need to demonstrate financial need.

"In Hawaii, there is pressure or even a desire and hope for parents to send their children to the mainland which will almost always be more expensive than an in-state college," Marshall says. "An exchange program is a nice compromise."

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## COMMENTARY

# Why Run for Office?

By Lee H. Hamilton

I spend a fair amount of time talking to students and other young people about Congress and politics in general, and I've noticed something. It used to be that I'd regularly get asked how one runs for office. Nowadays, I rarely do.

This is a young generation that is famously leery of politics. Every year, the Harvard Institute of Politics surveys young Americans about their attitudes. In their most recent survey, only 21 percent of respondents considered themselves politically engaged.

Last year, only a third counted running for office "an honorable thing to do" — compared to 70 percent who considered community service honorable.

A lot of young people are repelled by politics; they've lost faith in the system just as many other Americans have. And I fully understand that elected office is not for everybody. You can make wonderful contributions to our communities and to our society as a whole without holding office. But look. If you don't have people who are willing to run for office, you don't have a representative democracy. As the



leading edge of the Millennial generation reaches the age where running for office is a realistic possibility, I hope they'll consider a few things.

First, it's hard to find a more challenging job. The number, complexity, and diversity of the problems we face are astounding. As a politician, your work is never done; your to-do list is always full. It's intellectually as challenging an occupation as anything I can imagine. It's the chief way we resolve, or at least manage, the problems we face. In a country as diverse as ours, building a consensus behind a solution — which is what accomplished politicians try to do — is difficult work. It can also be immensely satisfying.

The long and short of it is this: I've encountered plenty of accomplished people in other professions who told me that in the end, they're a bit bored. I can't ever recall hearing a politician say that he or she was bored.

Second, I don't know of another profession that puts you in touch with more people of more different types, ages,

and views. You meet — and, if you're serious, really engage with — liberals and conservatives, voters rich and poor, religious believers and secular humanists alike.

It's often said that if you don't like people, you should stay out of politics. This is true: politics isn't for everyone: You have to enjoy all kinds of people and learn to get along with all kinds. Inevitably, you'll encounter people who idolize you, others who demonize you, supporters who praise you, and critics who are more than happy to tell anyone who'll listen that you should just drop dead. Odd as this sounds, this is one of the great attractions of the job: the splendid array of individuals and convictions that you encounter in politics.

Finally, and perhaps most important, the work can be immensely satisfying. Whatever level you're running at, whether it's for the school board or for President, you're doing it to try to make things work.

My first year in Congress, in 1965, I voted for Medicare. I'd had no role in drafting it. I

played no substantive part in its passage. Yet I still remember that vote, and I still derive deep satisfaction from it. Because I know that I voted for legislation that has helped millions of people, and will continue to do so into the future. That's the thing about holding public office: you have a chance to contribute to the direction and success of a free society. In the scheme of things, this chance isn't given to all that many people.

I know a lot of people who've worked mainly in private sector but spent some time in public office, and they almost invariably speak of their time in the public sector as among the most rewarding and satisfying times of their professional lives.

That's because I think they understand a simple formula: there's no America without democracy, no democracy without politics, and no politics without elected politicians. There are a lot of exciting, challenging and satisfying professions out there, but here's what I tell young people: I consider politics chief among them.

**LEE HAMILTON** is Director of the Center on Congress at Indiana University; Distinguished Scholar, IU School of Global and International Studies; and Professor of Practice, IU School of Public and Environmental Affairs. He was a member of the U.S. House of Representatives for 34 years.

## EDITORIALS (from page 3. GRADUATES...)

local politics in Hawaii. The majority of politicians belong to one political party, the Democrats. But how much really gets done each legislative session? Not much.

So perhaps government is much more influenced by some other force besides politicians or political parties when the system doesn't change much and long-standing, pressing issues go ignored, yet again, yet another year. What are these influences: big corporations, unions, citizens groups? This may not be new but the degree of influence has changed tremendously in favor of big corporations. How can we curb outside influence? How can the impact of money be neutralized in elections so that the people we elect can govern more freely? The key again is creativity. One creative idea is mandatory voting. That would tip the scale of power.

Complex affairs of the world and community may be the last thing for young graduates to think about during this critical stage of personal career building. But remember that many a great men and women have impacted our communities at a very young age. At the very least, graduates can work at positioning themselves to make an impact in the future having in mind their creative ideas and being steadfast in their morals and ethics.

Your time will come to make a difference.

## HAWAII-FILIPINO NEWS

# Chamber of Commerce to Install 2015 Officers

The Filipino Chamber of Commerce of Hawaii (FCCH) will hold its 61st anniversary and annual installation of its officers and board of directors on July 11, 2015 at the Hilton Hawaiian Village Tapa Ballroom. The event begins at 5:30 pm with a no-host cocktails and dinner at 7 pm.

The gala evening will also highlight FCCH's accomplishments and offer a glimpse of the incoming officers' plans to promote Filipino businesses in Hawaii. FCCH is widely rec-

ognized as the centerpiece of Hawaii's Filipino business community and provides valuable opportunities through various programs and activities such as its annual trade mission to the Philippines.

Officers for 2015-2016 include:

- Sam Acosta, president
- Bernadette Fajardo, president-elect
- Eddie Agas, Sr., vice president
- Luz Peirson, treasurer
- Vilma Valdez, assistant treasurer

- Hermie Pagaduan, auditor
- Lynne Gutierrez, secretary
- Zhoydell Magaoay, assistant secretary

Members of FCCH's board of directors are Rocky Anguay, Maria Etrata, Paul Billington, Yonie Malig-On, Constancio Paranal III, Mario Subia, Bennette Misalucha, Tess De Jesus, Vanessa Kop, Jay Raymundo, Patrick Tantoco and past-president Paul Alimbuyao.

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LEGAL GUIDE

# On Whose Side is Supreme Court – Facebook Threatener or Threatenees?



By Atty. Emmanuel Samonte Tipon

**W**henever I am asked if I have a Facebook account, I answer that I have but do not post anything because my face might scare people.

From whose perspective should a Facebook posting be viewed – the threatener or threatenees? Should liability turn on whether a “reasonable person” who saw the posting regards the communication as a threat or what the defendant who made the posting thinks?

Facebook user A.E., after his wife left him, posted self-styled rap lyrics containing graphically violent language and imagery concerning his wife, co-workers, a

kindergarten class, and law enforcement officers. He claimed they were for “therapeutic” purposes “to deal with the pain”. The posts contained disclaimers - that the lyrics were “fictitious” and not intended to depict real persons, and that A.E. was exercising his First Amendment rights. A.E. posted a photograph of himself and a co-worker at a Halloween event showing him holding a toy knife against his co-worker’s neck. His posts were seen as threatening by his employer, co-workers, and his wife. He was fired. His employer informed the Federal Bureau of Investigation which began monitoring A.E.’s Facebook activity. A grand jury charged A.E. with five counts of violating 18 U. S. C. §875(c) making it a federal crime to transmit in interstate commerce “any communication containing any threat . . . to injure the person of another.”

A.E. requested a jury instruction that the Government must prove that he intended to communicate a “true threat.” But the District Court instructed the jury that A.E. could be found guilty if “a reasonable person would foresee that the statement would be interpreted . . . as a serious expression of an intention to inflict bodily injury or take the life of an individual.” A.E. was convicted on four of the five counts. The Third Circuit of Appeals affirmed, holding that the intent required by Section 875(c) is “only the intent to communicate words that the defendant understands, and that a reasonable person would view as a threat.”

The Supreme Court, 7-2, reversed, holding that the fact that Section 875(c) does not specify any required mental state does not mean that none exists. The “mere omission from a criminal enactment of

any mention of criminal intent” should not be read “as dispensing with it.” The basic principle is that “wrongdoing must be conscious to be criminal,” and that a defendant must be “blameworthy in mind” before he can be found guilty. The “general rule” is that a guilty mind is “a necessary element in the indictment and proof of every crime.” Thus, criminal statutes are generally interpreted “to include broadly applicable scienter requirements, even where the statute . . . does not contain them.” This does not mean that a defendant must know that his conduct is illegal, but a defendant must have knowledge of “the facts that make his conduct fit the definition of the offense.”

When interpreting federal criminal statutes that are silent on the required mental state, the Court reads into the statute “only that mens rea which is necessary to separate

wrongful conduct from ‘otherwise innocent conduct.’” Communicating something is not what makes the conduct “wrongful.” Here “the crucial element separating legal innocence from wrongful conduct” is the threatening nature of the communication. The mental state requirement must therefore apply to the fact that the communication contains a threat. A.E.’s conviction, however, was premised solely on how his posts would be understood by a reasonable person. Such a “reasonable person” standard is a familiar feature of civil liability in tort law, but is inconsistent with “the conventional requirement for criminal conduct— awareness of some wrongdoing.” Having liability turn on whether a “reasonable person” regards the communication as a threat—regardless of what the defendant thinks— “reduces culpability on the all-

(continued on page 10)

## Binibigyan ako ng aking planong pangkalusugan ng higit pa sa aking inaasahan.

Kung mayroon kang Medicaid at Medicare A at B, tumawag upang matutunan pa ang tungkol sa mga plano ng UnitedHealth Dual Complete™ (PPO SNP). Kumpara sa Original Medicare, ang mga planong pangkalusugan ito ay nagbibigay sa iyo ng mga karagdagang benepisyo at mga katangian na maaaring makapagpabago sa iyong buhay, kabilang ang:



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## FEATURE

# Gift Ideas For Dad on Father's Day

By Dennis Galolo

**W**e love our dads to death and want to spend as much quality time with him as possible on Father's Day, yet they are perhaps the most difficult person to shop for—especially for women.

A recent survey by Ebates.com showed a disconnect between what women *think* dads want for a Father's Day gift and what dads *actually* want. According to the survey, 60 percent of women think that dads want sporting events tickets for Father's Day. But what most dads (52 percent) actually want is that high tech gadget they've been eyeing, like a tablet or smartphone. Coming in second for dads was a delicious home-cooked meal, followed by sporting events tickets and power tools.

Ewa Beach resident Vera Peralta knew exactly what to get for her handyman father.

She opted for a Lowe's gift card, which he will likely use to purchase a few power tools.

"It's a simple gift for my dad who is a do-it-yourself type," Peralta says. "I'm pretty sure he will love it."

Manila-based pediatrician Dr. Glezel Medrano decided to splurge on a massage and haircut package for her dad at Gruppo Barbero—one of Manila's top spas for men. The package costs PHP 4,000.

"My dad is a good man and father," says Dr. Medrano. "Although his life has been very busy, he has always taken time to do a lot of things for me."

## Gift Ideas

Generally speaking, the rule of thumb when shopping for your dad is to find out the type of guy he is and to buy a gift that's in the ballpark, so to speak. Is he a techie? If so, you might want to spend some time browsing the aisles at your local Best Buy store for



a wide array of gadgets that he will surely enjoy.

One particularly good gift idea is Google Chromecast (\$32.99), a device that will allow your dad to stream his favorite apps and media to the TV via Wi-Fi. Simply use the USB cable that's included to plug Chromecast into the TV and he can control streaming content using his compatible smartphone, tablet or computer.

If your dad is the outdoors type, consider buying him a pedometer from Sports Authority. One particularly good brand is called Sports Line which clips easily to a person's waistband and counts the number of steps taken, the distance and calories burned. It costs between \$20-\$25.

The beauty of a handy gadget like a pedometer is that it helps dear dad to get enough daily exercise. Researchers have suggested that the average individual needs about 10,000 steps a day to be considered "active." Anything less than 5,000 steps means that the person has a sedentary lifestyle.

Here are a few other guidelines to keep in mind for Father's Day:

- **Ask him what he wants to do.** If you're like most people who fret about what to do for Father's

Day, consider asking your dad or the man in your life what he wants to do. Most men will typically grunt with a response like—"Whatever, I don't care." Should this be the case, give him choices. Ask him—"Do you want to go to restaurant A or restaurant B? Would you prefer to sleep in or have a special breakfast?"

- **Think small.** The old saying that the best gifts come in small packages is absolutely true. Consider not going overboard on insanely expensive cologne or the traditional necktie that you know will look good on him, but that he might not take an immediate liking to. Instead, consider buying him smaller things that is bound to enjoy, such as a new wallet, cozy socks or a good novel.

- **Let the little ones decide.** The kids may be too young to offer their input, but if they're old enough, ask them what they have in mind. After all, it's their day to show their love for dad too!

- **Make a card.** Another underrated gift is a handmade card from the heart. Sit down with the kids and put your collective thoughts down onto paper.

I guarantee you that your card will truly make his day a memorable one.

## Big Spender?

According to the National Retail Federation, the average person spends upwards of \$125 on Father's Day gifts. Total nationwide spending overall each year is about \$12.7 billion.

Let's keep in mind that a gift is always appreciated no matter its price tag but eventually it will fade, which is why the gift of time is ultimately the best gift we can ultimately give our dads. Such a gift is one that he will appreciate the most.

So going back to the issue as to why dads are often hard to shop for, the reason is simple—if they already have a happy family, what else really is there to want? The best things in life are truly free with no credit card or receipt required.

Lawrence Pagulayan, 9, has already learned this valuable truth. He, however, admits that his dad is hard to shop for.

"If I had the money, I would buy him a new set of car tools and a shiny new helmet to match his motorcycle," he says. "But since I don't have any money, I will just give him a big hug for Father's Day."

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CHRONICLE PULSE

# WHAT HAS BEEN YOUR PROUDEST MOMENT AS A FATHER?

By Carlota Ader



The proudest moment being a father occurred just recently. My eldest son Christian graduated *cum laude* from high school and my youngest son Ricky made the Principal List for his sophomore year.

– **Paul Alimbuyao**

Pres. Filipino Chamber of Commerce | Honolulu



My proudest moment as a dad came when I won the jackpot in Las Vegas in 2001. I used the money to buy a house and saved some for my four children so they could go to college in the future. I served all of them with my delicious cooking, using new recipes I got from the internet. Today, my four children are all professionals.

– **Alex Aris**, Retired Businessman | Ewa Beach, HI



My proudest moment as a father was when we recently welcomed the third addition to our family—my youngest daughter! She is healthy and happy, as with my wife. My oldest is 18 and the middle is 5 years old. All are girls.

– **Rosano John Aurelio**, Phlebotomist | Ewa Beach, HI



The proudest moment as a dad was when my youngest son was born during my consular duties in Hawaii. He is a U.S. citizen.

– **Paul Cortez**, Deputy Consul

Phil. Consul General | Dubai, KSA



It was when my son graduated *magna cum laude* from UH-Manoa, College of Nursing. I would have to say that it was the proudest moment in my life as a father.

– **Mario Palma**, Registered Nurse | Kapolei, HI



There are several proud moments I have had as a father. The first was when my oldest daughter began working as an RN at Hale Nani Hospital and at Pali Momi. The second was when my daughter who was 2009 Miss HI Filipina and 2012 Miss Teen World graduated with a bachelor's degree in communicology. She is now an international hula dancer in Japan. The third was when my youngest daughter who was 2010 Miss HI High School graduated with a bachelor's degree in biology and will be continuing to study for her master's degree to be a doctor. All of them attended public schools.

– **Manuel Reyes**, Retired US Navy | Ewa Beach, HI

– **Manuel Reyes**, Retired US Navy | Ewa Beach, HI



I only have one child and she is a registered nurse. My proudest moment was when she delivered two boys as an addition to our family circle.

– **Orlyno Ruiz**

Retired US Air Force | Waipahu, HI



My proudest moment as a father was when my daughter Gabriella Rae was born. I thank God every day for giving me my daughter. She has brought a lot of joy and meaning into our lives.

– **Ray Villanueva**, Waipahu, HI

## HAWAII-FILIPINO NEWS

### State Issues Cease and Desist Order to Concert Promoters

The State Department of Commerce and Consumer Affairs' (DCCA) Commissioner of Securities, Ty Nohara, issued a preliminary order to cease and desist and notice of right to hearing today against concert promoters Ferdinand C. Jacobe, Gina T. Carlos and P.B.C. Productions, LLC for violating state securities laws.

The order asserts that, between January 2012 and June 2013, Jacobe and P.B.C. Productions solicited investors among the local Filipino community to fund three concerts in Hawaii, guaranteeing returns of 10 to 40 percent. The order asserts that P.B.C. Productions enlisted the assistance of an agent to solicit investors for the first two concerts.

As a result, more than 30 Hawaii residents invested a combined total of \$666,000 into the concerts. Nearly two years have passed and many investors remain unpaid.

Jacobe and P.B.C. Productions are accused of failing to disclose to investors that they were substantially in debt to numerous past investors and that the funds would not be returned by the guaranteed deadline.

State securities laws include anti-fraud provisions, requiring both securities and persons soliciting or transacting securities to be registered with DCCA's Securities Compliance Branch. The order asserts that Jacobe and P.B.C. Productions violated these anti-fraud provisions by employing deceptive schemes and devices to perpetuate fraud. It further alleges that neither Jacobe nor Carlos was registered to transact securities in Hawaii and the securities they sold to investors were also unregistered.

The order seeks total penalties of \$200,000 in addition to a permanent injunction against Jacobe and Carlos for transacting securities in the state, disgorgement of commissions received, and rescission of the sales of the securities.

Anyone who has been solicited by Jacobe, P.B.C. Productions, or Carlos to invest in a concert or who may otherwise have information regarding this matter is urged to contact the DCCA's Securities Enforcement Branch at 586-2740 or toll free at 1-877- HI-SCAMS.

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## SOCIAL SECURITY UPDATE

# Answers to Common Social Security Questions

By Jane Yamamoto-Burigsay



**Q:** *I've only been working for a few years, and I'm wondering how I earn Social Security benefits. What are credits and how many do I need to qualify for benefits?*

**A:** We use your total yearly earnings to calculate your Social Security credits. "Credits" are the units we use to measure whether you qualify for Social Security benefits. The amount needed for a credit in 2015 is \$1,220. You can earn a maximum of four credits for any year. The amount needed to earn one credit increases automatically each year when average wages increase.

You must earn a certain number of credits to qualify for Social Security benefits. The number of credits you need de-

pends on your age when you apply and the type of benefit for which you are applying. No one needs more than 40 credits for any Social Security benefit. You can learn more about earning credits by reading How You Earn Credits at [www.socialsecurity.gov/pubs](http://www.socialsecurity.gov/pubs).

**Q:** *My same-sex partner and I recently married. Will we qualify for Social Security benefits?*

**A:** You may be eligible to apply for Social Security benefits. Many factors affect your eligibility for benefits, including how long you worked and your age. Social Security is now processing more claims in which entitlement or eligibility is affected by a same-sex relationship. We encourage you to apply for benefits right away, even if you aren't sure you're

eligible. Applying now will protect you against the loss of any potential benefits. You can apply safely and securely at [www.socialsecurity.gov/apply-online](http://www.socialsecurity.gov/apply-online).

Learn more about Social Security for same-sex couples by visiting: [www.socialsecurity.gov/same-sex-couples](http://www.socialsecurity.gov/same-sex-couples).

**Q:** *I'm planning my retirement. What is the maximum Social Security benefit I might receive?*

**A:** The maximum benefit depends on the age you retire and how much you earned in your lifetime. For example, if you retire at age 62 in 2015, your maximum benefit will be \$2,025. If you retire at full retirement age in 2015, your maximum benefit will be \$2,663. If you retire at age 70 in 2015, your maximum benefit will be \$3,501. You can estimate your benefits by using

our Retirement Estimator at [www.socialsecurity.gov/estimator](http://www.socialsecurity.gov/estimator).

**Q:** *I'm retired and the only income I have aside from my Social Security retirement benefit is from an Individual Retirement Account (IRA). Are my IRA withdrawals considered as earnings? Could they reduce my monthly Social Security benefits?*

**A:** No. We do not count non-work income, such as annuities, investment income, interest, capital gains and

other government benefits, and they will not affect your Social Security benefits. Most pensions will not affect your benefits. However, your benefit may be affected by a government pension from work on which you did not pay Social Security tax. If you have wages or self-employment income and you are under your full retirement age, this income may affect your benefit amount.

For more information, visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) or call us toll free at 1-800-772-1213 (TTY 1-800-325-0778).

## HAWAII-FILIPINO NEWS

### HART Awards Contract for Waipahu Transit Stations

Officials with the Honolulu Authority For Rapid Transportation (HART) recently awarded a construction contract to Hawaiian Dredging Construction Company to build three rail stations in the Waipahu area.

Hawaiian Dredging Construction Company received a \$78.9 million contract for the Farrington Highway station group, consisting of the West Loch, Waipahu Transit Center and Leeward Community College stations.

Bids for the station group contract were opened in March 2015. Hawaiian Dredging was the apparent low bidder. The second-lowest bidder filed a bid protest that was denied by HART. That company then filed an appeal in April 2015 with the Hawaii State Department of Commerce & Consumer Affairs (DCCA). The DCCA ruled in HART's favor on May 28. HART officials say that the challenges delayed the award by about three months.

The original nine-station contract was broken into three smaller contract packages to encourage broader participation by contractors during the bidding process and create more competitive prices.

Contract bids for the West Oahu station group, consisting of the East Kapolei, University of Hawaii-West Oahu and Hoopili stations, were opened on June 16, 2015. HART officials expected construction for the West Oahu station group to cost as much as \$80 million but the bid amounts unveiled to the public on June 16th all came in at the lower end of that estimate. They were also all significantly lower than the Waipahu contract, which totaled \$78.9 million. Officials say that's because the West Oahu station group will be easier to build.

A request for contract bids for the Kamehameha Highway station group, which includes the Pearl Highlands, Pearlridge and Aloha Stadium stations, will be issued in August 2015. Costs are expected to escalate as construction work reaches urban Honolulu.

#### LEGAL GUIDE (from page 7, ON WHOSE SIDE....)

important element of the crime to negligence." A negligence standard was not intended in criminal statutes. Under these principles, "what [the defendant] thinks" does matter. *Elo-nis v. United States*, No. 13-983, 06/01/2015.

**OBSERVATION:** Justice Alito criticized the ruling, saying that the majority did not "explain what type of intent was necessary." Did the jury need to find that the defendant had the purpose of conveying a true threat? Was it enough if he knew that his words conveyed such a threat? Would recklessness suffice? He said that a defendant may

be convicted under §875(c) if he or she consciously disregards the risk that the communication transmitted will be interpreted as a true threat. Justice Thomas also dissented, saying he would have convicted the defendant because the Court of Appeals properly applied the general-intent standard, and the communications transmitted by the defendant were "true threats" unprotected by the First Amendment.

**ATTY. TIPON** has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. He specializes in im-

migration law and criminal defense. Office: 900 Fort Street, Suite 1110, Honolulu, HI 96813. Tel. (808) 225-2645. E-Mail: [filamlaw@yahoo.com](mailto:filamlaw@yahoo.com). Websites: [www.MilitaryandCriminalLaw.com](http://www.MilitaryandCriminalLaw.com). He is from Laoag City and Magsingal, Ilocos Sur. He served as an Immigration Officer. He is co-author of "Immigration Law Service, 1st ed.," an 8-volume practice guide for immigration officers and lawyers. This article is a general overview of the subject matter discussed and is not intended as legal advice. No warranty is made by the writer or publisher as to its completeness or correctness at the time of publication. No attorney-client relationship is established between the writer and readers relying upon and/or acting pursuant to the contents of this article.)

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TRAVEL & TOURISM

# QIWELLNESS LIVING: TAGAYTAY'S NEWEST BOUTIQUE DESTINATION

**RENDEZVOUS** By Christine S. Dayrit

He who enters these bright red doors is embraced by a sublime kind of wellness never experienced before. Whereas in the past one would have to traverse the Silk Road to China or other faraway places, here at the Qiwellness Living in Tagaytay, age-old practices of healing and well-being are now available closer to home.

As soon as the red doors of Qiwellness Living open, the chau gong announces your arrival in this healing sanctuary. A pair of two-meter-high Ming Dynasty chairs will steal your gaze right away, that is until your sight combs the expanse of the mesmerizing unobstructed view before you: the Taal Volcano resting majestically on the placid waters of Taal Lake. You stand at the promontory across the pond populated by majestic koi fish and you see the mouth of the volcano, agape, so close to you that you feel the vortex power of nature enveloping you.

The friendly staff of Qiwellness Living gives my best friend Bum Tenorio and me our refreshing iced drinks. By the veranda, we nurse our Asian-inspired cocktails and stand to witness a symphony of nature — below us is a forest of old trees, replete with a few monkeys that shyly run in the background; above us is open sky with rolling clouds; across us is a peaceful invitation courtesy of the lake and the volcano as they are surrounded by Mt. Makiling, Mt. Makulot and Mt. Malarayat.

Qiwellness Living, a multi-story haven, is definitely a romantic boutique destination that is surreal and very, very dramatic. Besides its wellness modalities at their bathhouse, it also has a guesthouse and a tea-house. We were warmly welcomed by Qiwellness Living owners Rita Sanson and Ken Tuazon who graciously ensured us of a remarkable experience

in their fabulous property on Aguinaldo Road in Tagaytay City.

The boutique destination's teahouse serves a sumptuous à la carte menu and a multi-course degustation menu. It offers Asian fusion cuisine that utilizes the principles of yin and yang, which simply means having a balance of aroma, colors, textures and flavors. Food here is not restrictive. As such, expect to find the most delicious cuisine like chicken, fish, lamb and wagyu. If you are vegetarian, you may call in advance to order vegan cuisine. Each dish here is a work of art; it tastes as good as it looks.

As we dined while the sun was setting, the entire ambiance became even more dramatic with the lights of Qiwellness Living and the towns below merging like twin stars on a romantic night. We got caught up in this blissful experience as we embarked on our nine-course degustation dinner. We happily started with a unique dish with eel, apple, turnip and banana heart. The creamy miso with onion and mushroom truffle oil was divine. The salmon gravlax with squid ink, orange, citrus pearls and cream cheese tasted like a hint of spring, welcoming the festive season. The gastronomic experience was heavenly and the party in our palate continued with the fermented tofu soufflé spring salad with hoisin vinaigrette. The soba and sea urchin cream with 63° C yolk and crab was a wonderful combination of the noodles and a creamy sea urchin.

We had the flank steak with sweet potato, French beans and mushrooms. This dish was my favorite. The tender and succulent meat was served on a very hot stone that you could actually turn over the steak if you wanted it more cooked. The duck leg confit "à la Peking" with pancakes and plum sauce was the softest and



Qiwellness Living offers the most impressive view of Taal Volcano and Taal Lake. From the promontory of the boutique destination can also be seen Mt. Makiling, Mt. Malarayat and Mt. Makulot. Photos by Joven Cagande and Bum Tenorio Jr.

most flavorful duck confit I have ever tried in my life. The lamb belly with carrots, pumpkin, peas and corn certainly made this lamb dish something you will appreciate and definitely enjoy. The sweet ending for the hearty meal was a guava dessert with mango, lemon, edible flowers and herbs — perfect.

As they say, some things are better experienced than explained. This certainly applies to this degustation dinner with paired cocktails. There's a sensuality that pervades at Qiwellness Living. It is as though no stone has been left unturned to assure each discriminating guest a utopian experience. Nirvana at its finest is the experience here and it can even be addictive because it will seem that it's never enough.

Ken, who studied in Les Roches, Switzerland and chef Jeffrey Ramirez from Le Cordon Bleu, Australia, along with Rita, an expert marketing lady from Assumption College, make a formidable team that always ensures very strict quality control of their food and innovations. "It is our mission to elevate the quality and standard of each dish to suit the discriminating palates of our guests," says Ken.

The furniture, antique, fixtures and architectural design are truly unique and well-thought-out, as only the formidable design team of Budji Layug and Royal Pineda can do. The pieces are not just fab-

ulous, but functional as well. For example, the roof tiles used at the Tea House bar are authentically sourced from China, in a factory that also supplied the same tiles during the Ming Dynasty period. The boutique destination's lighting experts also added a very dramatic touch to this posh property that is located so near the Taal Volcano, you can almost touch the crater.

Soak yourself in bliss and choose from preferred treatments that will leave you wanting more time at the spa. My best friend Bum and I opted for the 90-minute Silk massage modality to experience the revitalizing and rejuvenating treatments. The Silk massage makes use of graceful strokes and flowing motions to aid in lymphatic drainage and relaxation.

There is also a modality called Qiharmony, a very unique dry signature massage done on recliners by the Yin Yang Pool overlooking the view of Taal, or by the Opium

Den (not a real opium den, but a comfortable retreat nonetheless). The reflexology, acupressure and tui-na techniques were tailored to knead my every weary muscle and reminded me that I could have actually traveled to heaven and back. Another treatment done by the Yin Yang Pool is the Qireflexology massage.

A further treatment is called the Rose Reverie — it will make you will feel transported to centuries-old Chinese culture. How can one resist the dramatic symbol of deep, dark red roses that connote beauty, grace and admiration? Pamper yourself with this two-hour treatment as roses are used for exfoliation followed by a smooth rose silk cream.

To experience the character of the energetic Taal volcano, try Qiwellness Living's Bamboo Bliss package that utilizes activated bamboo charcoal and volcanic sand scrub. Did you know that charcoal is a very potent cleansing agent that brings about deep purification of the skin?

And of course, last but not least is the "Quick Escape" that encapsulates romance and drama for couples. The Yin and Yang (cold and hot) Dipping Pools are perfect for the commencement of the treatment followed by a 30-minute Qireflexology massage and finishing with a 90-minute Silk signature massage. Imagine the bliss of a sexy shower capped with a signature massage!

The Qiwellness Living reminded me of a favorite jaunt in Singapore called the Scarlet Hotel, which is sexy, provocative and daring. Qiwellness Living tickles your fancy as well as fantasies, and satisfies your appetite.

*(continued on page 12)*

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## PHILIPPINE NEWS

# SC Stops Torre de Manila Construction

by Edu Punay  
Wednesday, June 16, 2015

**M**ANILA, Philippines - The Supreme Court (SC) yesterday stopped construction at the 46-story Torre de Manila condominium that ruins the iconic sight line of the monument of national hero Jose Rizal in the park named after him.

Voting 8-5 in session yesterday, the magistrates decided to issue a temporary restraining order (TRO) enjoining property developer DMCI Homes Inc. from proceeding with the project along Taft Avenue for which DMCI has reportedly spent P3 billion.

The TRO is effective immediately and valid until further orders from the high court.

The high court granted the immediate relief sought in the petition filed by Knights of Rizal in September last year seeking demolition of the condominium building.

Associate Justices Presbitero Velasco Jr., Arturo

Brion, Teresita Leonardo-de Castro, Lucas Bersamin, Martin Villarama, Jose Catral Mendoza, Estela Perlas-Bernabe and Francis Jardeleza agreed on the need to stop the project pending resolution of the case.

Chief Justice Ma. Lourdes Sereno, Senior Associate Justice Antonio Carpio and Associate Justices Mariano del Castillo, Jose Perez and Bienvenido Reyes believed that the prayer for TRO should be heard first in oral arguments.

Associate Justices Diosdado Peralta and Marvic Leonen were on leave.

DMCI Holdings president Isidro Consunji said yesterday that the firm has not yet received a copy of the TRO. "We will wait for counsel's advice," he said.

The justices also decided to set the oral argument on the case on June 30 and ordered the National Commission for Culture and the Arts (NCCA) to explain its cease and desist order in January stopping the construction of the project



File photo shows the ongoing construction of the 46-story Torre de Manila condominium along Taft Avenue in Manila. | Edd Gumban

within a non-extendible period of five days from receipt of notice.

The SC earlier required the Office of the Solicitor General to represent the NCCA. But in yesterday's deliberations, the justices granted the motion of the OSG to be excused from the case.

In their petition, the Knights of Rizal alleged that by defacing the visual corridors of the monument, DMCI violated laws mandating the protection and preservation of the Rizal Monument.

These laws include Republic Act No. 4846 (Cultural Properties Preservation and Protection Act), RA 7356 (law creating the National Commission for Culture and the Arts) and RA 10066 (National Cultural Heritage Act of 2009 or an Act Providing for the Protection and Conservation of the National Cultural Heritage).

Petitioners also argued that the project could be con-

sidered as a nuisance as defined under the Civil Code of the Philippines. Article 694 of the code provided that "a nuisance is any act, omission, establishment, condition of property or anything else which annoys or offends the senses; or shocks, defies or disregards decency or morality."

Petitioners also pointed out that the project violated the zoning ordinance of the City of Manila.

Petitioners cited admission by the legal counsel of DMCI that the company effectively did not follow the procedure prescribed under Manila City Ordinance No. 8119, otherwise known as the Zoning Ordinance of Manila, for obtaining the zoning and building permits.

They noted that Torre de Manila is located within the city's "institutional university cluster," an area reserved for schools and government buildings under the ordinance. ([www.philstar.com](http://www.philstar.com))

## Mayweather Still World's Top-paid Athlete; Pacquiao at 2nd

by Dino Maragay  
Thursday, June 11, 2015



Floyd Mayweather Jr. (right) and Manny Pacquiao are the world's two highest-paid athletes. AP

**M**ANILA, Philippines - With his showdown with Manny Pacquiao raking in record revenues, Floyd Mayweather Jr. solidified his grip on the No. 1 spot in Forbes' list of highest-paid athletes in the world for 2015.

Forbes said Mayweather has achieved the feat for the third time in four years, with his May 3 fight with Pacquiao in Las Vegas shattering previous pay-per-view records. Their bout at the MGM Grand Garden Arena sold 4.4 mil-

(continued on page 13)

### TRAVEL & TOURISM (from page 11, QIWELLNESS....)

Only one couple at a time can be accommodated by Qiwellness Living for an overnight stay. The limited space guarantees utmost exclusivity for guests to enjoy the facilities as they are discreetly attended to by the assigned staff. Qiwellness Living's divine overnight Escape Package offers glorious view and amenities that elevate romantic experiences to new heights. Included in this package are welcome

cocktails, use of the Yin Yang hydrotherapy dipping pools, an exhilarating 30-minute foot reflexology by the bathhouse and a 90-minute Silk signature massage in the Opium Den. The overnight accommodation in a private room equipped with your own steam and rain shower is topped off with a delicious Chinese-inspired congee and dim sum breakfast.

Rita adds: "Guests can even have private dining and

spa parties here." It is a very good idea for a small private or corporate event to luxuriate in what the boutique destination offers, as they breathtakingly ogle the view of Taal.

Many times, we hie off to distant places to find nirvana. This time, an oasis of paradise is so close by. A thousand and one delights await you at Qiwellness Living. Bask in its glory and bathe in bliss. ([www.philstar.com](http://www.philstar.com))

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LEGAL NOTES



By Reuben S. Seguritan

# Proposals for Executive Action On Immigration

**P**resident Obama promised to take action on immigration after the midterm election. Now that the election is over, the President is expected to announce his new immigration program. It is not yet certain what the policy changes will be but we are hopeful that it would include relief from deportation for millions of undocumented immigrants.

Many believe that just like the Deferred Action for Childhood Arrivals (DACA) program created in 2012, the Obama administration would identify sub-groups of immigrants who would be eligible for deferred action. Although the grant of deferred action does not grant legal status, it

would protect undocumented immigrants from deportation and allow them to apply for employment authorization and travel document.

Immigrant rights advocates have appealed to the administration to adopt a blanket approach and grant deferred action to all those who would be eligible under the Senate bill. However, if this blanket approach is rejected, immigrant rights advocates have identified sub-groups of immigrants who should be included under a new program.

Immigrants who already have an approved family and work-related visa petitions but who are unable to adjust their status because of visa backlogs should be granted deferred action. Many of these immigrants are subject to the three or ten year bar rule because of unauthorized employment or remaining in the U.S. without authorization. They have opted

to remain undocumented in the U.S. as they are unable to benefit from their approved visa petitions.

Parents of U.S. citizen children who cannot petition their parents for green cards until they turn 21 should also be granted deferred action status. Under the 1996 amendment to the Immigration and Nationality Act (INA), the parent of a U.S. citizen child who remained undocumented for one year or longer in the U.S., unlike the spouse of a U.S. citizen, is not eligible to apply for a waiver.

Also, the DACA program should not be limited to those under 31 as of June 15, 2012. It should be expanded to those who entered the U.S. before the age of 16 regardless of their age today. Also, the continuous residence cut-off date should be updated to June 15, 2014.

At present, DACA beneficiaries qualified to enlist in the

military under the program Military Accessions Vital to National Interest or MAVNI are limited to those with advanced medical skills, or who can speak certain languages. The program should be expanded to allow a greater number of undocumented immigrants to serve in the military.

Parents and siblings of DACA beneficiaries should also be granted deferred action. Thousands of U.S.-born children have been placed in foster care because their parents have been deported. Expanding the DACA program to parents and siblings would keep the families intact and prevent children from ending up in foster care.

The "grandfathering" regulations under INA 245(i) should be expanded. Under current regulations, an immigrant who is a beneficiary of a petition filed on or before April 30, 2001 may adjust status in the U.S. based on their original petition or a new petition filed after April 2001, even if the beneficiary fell out of status. Although reinstating Section 245(i) would need legislative action, the Administration could expand the regulations that define who is grandfathered under 245(i).

Also, the Temporary Protected Status (TPS) should be granted to Filipino nationals in

the U.S. Many countries such as Honduras, Nicaragua, El Salvador, and Haiti, to name a few, were granted TPS after a natural disaster. The destruction in the Philippines brought on by Typhoon Haiyan, which has killed more than 6,000, displaced 4 million and affected in total 16 million people, calls for TPS designation. It will assist thousands of Filipinos while rehabilitation is underway and will without doubt serve its humanitarian purpose.

Deferred action status should also be granted to individuals who are "low priority" for removal or those who are eligible to seek stays of removal under the Immigration and Customs Enforcement (ICE) Morton memo.

These are only a few of the proposed changes to the existing policies which the President can do using his executive authority. While it is true that only Congress can create a path to citizenship, these proposed changes will without doubt provide a solution to the pressing problems of the undocumented today and lay the ground work for a permanent legislative fix from Congress.

**REUBEN S. SEGURITAN** has been practicing law for over 30 years. For further information, you may call him at (212) 695 5281 or log on to his website at [www.seguritan.com](http://www.seguritan.com)

**PHILIPPINE NEWS (from page 12, MAYWEATHER...)**

lion PPV units translating to roughly \$400 million in revenue.

The fight turned out to be a critical disappointment as Mayweather used his defensive brilliance to march to a unanimous decision win, but it was obviously a commercial success. Forbes noted that the "Fight of the Century" generated incomes of \$73 million in live gate and \$13 million in sponsorships.

For one night's work, the undefeated American was guaranteed \$120 million in salary while Pacquiao earned \$80 million. As per their agreement, Mayweather was entitled to 60 percent of the fight's revenues while Pacquiao received the rest, further boosting their take-home pays.

Combined with the Mayweather's \$15 million income in endorsement deals, the boxer's total haul reached \$300 million, according to Forbes.

"The fight is expected to

gross \$600 million once everything is counted. The fighters and their promotion companies will divvy up roughly \$400 million, with Mayweather owed a 60 percent cut. Factor in his September 2014 bout against Marcos Maidana, and Mayweather earned \$285 million over the last 12 months in the ring," Forbes' Kurt Badenhausen wrote.

Mayweather said he plans to fight again in September, so he's not done yet making money for the year.

Being part of boxing's richest fight ever, Pacquiao, for his part, became the world's second highest-paid athlete behind Mayweather with a total income of \$160 million for this year. The Filipino icon though will sit out the rest of the year as he recovers from a shoulder injury he sustained in training for the Mayweather fight.

"Pacquiao's \$125 million payday for his bout against Floyd Mayweather was four times his previous high for a

boxing match (Pacman's boxing earnings also include \$23 million for his November fight against Chris Algieri)," Forbes continued.

"Pacquiao boosted his income further through endorsement deals with Nike, Foot Locker, Wonderful Pistachios, Nestle's Butterfinger and a handful in the Philippines. The pugilist and Filipino Congressman is sidelined for the rest of 2015 after shoulder surgery to repair a torn rotator cuff," the publication added.

Making it to the Top 10 of the world's richest athletes list are football stars Cristiano Ronaldo (\$79.6 million) and Lionel Messi (\$73.8 million), tennis icon Roger Federer (\$67 million), NBA superstars LeBron James (\$64.8 million) and Kevin Durant (\$54.1 million), golfers Phil Mickelson (\$50.8 million) and Tiger Woods (\$50.6 million), and the Los Angeles Lakers' Kobe Bryant (\$49.5 million).

([www.philstar.com](http://www.philstar.com))



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MAINLAND NEWS

# Congressional Bill Would Award Gold Medals to Fil-Am Vets

by HFC Staff

All four members of Hawaii's congressional delegation joined a bipartisan effort to introduce legislation that would award the Congressional Gold Medal to Filipino Veterans of World War II.

This effort is part of a movement to obtain national recognition for Filipino and Filipino-American World War II soldiers across the U.S. and the Philippines for their wartime service and strategic role in the Allied victory over the Empire of Japan.

The legislation acknowl-

edges over 260,000 Filipino and Filipino-American soldiers who responded to President Roosevelt's call-to-duty and fought under the American flag against the Imperial Forces of Japan during World War II.

U.S. Rep. Tulsi Gabbard says recognition of these Filipino veterans is long overdue.

"Our nation owes these individuals our deepest and sincere gratitude," she says. "I am pleased to join my colleagues in a bipartisan and bicameral effort to honor these veterans with the Congressional



Gold Medal, a well-earned tribute for their service."

According to U.S. Sen. Mazie Hirono, the medals would go a long way towards making sure that these veter-

ans' sacrifices and stories are never forgotten.

"Time is running out for the diminishing number of Filipino World War II veterans and I call on my colleagues in the Senate to award

these brave soldiers the Congressional Gold Medal, giving them the honor and recognition they earned," she says.

U.S. Sen. Brian Schatz says far too many of the Fil-Am veterans have not been properly recognized, nor have they received the basic veterans' rights they have earned. In addition, U.S. Rep. Mark Takai says that the awarding of the Congressional Gold Medal will hopefully begin the process of repaying the debt of the U.S. government to these veterans.

# Schatz Co-Introduces Export Promotion Act

by HFC Staff

U.S. Sen. Brian Schatz and several Senate colleagues co-introduced the American Export Promotion Act to help small- and medium-sized firms grow their export capacity and to better compete in global markets through grant and technical assistance.

The legislation comes as the Export-Import Bank of



Sen. Brian Schatz

the U.S.—an independent, self-sustaining executive branch agency tasked with

facilitating the export of U.S. goods and services—is set to expire on June 30, 2015 absent congressional reauthorization.

Schatz and his Senate colleagues are calling for the Bank's reauthorization. They say that the Bank supports tens of thousands of small and medium-sized businesses throughout the country and last year generated

\$675 million in revenues. Furthermore, over 70 percent of the world's purchasing power is located outside of the U.S., yet less than one percent of America's 30 million companies export their products—a percentage that is significantly lower than other developed countries.

"Small businesses in Hawaii and across America are creating jobs and supporting middle class families, and we need to be doing everything we can to help them grow," says Senator Schatz. "Our legislation gives businesses the tools and resources to boost exports and compete in the global economy."

## PHILIPPINE NEWS

# Bulusan Erupts Anew; Phivolcs Sends Survey Team

by Helen Flores  
Wednesday, June 16, 2015

MANILA, Philippines - Ash columns flew up to 500 meters above its crater when Bulusan volcano in Sorsogon erupted twice before noon yesterday.



This was monitored in the Philippine Institute of Volcanology and Seismology (Phivolcs) station in Cabid-an, Sorsogon City.

Despite the eruptions, local authorities did not order the evacuation of residents in the area.

The one-millimeter ash fall affected Barangays Sankayon, Buraburan, Baclod, Mapili, Aniog and Puting Sapa, all in the municipality of Juban, according to Phivolcs director Renato Solidum.

A phreatic (steam-driven) eruption was recorded at 11:02 a.m. and lasted 10 minutes, he added.

A smaller explosion followed at 11:20 a.m. and lasted at

(continued on page 15)



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**COMMUNITY CALENDAR OF EVENTS**

**OAHU FILIPINO COMMUNITY COUNCIL (OFCC) CONVENTION** | June 14, 2015 | PHL CONSULATE LANAI | 8:00 AM - 2:00 PM | For details, contact Alex Vergara @ 551-4303

**30TH ANNIVERSARY CELEBRATION, CEBUANO ASSOCIATION OF HAWAII** | June 20, 2015 | SUNSET LANAI RESTAURANT, CAMP SMITH, HALAWA HEIGHTS | 5:00 - 10:00 PM | Contact: Firmo Dayao. 206-5301

**10TH AMBASSADOR, CONSULS GENERAL AND TOURISM DIRECTORS TOUR TO THE PHILIPPINES** | July 4-10, 2015 | 6 DAYS AND 5 NIGHTS OF PHL HOSPITALITY. JOIN THE ANNUAL SPECIAL TOUR OF MANILA AND CEBU WITH PHILIPPINE DIPLOMATS | For more information, contact the Phl Consulate General of Honolulu @ 595-6316 to 19.

**PHILIPPINE NURSES ASSOCIATION 36TH NATIONAL CONVENTION** | July 22-26, 2015 | HILTON

HAWAIIAN VILLAGE, WAIKIKI BEACH RESORT | For more information, contact Tina Salvador @ 778-3832 or 426-6183

**MISS HAWAII FILIPINA CORONATION DINNER, UNITED FILIPINO COUNCIL OF HAWAII (UFCH)**, | July 25, 2015 | PACIFIC BEACH HOTEL BALLROOM | 6:00 PM | Contact: UFCH Pres. Maria Etrata @392-2962

**CONGRESS OF VISAYAN ORGANIZATION (COVO) ANNUAL CONVENTION** | August 18, 2015 | DAYTIME SESSION WILL BE HELD AT THE KING KAUMU'ALI'I ELEM. SCHOOL CAFETERIA (8:00 AM - 4:30 PM), EVENING BANQUET AT THE KAUAI BEACH RESORT HOTEL | 6:00 PM | Contact: Firmo Dayao. 206-5301 | Contact: May Mizuno at 741-4503

**FILIPINO WOMEN'S CIVIC CLUB MARIA CLARA BALL** | September 12, 2015 | POMAKAI BALLROOMS, DOLE CANNERY | 6:00 PM | Contact: Bernadette Fajardo @

342-8090 or Cecilia Villafuerte @ 371-8538

**THE FILIPINO COMMUNITY CENTER'S BAYANIHAN GALA FUNDRAISER** | September 18, 2015 | SHERATON WAIKIKI HOTEL | 5:30 PM | Interested in volunteering and for details, please contact Exec. Director Donnie Juan at 808-680-0451.

**MRS. ISAH 2015 CORONATION AND GALA NIGHT** | October 24, 2015 | ALA MOANA HOTEL | 9:00 AM - 4:00 PM | Contact Danny Villaruz 778-0233

**FILIPINO BUSINESS WOMEN'S ASSOCIATION'S KIMONO BALL AND FILIPINO BUSINESS WOMAN OF THE YEAR AWARD** | November 14, 2015 | ALA MOANA HOTEL, HIBISCUS ROOM | Contact: Nancy A. Walch @778-3882

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**PHILIPPINE NEWS**

**Poe Overtakes Binay as Top Presidential Bet - Pulse**

by Patricia Lourdes Viray  
Wednesday, June 18, 2015



Sen. Grace Poe is the preferred president of 30 percent of the voting population, according to the latest Pulse Asia survey

MANILA, Philippines - Overtaking Vice President Jejomar Binay, Sen. Grace Poe topped the the list of possible presidential bets for the 2016 national elections, according to the latest Pulse Asia survey.

Poe garnered 30 percent, an increase from her previous rating of 14 percent in the same survey.

Meanwhile, the vice president's rating dropped from 29 percent last March to 22 percent.

Davao City Mayor Rodrigo Duterte ranked third

with 15 percent. Interior and Local Government Secretary Mar Roxas and Manila Mayor Joseph Estrada, meanwhile, were tied at the fourth spot with 10 percent.

Sen. Miriam Defensor-Santiago scored a rating of six percent, followed by Sen. Alan Peter Cayetano and former Sen. Panfilo "Ping" Lac-

son with two percent each. Poe also topped the vice presidential survey with 41 percent while Escudero got a rating of 12 percent.

Cayetano garnered 12 percent, followed by Duterte and Sen. Ferdinand "Bong-bong" Marcos both with nine percent.

Lacson got a rating of six

(from page 14, BULUSAN...)

least five minutes, Solidum said.

Following the eruptions, a kilometer-high steam and ash column drifted west-southwest of the volcano, he added.

Ash drifted west-northwest in the direction of Juban and Irosin towns, according to Crispolo Diolata, Phivolcs Sorsogon chief.

He has sent a survey team to determine the extent and what areas were affected by the ashfall.

"We are still determining the thickness and the villages affected by the ashfall," he said.

The first explosion was so strong that rumblings

were heard several kilometers away from the crater, according to Devorah Fernandez, Phivolcs-Cabid-an station observer.

"We are still waiting for the bulletin from our main office," she said.

"We do not know yet whether they will raise Bulusan's alert level to 2 or not."

The ashfall was projected to affect the towns of Juban and Irosin, but would pose no danger to residents, Phivolcs-Bicol said.

Prior to yesterday's eruptions, Phivolcs recorded five volcanic earthquakes around Bulusan in the past 24 hours.

Weak emissions of white steam plumes were also

noted drifting and creeping downslope toward the southwest.

Phivolcs maintains Alert level 1 (abnormal) at Bulusan, Solidum said.

Alert level 1 indicates that hydrothermal processes may be underway beneath the volcano that could lead to more steam-driven eruptions.

State volcanologists raised the alert level at Bulusan from 0 (normal) to 1 (abnormal) last May 7.

Solidum reiterated the warning against entering the four-kilometer radius permanent danger zone due to the possibility of sudden and hazardous steam-driven or phreatic eruptions.

(www.philstar.com)

**PULSE ASIA NATIONWIDE SURVEY**  
**2016 Elections**

Conducted: April 2015 Released: June 18, 2015

Preferred president		Preferred vice president	
Grace Poe	30%	Grace Poe	41%
Jejomar Binay	22%	Chiz Escudero	12%
Rodrigo Duterte	15%	Alan Peter Cayetano	12%
Mar Roxas	10%	Rodrigo Duterte	9%
Joseph Estrada	10%	Bongbong Marcos	9%
Miriam Santiago	6%	Ping Lacson	6%
Alan Peter Cayetano	2%	Antonio Trillanes IV	5%
Ping Lacson	2%	Leni Robredo	1%

percent for the vice presidential survey while Sen. Antonio Trillanes IV scored five

percent. Camarines Sur Rep. Leni Robredo got one percent. (www.philstar.com)

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