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CHALLENGES AND TRIUMPHS FACING OFWs

COVER STORY PAGE

4



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OPINION

6 PROSECUTORIAL DISCRETION PRINCIPLE WILL STOP "TANIM BALA"



PERSONAL REFLECTIONS

8 GRATEFUL IN AND FOR EVERYTHING



LEGAL NOTES

13 RESIDENCE AND PHYSICAL PRESENCE REQUIREMENTS FOR NATURALIZATION



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EDITORIALS

OFWs: Modern Day Filipino Heroes

Heroes come in all shapes and sizes. All too often we assume that super powers are needed to be a hero. But simply put, a hero is someone who responds quickly and selflessly when seeing others in need. In the Philippines, that hero is oftentimes the quiet, unassuming overseas Filipino worker (OFW) who takes on employment in a foreign country where better pay and economic opportunities exist. Each month, OFWs send a sizable chunk of their salaries in the form of remittances back home to their loved ones. Without remittances, entire families would be hard-pressed to pay for food, housing, education, healthcare and once-in-a-lifetime events such as weddings and business ventures.

The Philippines is a country that is heavily dependent on remittances. In 2014, more than 10.5 million overseas Filipinos sent remittances that amounted to \$24.3 billion—or an estimated 8.5 percent of the Philippines' total Gross Domestic Product (GDP). Thanks to these remittances, the Philippine economy has enjoyed robust growth in recent years despite political and economic instability in key regions of the world.

For OFWs, their sacrifices often come at tremendous personal cost. They endure less-than-ideal working conditions, discrimination, separation from loved ones and other hardships. But they persist for the sake of their families. The Philippine government needs to do much more to promote their well-being while working overseas—such as ensuring their safety and protecting their rights. OFWs can for the first time ever vote in the 2016 election but more needs to be done. A proposal is underway to teach OFWs how to save and invest their hard-earned money. Rather than work abroad for the rest of their lives, the intent is to establish a viable plan that would make OFW's earnings grow which would ultimately help them to start a business or other entrepreneurial venture upon their return. Additional measures and economic reforms are needed to create better, higher-paying jobs at home so that Filipinos would not have to seek their fortunes overseas. But until that time comes, our heroic OFWs will continue to leave their families—a sad but undeniable fact of life in the Philippines.

Give Thanks This Holiday Season

Before there was Eckhart Tolle and the sleuth of contemporary self-help gurus popularizing the idea of the power of “now” and being present-minded, there was the great Russian writer Leo Tolstoy who wrote the famous short story The Emperor's Three Questions.

During this Holiday Season, Tolstoy's short story could be a shining, timeless gem of wisdom that we all can learn from. In the story, an emperor issued a decree throughout his kingdom that whoever could answer these three questions would receive a great reward. The emperor believed that the answers would keep him focused on the tasks he faced, and that he would never stray should he find the answers to these questions which were:

- When was the right time to begin everything?
- Who were the right people to listen to and whom to avoid?
- What was the most important thing to do?

Several learned and esteemed people attempted to answer the

FROM THE PUBLISHER

Don't you just love this time of the year? The weather is getting cooler, stores have already put up festive Christmas displays and we're all looking forward to enjoying a delicious Thanksgiving meal with family and friends. This is truly one of the best times of the year!



Our cover story for this issue is about the challenges and triumphs that overseas Filipino workers (OFWs) experience (see page 4). Contributing writer Gregory Garcia takes a closer look at the important role that OFWs and their remittances play in boosting the Philippine economy and increasing the disposable income of their families. These migrant workers often missing out on Christmas and other special occasions with their families, but it is a sacrifice they willingly make. Chances are that you have a relative or know of someone who works in a foreign country and sends his or her hard-earned money back home to the Philippines. The Chronicle thanks the many OFWs for their sacrifices and supports any and all measures to honor and protect them.

In our previous issue, we previewed a handful of Filipino films that premiered at the 35th Hawaii International Film Festival. Among the more highly-acclaimed films was “General Luna,” which is the Philippines' official entry into the Academy Awards' foreign language film category. The film portrays Gen. Antonio Luna, commander of the Philippines' revolutionary army in 1898. For more historical insights into this talented and dynamic figure of the Philippine revolution, please turn to our Movie Review and Counterpoint columns on pages 7 and 9, respectively.

On a final note, if you are planning to travel to the Philippines for the Holiday Season, please turn to page 6 for our “Opinion” column which is filled with good advice on dealing with the Tanim Bala scam at Ninoy Aquino International Airport. Arm yourself with knowledge on how you can avoid being a victim of this bullet planting scam that targets travelers to the Philippines.

Lastly, I encourage you to read the other informative columns and articles we have for you in this issue. Mahalo for your continued support. If you have a story idea, suggestion or concern, please email it to our staff at: filipinochronicle@gmail.com. We'd love to hear from you!

Until our next issue time...*aloha* and *mabuhay*... and have a happy and safe Thanksgiving!

Chona A. Montesines-Sonido

emperor's questions but the emperor thought their answers lacked importance, significance and true wisdom. He decided, perhaps, the answers could be found among the commoners. He took off his regal garments, dressed humbly and mingled among his people. After several twists and turns, a near-death experience and charitable acts that were all too common among the every day life of commoners, the emperor finally got his answers from none other than an unenviable hermit whom no one paid much attention to.

The emperor realized that the answers to the three questions are:

- The most important time is NOW. The present is the only time over which we have power.
- The most important person is whoever you are with.
- The most important thing is to do good to the person you are with.

(continued on page 3)

Publisher & Executive Editor
Charlie Y. Sonido, M.D.

Publisher & Managing Editor
Chona A. Montesines-Sonido

Associate Editors
Dennis Galalo
Edwin Quinabo
Contributing Editor
Belinda Aquino, Ph.D.

Creative Designer
Junggoi Peralta

Photography
Tim Llana

Administrative Assistant
Shalimar Pagulayan

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Emil Guillermo
Ruth Elynia Mabanglo, Ph.D.
Ron Menor
J.P. Orias
Pacita Saludes
Reuben S. Seguritan, Esq.
Charlie Sonido, M.D.
Cong. Mark Takai
Emmanuel S. Tison, Esq.
Felino S. Tubera
Sylvia Yuen, Ph.D.

Contributing Writers

Clement Bautista
Teresita Bernales, Ed.D
Serafin Colmenares, Jr., Ph.D.
Julia Crowley
Linda Dela Cruz
Fiedes Doctor
Danny De Gracia, II, MA
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Amelia Jacang, M.D.
Caroline Julian
Raymund LI. Liongson, Ph.D.
Federico Magdalena, Ph.D.
Deborah T. Manog
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Renelaine Bontol-Pfister
Seneca Moraleta-Puguan
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Glenn Wakai
Amado Yoro
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Greg Garcia

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Molokai Distributor
Maria Watanabe

Advertising/Marketing Director
Chona A. Montesines-Sonido

Account Executives
Carlota Hufana Ader
J.P. Orias

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CANDID PERSPECTIVES



By Emil Guillermo

Filipino Vets of WWII Not Done Yet As Thousands Still Blocked from Equity Pay

On many ways, the war never ended for Celestino Almeda, 98, of Maryland, and a proud Filipino American World War II veteran.

To this day, he still has it in him to keep up the fight for what he knows is owed him.

On Veterans Day, Almeda stood out in the cold at Lafayette Park, right in front of the White House gate, to read aloud his protest letter to anyone who would listen.

Maybe even President Obama.

You see, the president signed something in 2009 called the American Recovery and Reinvestment Act.

The what?

That was the official name for the so-called "stimulus" package.

Like a big turkey, it's stuffed with goodies for politi-

cos and constituents. Intended to stimulate the economy, it also finally ends a major issue for Filipino veterans of WWII.

Tucked deep within the bill was the Filipino Veterans Equity Compensation Act--the very law that gave the vets a \$15,000 lump sum if they were in the U.S.; \$9,000 if they were in the Philippines.

How are the vets doing six years later?

As of August, here are the latest numbers available from the Veterans Administration:

- * 42,755 applications processed
- * 9,305 approved for \$15,000
- * 9,646 approved for \$9,000

It amounts to a payout of over \$224 million awarded to eligible Filipino Veterans.

Before you jump for joy, go over the numbers again.

Of the 42,755 applications, more than 23,804 have been disapproved.

That's a 56 percent disapproval rate.

In other words, if you're a Filipino vet of WWII looking for your lump sum, or think you have a claim, just flip a coin.

It's better odds than Keno, but with Keno, you might get lucky and win a whole lot more.

That's what it's been like for the vets the last six years.

Many of the 23,804 were denied because they truly were ineligible. In the event the veteran has been outlasted by the bureaucrats, then an applicant must be a surviving spouse or widow. No kids.

But the biggest fixable issue is whether you are a verifiable vet, with legit documents from both the Philippines and the U.S.

It's tougher than you think, considering how documents in the Philippines were lost during the Japanese occupation.

Given all that, of the more than 23,804 denials, more than 4,500 have appealed their rejection.

tion.

Of those, 1,253 have been denied again as of August. For those folks, that's it--end of the road. War over. Game over. Many could have used the money and die as paupers.

But that leaves about 3,000 veterans still in the process of being vetted by the VA. Still hopeful. Still alive.

One of them is Almeda.

Almeda knows about the broken promise of Roosevelt that brought him as a member of the Philippine Commonwealth Army to fight side-by-side with the U.S. Army. He's got pay stubs and a formal discharge to prove it.

His documents are good enough to be made whole on some of the FDR promises broken when President Truman signed the Rescission Act of 1946.

Almeda was granted citizenship in the '90s, and in

2003, began getting VA medical benefits. He has a VA card to prove it.

But none of that has been good enough so far the VA to approve him for the lump sum payment.

When I talked to him last year, Almeda had testified in Washington, D.C. before a Congressional subcommittee.

There's no doubt in his mind he served.

"I was called to duty when the Japanese invaded the Philippines," he told me. "I have in my own personal records all the documents to support that I am a veteran from the beginning to the end."

This year in June, Almeda met with Sec. Robert McDonald of the VA and even posed with the secretary for a picture.

Almeda said McDonald promised to get back to him.

That was in June.

(continued on page 7)

EDITORIALS (from page 2, GIVE....)

Giving Thanks This Holiday

The Holiday Season feels so important to most people because it is the perfect time to realize all these things that Tolstoy's character ultimately learned. It should not take some major epiphany or timeless short story to remind us of this truth. This Thanksgiving, remember that there will never be another one identical to it. Someone at the dinner table whom you love may not be present next year, or the year after due to travel restrictions, school abroad or some other untimely situation as illness or even death. It is not being pessimistic—it is reality. So what we should do is enjoy the NOW as if it was all that mattered, like Tolstoy's character realized. Likewise, enjoy the person or people you are with and do good deeds for that person NOW since you are blessed to be able to do so. Regret is something that we fail to do; not failure itself.

Thanksgiving Reflection

It was 2013 – a typical local Hawaii family travels to the mainland to spend Thanksgiving with family who had left

the islands. A busy local couple, engrossed in work was unable to travel with the rest of the family for the Thanksgiving reunion. The couple, in their 40s, decided that they would regret not attending that reunion because grandma was stricken with a terminal illness and several of their nephews and nieces whom they haven't seen for a while were studying on the mainland. Their own daughter was also about to graduate and planned on studying in New York. So the couple decided to take a last minute red eye flight to California the night before Thanksgiving Day. That 2013 was the last Thanksgiving celebration that the entire family enjoyed together—the matriarch of the family, grandma, had passed on and the following Thanksgiving just wasn't the same, nor will it ever be. This is a typical story that we all can learn from.

As we get older, our seemingly separate worlds become smaller. So we owe it to ourselves to make the best of NOW and celebrate the holidays with the ones we love. Make meaningful, wondrous and lasting memories that we will cherish for the rest of our lives.

Happy Holidays to all!

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COVER STORY

The Filipino Diaspora: Challenges of Migration and Opportunities for Empowerment

By Gregory Garcia

On a world plagued by economic uncertainties, the Philippines today stands out as one of the few “bright spots” in Asia. Domestic drivers are predicted to largely insulate the country from global market volatilities, enabling it to sustain its robust GDP growth, which has averaged 6.3 percent from 2010 to 2014.

Among the driving forces behind this recent economic success are the vigorous growth of private consumption and the dynamic expansion of the information technology and business process outsourcing (IT-BPO) industries.

The Asian Development Bank (ADB) has noted that private consumption accounted for more than 60 percent of the Philippines’ GDP growth in 2014. On the other hand, the Information Technology and Business Process Association of the Philippines estimates that the IT-BPO sector will employ more than 1.3 million Filipinos and contribute as much as \$25 billion in revenue to the country’s coffers by 2016.

One traditional source of revenue for the Philippines,

however, are the remittances that members of the Filipino diaspora communities abroad send home every day. In 2014, more than 10.5 million overseas Filipinos sent remittances that amounted to a record high of \$24.3 billion dollars, an estimated 8.5 percent of the Philippines’ total GDP that year.

As with many other developing countries in the Asia-Pacific region, remittances are particularly important to the Philippines because it is a primary source of foreign exchange and a major lifeline that ensures that the country’s macroeconomic fundamentals remain healthy.

However, these economic benefits also present significant social costs—a price which millions of Filipino migrants,

overseas workers and their families continue to pay every day.

Profile of Overseas Filipinos

According to the 2013 stock estimate of overseas Filipinos compiled by the Commission on Filipinos Overseas (CFO), the biggest destinations for Filipinos were the following countries: United States (3.53 million), Saudi Arabia (1.02 million), United Arab Emirates (822,000), Malaysia (793,000), Canada (721,000), Australia (397,000), Italy (271,000), the United Kingdom (218,000), Qatar (204,000) and Singapore (203,000).

The CFO noted that among the more than 10 million overseas Filipinos in 2013, some 4.86 million were permanent migrants, 4.2 million were temporary migrants and another 1.16 million were irregular migrants.

Permanent migrants include immigrants who have moved to their host countries for good, those who are legal permanent residents of these foreign countries and those with dual citizenships. Their stay is not dependent on work contracts.

Temporary migrants, on the other hand, include those whose stay abroad are dependent on work contracts and are thus expected to return to the Philippines when their contracts expire. This group also includes overseas Filipinos who are students, on-the-job trainees, and business entrepreneurs.



The last group, called irregular migrants, is composed of migrants who are not properly documented. These include Filipinos who don’t have valid work permits or those who have overstayed in their host countries.

Economic benefits and Social Costs of Migration

No matter which migrant group they belong to, overseas Filipinos contribute a significant amount to the country’s economy through remittances they send. Because these remittances are an important source of income for Filipino families back home, they are also instrumental in fueling the country’s consumption-driven economic growth.

According to the ADB, remittances help decrease poverty levels and result in greater education and health expenditures. Furthermore, remittances can also help improve access to formal financial services, create better small business investment opportunities, promote better access to information and communication technologies, and help reduce risks of natural disasters and emergencies if the money is allocated to projects

aimed at building more structurally sound residential environments or better-quality public infrastructure.

However, the ADB also warned that these economic benefits often come at a high cost. Many migrant workers end up being employed in settings characterized by inferior working conditions, where they are forced to work long hours, compelled to work in hazardous environments or harassed by their employers. Especially vulnerable are undocumented migrants, who are often not extended the same kind of financial benefits or legal assistance afforded to those who are within the government’s radar.

Many migrants are also burdened with loans and other financial problems, which can prove to be particularly stressful because they are unable to rely on the safety net mechanisms that their family and friends can provide back home.

In fact, broken ties with loved ones is another major challenge that many migrants face. When confronted with death or illness in the family, for instance, the separation becomes even more traumatic for

(continued on page 5)

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COVER STORY

(from page 4, THE FILIPINO)

these people because more often than not, they are unable to come home to pay their respects or provide moral support to their families.

Filipino Migrants in the U.S.

According to Ted Laguatan, lawyer and founding partner of the organization U.S. Pinoys for Good Governance (USPGG), Filipinos in the U.S. are in a good position to assimilate in their host country because of their close cultural affinity with the Americans.

“In general, Filipinos manage to survive in any country and culture. We’re used to hardships. However, surviving and integrating in American society for Filipinos is much easier than in other societies where language barriers, job discrimination and institutionalized racial prejudices are more pronounced. Filipinos who are willing to work hard, take smart risks, and get more education and training in American schools do very well,” he says.

Loida Nicolas-Lewis, lawyer and president of



USPGG, also took note of the fact that Filipinos often have existing familial and social support networks in the U.S., which means that many new migrants from the Philippines get the assistance they need while they acclimate to their new environment and chosen communities.

“Filipinos who come to the U.S. are able to connect immediately with friends, relatives or fellow Filipinos. Eventually, because Filipino migrants are mostly English-speaking, resourceful and able to adjust to most situations, they are able to settle in no time,” Nicolas-Lewis says.

Nevertheless, both Nicolas-Lewis and Laguatan agree that many Filipinos who mi-

grate to the U.S. also experience hardships that are similar to what Filipinos in other countries experience. These can include the lack of preparation for the cultural and social milieu they will be living in, finding a job that fits their education or abilities, racial discrimination, harsh climate conditions and lack of financial literacy, among others. Undocumented migrants, they say, are particularly vulnerable.

“Because undocumented migrants do not have legal papers, they have a hard time finding permanent jobs. They end up relying on relatives, friends and friends of friends to survive,” Nicolas-Lewis says.

Despite the challenges, however, Filipino diaspora

communities in and outside of the U.S. continue to thrive because of the migrants’ fervent desire to live better lives and to provide for their loved ones back home.

“The personal benefits have to do with earning more money, having better homes, newer vehicles, quality schools for the children and more disposable income. When it comes to the effects of migration on the migrants’ country of origin, the results are certainly very positive from the perspective of someone who sees the economic windfalls that the home country enjoys because of the remittances,” Laguatan says.

The challenge for the Philippine government is to continue to try to find ways to mitigate the negative aspects of migration. These include the social costs brought about by the separation of families, the abusive conditions that many migrant workers suffer abroad, and the financial illiteracy among many overseas Filipinos, which often lead to the misuse of the money they earn.

The last one is of particular concern because a 2014 report from the Philippine Statistics Authority revealed that only two out of five overseas Filipino workers were able to save from their cash remittances.

In terms of engaging overseas Filipinos in order for them to become active participants in the Philippines’ social, economic and political development, it is worthy to note that the government, through the CFO, has long been holding summits and developing programs that create a more empowered Filipino diaspora.

As envisioned by the CFO, overseas Filipinos shouldn’t just see themselves as “remittance senders” but as active players who can leverage their knowledge, expertise, resources and markets for the betterment of the Philippines.

In short, they are modern day heroes of the country and should be treated as such. Their hard-earned dollars have gone a long way towards nation building, alleviating poverty and keeping the Philippines’ economy afloat.

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OPINION

Prosecutorial Discretion Principle Will Immediately Stop "Tanim Bala" Scam

NO LIMITATION By Ted Laguatan

When airport security officers detain a passenger because they find a bullet that has been converted into an amulet on grounds that possessing a bullet is a crime - they are not exercising common sense but are either exhibiting moronic tendencies or are simply looking for a convenient way to extort money from the helpless passenger. Even if they found five bullets in a passenger's luggage but no gun, it makes no sense to make a big deal out of that. Bullets without guns cannot really harm anyone.

Truthful common sense answers to the questions below provide the public a thorough understanding of the "Tanim Bala" ("Planting bullets") scam.

Q. What is this scam about?

A. It's about various airport personnel involved in conspiring in planting bullets in outgoing passengers' luggages and then accusing them of violating the law. They isolate victims in a room, scare them with threats of: Filing serious charges against them; Detaining them indefinitely; Prevent-

ing them from boarding their planes which are about to depart. It then becomes so easy to extort money from them - the amount depends on how much money the passenger is carrying.

Q. Why is the victim so helpless?

A. Because he (or she) is isolated in a room surrounded by individuals with guns. He is prevented from communicating with anyone. He cannot reason with them even if he keeps denying that he placed bullets there. Of course, they already know that as they were the ones who planted the bullets there. Their end goal is just to extort money from him. If he becomes belligerent, they could beat him up and claim that he was resisting arrest and even plant illegal drugs in his luggage.

Q. Why is the victim so intimidated?

A. Because he knows that he can in fact be charged with a crime and possibly be banned from leaving the Philippines. And if he is prevented from boarding his plane which is about to leave, he likely will also lose his job overseas if he



is not able to return to work at the expected date.

Q. What therefore is he likely to do?

A. What else can he do except fork over the money they are demanding which they find in his person or his luggage in exchange for their leniency and what he believes - is their sympathy. In his confusion, he often does not suspect that those interrogating him are part of a scam.

Q. Is he likely to complain when he realizes that he was victimized and gets to his destination?

A. Very unlikely. He does not even know the identity of those persons involved. He does not even know who to complain to. And how will he prove his case? He has no witnesses. Some victims are even grateful to the interrogators when they let them go - not knowing that they are part of a syndicate scamming outgoing passengers.

Q. How many outgoing passengers have been victimized?

A. We may never know because victims are not likely to complain. They've already left the Philippines and just want to forget the sorry experience.

Q. What is the main purpose of pre-flight screening and search of passengers and their luggages?

A. The main purpose is to protect the security and safety of passengers from terrorists or lunatics. The screeners' purpose is to look for dangerous weapons or explosives.

Q. Without guns, can bullets pose any danger?

A. Bullets without guns are not dangerous unlike guns without bullets which can still be used to intimidate as people would not know if they are loaded. Its justifiable to detain and question a passenger with a gun found in his luggage. But obviously, one can easily conclude that a few bullets found in a passenger's luggage but without guns are absolutely harmless.

Q. Why therefore do airport security personnel detain and hassle passengers found with bullets sometimes including those with bullets which have been converted into amulets which clearly pose no danger?

A. The scammers or extortionists are really not concerned about safety or security issues. They know that bullets without guns are harmless. And bullets converted into amulets are no longer bullets but relegated to the status of good luck charms. But they still cite the law that says possession of bullets by itself is a crime and prohibited. So they conveniently use this law to carry out their extortion scam. They plant one or more bullets in the luggage of passengers. And for those actually caught with bullet amulets or a few bullets which they forgot to remove from their luggage - the more they are hassled and victimized.

Q. What's the intelligent thing to do if passengers are caught with amulet bullets or a few bullets?

If the screeners and their law enforcement support are acting in good faith in being mainly focused on looking after the safety and security of passengers, all they have to do is confiscate the bullets and let the passenger with the few bullets go. Having a few harmless bullets in one's luggage is referred to in law as a *de minimis* situation. That is, it's no big deal. There is no threat of harm to anyone nor is there any seri-

ous criminal act involved.

Q. News of this planting bullets scam in Philippine airports victimizing innocent passengers has gone viral worldwide which has given the country a bad image and the continuous loss of significant income for the tourism industry. It gives the impression that its not more fun in the Philippines. The bleeding has got to stop. What should the government do?

A. This scam is actually happening, victimizing mostly overseas Filipinos who contribute so much to the country's well being and economy with their sacrifices. The country's image and tourism industry are also drastically affected. Government officials should stop being so defensive and recognize that this is a real and serious problem. Some Administration officials are even claiming that this problem was instigated by opposition groups as elections are just around the corner. The government should immediately determine effective ways to stop this scam, arrest perpetrators and announce to the world that effective measures have been put in place.

Q. What has the government done so far?

A. The government has announced that serious investigations are taking place and that they are studying the problem. A certain number of screeners and other airport personnel have been laid off as a preventive measure. More cameras will supposedly be installed. Watchers watching the screeners and other airport personnel will also be stationed.

Q. Can the lawyers from the Public Attorney's Office and those from the private sectors who volunteered to help the victims really help?

A. Of course, it's good to have well intentioned lawyers who are willing to help. However, the reality of the situation when a passenger is accused of having bullets in his luggage is that he is taken inside a room and isolated from communicat-

(continued on page 10)



Michael A. McMann, M.D.

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MOVIE REVIEW

WHO KILLED GENERAL ANTONIO LUNA?

By Belinda A. Aquino, Ph.D.

A movie version of the fateful life and gruesome death of General Antonio Luna has been produced as one of this year's offerings of the Hawaii International Film Festival. It is based on a book written by Professor Vivencio R. Jose of the University of the Philippines.

The movie recounts in graphic detail the circumstances of the legendary life of the most brilliant military general the Philippines has produced.

The movie version places in historical perspective the fabled life of one of the key, fiery and dynamic figures of the Philippine Revolution of 1898. The country had previously undergone more than 333 years of Spanish colonial rule.

The general came from an elite family who spent some time in Europe as part of the Propaganda Movement along with other Filipino patriots like Jose Rizal, Marcelo del Pilar, Graciano Lopez Jaena, and other nationalists who were engaged in an intense struggle to regain the independence of the Philippines as a sovereign nation. The Americans had replaced the Spanish as the colonial master of the country in their quest for more territorial conquests in other parts of the world.

The Struggle in Europe

Gen. Luna was probably the most talented and unique expatriate next only to Jose Rizal. They were involved in the intense struggle for Philippine independence.

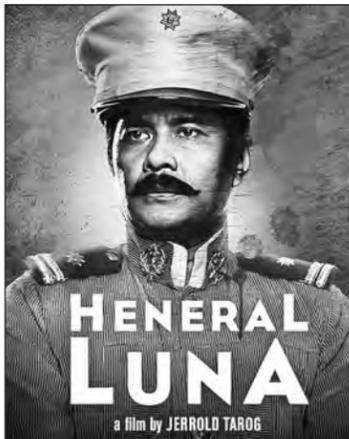
Luna was a writer, a pharmacist who pursued a doctoral degree in chemistry, a revolutionary fighter and a dedicated soldier, among others. He was a military strategist who was passionately committed to fighting for the liberation of his country even if it meant losing his life.

The Movie Version

The movie unfolds in riveting detail the circumstances surrounding the death of the Philippines' most celebrated general. He was a disciplinarian who put his entire energies above his own so that his country would be finally relieved of the Spanish colonial overlords.

In the end, he paid with his life, with so much pain but no matter. There was no higher calling at this critical moment of his life than to see his country free at last, even at the cost of a murderous assassination perpetrated by the loyal partisans of President Emilio Aguinaldo, with whom Luna had fundamental irreconcilable differences.

That was a tragic flaw in Philippine history, which could have been a glorious victory for all the Filipino people had it been won with the combined efforts of the peo-



ple. But it was not to be.

Luna's Martyrdom

So compelling and uncompromising was Luna's commitment to his country that he didn't foresee what would happen to him, nor suspect that he would be killed from behind by one of Aguinaldo's loyal followers. The official report given about Luna's death was that he had slapped and humiliated one of Aguinaldo's aides. Luna did not suffer fools gladly. He dismissed soldiers on the spot when they were not doing their jobs. Luna was known to have a violent and volatile temper and was quick to anger.

The history books' version of Luna's betrayal was that, he going to be "King" as well as "President." That was obvious, according to Professor Jose's narrative that indeed Luna wanted to depose Aguinaldo as President to "assume control of affairs."

The level of political intrigue and maneuvering was so intense that Luna had re-

portedly proclaimed himself as "dictator." In fact, it was alleged that he had also announced himself as "Secretary of War," among other appellations.

To cut a long story short, Gen. Luna, caught in the vortex of intrigues and tensions of the period, was ruthlessly gunned down along with his chief aide Francisco Roman.

Aftermath of the Assassination

None was so pleased by Luna's assassination than the invading forces under Gen. Otis who had long wanted to

have Luna out of the way in their desire to annex the Philippines. Gen. Otis grudgingly acknowledged that the Philippine Revolution had collapsed because "it had lost its only real leader." They were intent on annexing the Philippines under the guise of Manifest Destiny. In fact, the Americans were intent on becoming a Pacific power in order to cut into the China trade. They needed to annex more territories outside their borders to acquire more sources for raw materials needed to strengthen their po-

(continued on page 12)

(CANDID PERSPECTIVES from page 3, FILIPINO VETS)

So far, Almeda has heard nothing back.. That's why Almeda was out in front of the White House on Veterans Day, protesting the inaction of the VA.

But something has also happened since Almeda's June meeting.

The U.S. Court of Veterans Appeals has determined in at least one case that the VA secretary does have the right to use his "discretion" on the evidence provided by veterans like Almeda.

In a memo to the VA, veterans advocate Eric Lachica

asked for clarification on the discretion that Secretary McDonald may have in deciding which documents will make veterans eligible.

Almeda's case could be the one that resolves all the document snafus that has stymied thousands who are appealing denials.

VA Secretary McDonald should use discretion at least in Almeda's case. Accepting his documents, granting him the one-time lump sum payment wouldn't just be the right thing. It would be the humane and honorable thing to do.

Almeda has made it his mission most of his adult life to be made whole after the Rescission Act. He is now the latest of the dwindling number of vets to lead the charge for Filipino Americans.

But that's just it. You become the face of the issue at age 98.

Time used to be on his side, but for how much longer?

EMIL GUILLERMO is an award-winning journalist and commentator who writes from Northern California. He recently won the 2015 Dr. Suzanne Ahn Award for Civil Rights and Social Justice from the Asian American Journalists Association, California.

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PERSONAL REFLECTIONS

Grateful In and For Everything

By Seneca Moraleda-Puguan

When things are going smoothly and things are going our way, it is easy to be grateful. But how about when situations and circumstances are against us, and not how we want them to be, can we still respond with gratitude?

Let me share my thanksgiving story.

Early this year, my husband and I conceived a baby girl. When we found out that we were having her, we were extremely joyful. Visits to the OB-Gynecologist made me really excited. On her 11th week inside my tummy, our doctor gave us news that broke out hearts big time. The ultrasound revealed the possibility of having a baby with an abnormality.

It was one of the most heartbreaking news we have received as a new couple. Our doctor even suggested we abort

the baby, which made it even more devastating. But when we got home, with tears in our eyes, together we prayed and still thanked God for the gift of a baby. We were determined to keep the baby, normal or not. We kept the faith and asked our friends and family to pray with us.

It was a very challenging season for us as we went from one doctor to another. Difficult as it may seem, we responded in thanksgiving and praise because there was no other response we could think of. Bitterness and blaming God and ourselves will just make things worse.

As the baby in my tummy grew bigger and bigger, things began to change. Blood tests and ultrasound scans revealed that our baby will likely become normal. Our hearts were refreshed and strengthened. For the next months, we waited with earnest expectation.

Early morning on the 22nd of October 2015, I started to feel pain. It was a pain so terrible, I wanted to cry but I couldn't. The pain went on for several hours but it felt like forever. She was on her way. I was blessed to have my husband stay beside me and cheer me on as I endure every contraction.

At 6:45 in the afternoon on a beautiful Thursday, our baby girl arrived. She was delivered naturally. And yes, she's perfectly normal. All the tests after her delivery came out normal too. Hearing her first cry, seeing her fragile body, feeling her cold body touch mine after she came out – they all made me forget the pain that I've been through. Bringing my daughter out into this world taught me to be thankful for pain because it made me realize what it means to be comforted, it made me appreciate life even more.

I am now a mother of a barely month-old beautiful girl who has my eyes and my smile. She is a gift we have boldly asked God for. In the midst of uncertainty, we chose to be grateful.

This is the reason why we gave her the Korean nickname, 'Keejeok'. This means miracle. Her life is a miracle.

Carrying her in my tummy was one thing. Carrying her in flesh is another. The former, despite the body pains and uncertainty of her well-being, was easier than the latter. Being a new mother is no easy task. When I was pregnant, I was very excited to hold her, kiss her and hug her. Now that I'm actually doing those things, they come



with a prize. Motherhood requires hard work, full attention, hundred percent devotion and selflessness.

Motherhood brings with it so much joy, delight, excitement and so many rewards. But worry, anxiety, frustration and fear also come along.

Having enough sleep has now become a distant memory. Changing of nappy when she pees and poops, and clothes when she vomits is unending. She's adorable, lovely and endearing but she can be fussy, gassy, irritable and plain selfish.

Newborns, being delicate, sensitive and susceptible to disease, have to stay home until they are a little older. The wanderer me has been tamed. I miss going to work. I miss taking pictures of the autumn-colored trees and the leaves that have fallen. I miss dressing up for the autumn weather. I miss going out and having a date with my husband. I miss going out whenever I like and doing things I used to do.

But every time I look at my baby - her smile and her cries, her face both calm and fussy, her big eyes that roll, the holes of her nose that open wide when she poops, her hands and

feet that fidget involuntarily, everything about her - all my fears and worries are washed away. The things that I seem to miss fail in comparison to the joy I feel as I hold my daughter in my arms. I wouldn't trade her for anything and everything that I used to do. She's worth every inch of gratitude that I can give.

Being a mother to Callie, meaning 'most beautiful' in Greek, has taught me to be grateful in the midst of anxiety, fear and frustration.

Life is not and will never be smooth sailing. We have not been promised a storm-free life. The world will throw things at us that will either make or break us. But in the midst of grief and pain, of trial and uncertainties, of fears and frustrations, we can still respond with thanksgiving. It's just a matter of perspective. It's choosing to see the brighter side of things, the silver lining in every dark cloud.

Thanksgiving is not just a once a year event, it's an everyday, every season, every circumstance gesture of acknowledgement that all is well and God is good.

We are to be grateful in everything, for everything.



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- Don't use staples or nails to hang light strands, and don't hang them on metal rain gutters and railings or on chain-link fences.
- When decorating outdoors, keep yourself and your ladder at least ten feet away from overhead power lines.
- Turn off, or unplug, light strands and lighted displays when you go to bed or leave the house.

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COUNTERPOINT

GENERAL LUNA AND THE RISE OF PATRONAGE POLITICS IN THE PHILIPPINES

By Lilia Quindoza Santiago, Ph.D.



“General Luna,” a film about the life of General Antonio Luna, revolutionary founder of the Philippine Military Academy, is the Philippines’ entry for best foreign film in this year’s Oscars. Much has been written about the film’s significance for scholars of history and enthusiasts of cinema.

The film is well-researched, well-crafted and enjoys a presence and popularity in academe and social media. At the Hawaii International Film Festival (HIFF), the movie opened to a packed audience who applauded the film after the first showing on November 15, 2015. Unfortunately, there was no open forum for people to ask questions since the representatives of the film were unable to attend the HIFF.

Lindy Aquino has written a movie review of “General Luna” based on her research of Antonio Luna as the iconic historical figure. Her research is based on Vivencio Jose’s book “The Rise and Fall of Antonio Luna” published by the UP Press in 1972. Jose’s book is the main reference used by the movie to re-create the character of Luna.

I will write my own take as a student of Philippine politics, art and literature. I view Antonio Luna as a rebel whose *hubris* led to his downfall and assassination, and perhaps, yes, to the eventual surrender of Aguinaldo and the defeat of the revolutionary forces against the American colonialists. He, Aguinaldo and the majority of the framers of the Malolos constitution could have began the “loyalista” or patronage politics in the Philippines. This is because of *hubris*.

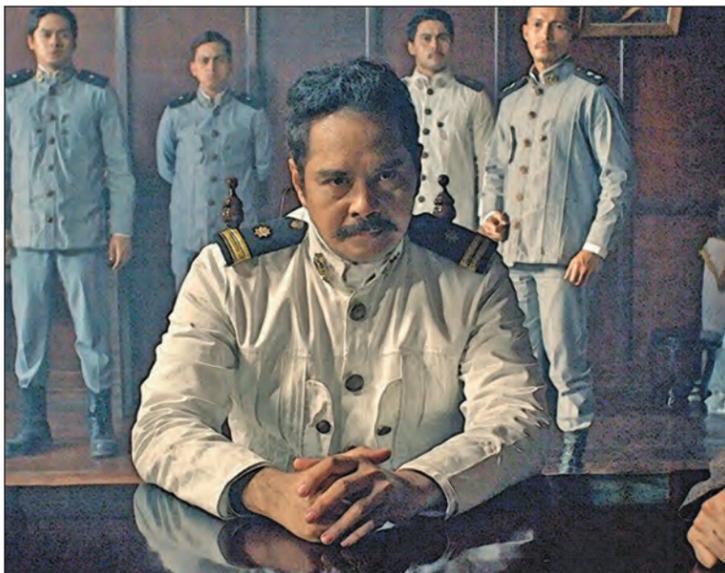
Hubris is a Greek word

that means excessive pride and confidence, an arrogance that leads to failure and defeat. Hubris afflicts kings, leaders and strong persons. Loyalist followers gravitate towards these leaders but their ranks usually dissipate and disintegrate when their leader dies or is banished. Shakespeare used *hubris* to depict his greatest tragedies on stage like King Lear, Macbeth and Hamlet.

Jose Arcilla as General Luna in the movie succeeds in essaying this *hubris* from the real life character of Antonio Luna. He yells at his peers in cabinet meetings called by Aguinaldo to discuss strategies in dealing with the American colonialists. He punishes wayward soldiers who gamble and seek pleasure while in the line of duty and is cruel even to lowly folks. He drafts them into the army, terrorizes those who are vending their wares to make a living or who simply want to ride the train to be with their soldier kin. He advances towards the enemy lines alone on a horse and when shot, he attempts to kill himself.

Movie director Jerrold Tarog has admitted to taking liberties, in other words “fictionalizing,” many aspects of the general’s life in order to come out with a compelling film story. Tarog succeeds in portraying Luna as a statesman, soldier, daring patriot and brash lover. Luna humiliates Paterno and Buencamino who suggest political negotiation with the Americans instead of war. For Luna, national sovereignty is non-negotiable and war must be waged for the independence of the Fatherland. So Aguinaldo entrusts the formation of the army under Luna’s leadership to fight the Americans.

But the Philippine-American War and the revolutionists were failures. There was no in-



Multi-awarded actor John Arcilla as General Antonio Luna

dependence. First, there was the execution of Bonifacio by the revolutionists themselves. The movie flashes back to this execution as a foreboding to what would happen to Luna, who was assassinated alone, while going up the stairs of the convent in Cabanatuan. He was dreaming of a cabinet position and aspiring to become the head of the nation he was fighting for.

Luna underestimated all his enemies—the Americans, the Paternos and Buencaminos, Aguinaldo and the undisciplined soldiers of the revolution. He is politically correct in saying that the unpatriotic self is the more dangerous enemy than the invading Americans. In asserting this notion though, he was talking to the moneyed class whose interests are compromised because of revolution. He lacked compassion for the lowly people. He did not have enough trust for the people who would have protected or shielded

him from harm. This is what one lowly soldier did when Luna attempted to kill himself.

This insight should give viewers an idea of the type of leader Luna was during the Philippine revolution of 1896. The film contributes to defining the kind of political leadership of the republic that was abandoned by the U.S. in

1946. The leadership of Aguinaldo capitulated. The masses were divided into loyalist camps that gravitated towards leaders who espoused causes other than genuine independence. Rizal was dead, Bonifacio was dead and Luna was dead. If Luna succeeded in taking hold of the revolutionary forces, would he have succeeded in mobilizing the masses to victory? Maybe. Yet his *hubris* would have given him more trouble than can be imagined.

There is a saying that goes, “the revolution devours its own children.” Luna is remembered for his brilliance in war and politics but he defeated himself by his excessive arrogance—an arrogance that alienated not only his compatriot revolutionists but also the masses. After his death, the Mascaros and

(continued on page 11)



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HAWAII-FILIPINO NEWS

Hawaii Only State Without Sex Trafficking Law

Hawaii and Virginia were the last two states in the nation without a law that specifically criminalizes sex trafficking. Legislative gains in Virginia earlier this year have left Hawaii behind.

According to a new study by Shared Hope International, Hawaii and Virginia suffer critical gaps in state laws that address child sex trafficking. Both states earned a "D" grade on the Protected Innocence Challenge state report cards that measure sufficiency of state child sex trafficking laws.

In 2010 and 2015, Hawaii attempted to pass its first law specifically criminalizing sex trafficking. It failed on both attempts. Last year, Hawaii Governor Ige vetoed SB 265 which would have been Hawaii's first sex trafficking law. Ige cited criticisms of the bill by opponents whose own conduct has been under scrutiny for harmful treatment of possible sex trafficking victims. Hawaii is expected to revisit the issue in 2016.

Virginia enacted its first sex trafficking law in March 2015 after an aggressive campaign led by the Kids Are Not For Sale in Virginia coalition. The bill, cham-

pioned by Chief Patron Delegate Timothy Hugo (HB 1964) and Chief Patron Senator Mark Obenshain (SB 1188), closed the critical gap in Virginia law. In July 2015, Virginia made its first arrest under the new law.

"While both states have significant room for improvement in state laws to protect children from trafficking, Virginia took a major leap forward, leaving Hawaii in the national hot seat as the only state in the nation without a sex trafficking law," says Linda Smith, president and founder of Shared Hope International.

In 2011, Shared Hope International launched the Protected Innocence Challenge which annually evaluates the sufficiency of state laws that impact child sex trafficking to provide accountability and legislative direction for states. Most states previously relied on federal statutes to address trafficking but many cases were not accepted for federal prosecution which forced states to handle the cases locally and rely on weak or insufficient laws.

Since the inaugural 2011 report card, 47 states have managed to raise their grade.

OPINION (from page 6. PROSECUTORIAL)

inconveniences - as the result of being a victim of this scam.

ing with anybody. I don't expect the airport law enforcement extortionists to show eagerness in reading him his Miranda rights as to his right to a lawyer and his right to remain silent. Instead, they will be telling him that having a bullet or bullets in his luggage - even a bullet which has been converted into an amulet - is a serious charge and could land him in jail for years. They also will be threatening to detain him indefinitely and he knows that would mean missing his flight and his job overseas. But they will also tell him that they are just carrying out the law and want to sympathize with him. Their purpose is plain and simple: To scare and coerce him to give them money and after that to release him just in time for him to board his plane.

The helpless victim, while very resentful, then feels that he was fortunate enough and even grateful that he was able to board his plane and leave. He has no idea how the bullet or bullets got into his luggage.

It is only if he refuses to pay and is detained and charges filed against him - can he then subsequently utilize the services of the PAO and volunteer lawyers. But he still pays the heavy price. He misses his flight, probably loses his job, subjected to more investigations, attends court hearings and faces other hassles and

Q. What is the simplest, cheapest, most effective way to stop this scam, protect innocent outgoing passengers and rectify the nation's bad image that was projected by "Tanim Bala"?

A. "Prosecutorial Discretion" is a very important procedural principle in criminal law and immigration law. Essentially, it is the broad discretionary power given to government prosecutors to proceed or not to proceed in prosecuting cases or to lessen the charges that are filed. While I acquired my law degree in the U.S. and all of my professional life as a practicing California lawyer has been in the U.S. - I know that Philippine government prosecutors referred to as "Fiscals" also have this broad prosecutorial discretionary powers. The head of all prosecutors in the Philippines is the Secretary of the Department of Department of Justice. Alfredo Benjamin Caguioa is currently the newly appointed Secretary. He is part of the Executive Branch of Government and his immediate boss is President Benigno "PNoy" Aquino III. The President can order Department Heads to follow a certain policy if these orders serve the public interests and is consistent with legal principles.

(continued on page 12)

HAWAII-FILIPINO NEWS

Pacleb Named Leeward Theatre Distinguished Alum

Leeward Theatre has named dance instructor Marcelo Pacleb as one of three Distinguished Alumni for 2015.

Currently in its 40th anniversary season, Leeward Theatre is starting a new tradition of honoring Leeward Community College alumni from the performing arts who have helped to shape the artistic voice of Oahu and Hawaii.

“We have a number of alumni out there who have accomplished great things and

really made a difference for the performing arts,” says theatre manager Kemuel DeMolive. “The honorees for this year were selected by current and former Leeward instructors, students, and administrators. We are looking at presenting three awards, one for each area of the performing arts that we teach here at the college—theatre, music and dance.”

The 2015 recipients are Pacleb (dance), Sarah Y. Whitehead (theatre) and Rev.



24-VII Dance Force

Dennis Kamakahi (music).

Pacleb is the founder of 24-VII DanceForce, one of Hawaii’s premier dance studios. His students and former

dancers have gone on to perform with entertainment superstars including Janet Jackson, Lady Gaga, Ricky Martin and Kylie Minogue. 24-7 DanceForce is a non-profit group that promotes creativity in the local community with beautiful programs like the HeartBeat Program, which offers one-on-one dance instruction for intellectually-challenged students. For over 20 years, the company has been nurturing the talent of these islands.

For over four decades, Leeward Theatre has been an active incubator to individual artists and performance groups like Honolulu Theatre for Youth, Kumu Kahua Theatre, Tau Dance Company, Hawaii Ballet and many others. Every year, its dedicated staff and volunteers produce a wide range of events for the community—from musical theatre, to classical guitar concerts, to international touring music and dance troupes.

State Republicans Oppose Proposal to House Syrian Refugees

Two state Republican lawmakers have stated their opposition to a proposal by President Barack Obama for the U.S. to house up to 10,000 Syrian refugees. The idea drew support from Hawaii Gov. David Ige.

In a media statement, Ige says he is willing to accept the refugees, provided that they are subjected to the “most vigorous and highest level of screening and security vetting.”

“Hawaii is the Aloha State, known for its tradition of welcoming all people with tolerance and mutual respect,” Ige says. “Slamming the door in their face would be a betrayal of our values.”

Observers say Hawaii is a potential terrorist target because of its strategic presence in the Pacific as well as its military bases.

State Sen. Sam Slom urged Ige to reconsider his position, given Hawaii’s scarce resources in housing and security concerns.

“Hawaii is already short on critical resources like housing,” Slom says. “Just take a look at our homeless situation and how hard it is to find affordable rent. We can be compassionate and we can extend the Aloha Spirit, but it is important to also be realistic and pragmatic with our state resources.”

State House Republican Rep. Bob McDermott questioned the screening process of refugees, calling it “farcical in nature.” Syria, McDermott says, is a war-torn country that has been engaged in civil war for years.

“I can assure you that the Syrian government is not maintaining a database on citizens who would be ‘good refugees’ for the U.S. to receive,” he says.



Syrian refugees

“The situation over there is utter chaos. We cannot rely on them for good information especially life and death information.”

McDermott also questions the state’s ability to find adequate housing for the refugees

who will likely lack adequate job skills for gainful employment. He suggested that they instead be relocated to Saudi Arabia or Kuwait.

“We are currently overwhelmed with the homeless

and the Micronesians with our resources being stretched beyond the breaking point. Cloaking this obviously political decision as ‘tolerance and aloha’ ignores the facts that more than likely, potential terrorists will be hidden among these refugees.”

To date, over 2,000 Syrian refugees have resettled in the U.S. since early 2011 when civil war started in the country. A total of 36 states have accepted the refugees, with 14 states including Hawaii refusing entry.

COUNTERPOINT (from page 9, HENERAL LUNA)

Aguinaldos succeeded in consolidating pools of loyalistas who could not see beyond their leader’s power. Many stood loyal to Aguinaldo until his surrender.

There are many Lunas, Aguinaldos and Mascardos in today’s Philippine politics. The Philippines has seen turn-coats who switch parties and lack a program. There are politicians whose only asset is their celebrity status, family name, or family heritage. The movie is a good reminder of the amount of sacrifice needed to get rid of patronage politics.

There are statespersons with a vision in political governance and compassion for the people. These people can come from the lowly mass. The masses cannot forever be at the mercy of the Paternos, the Buencaminos, the Aguinaldos and the Mascardos. They need a principled Luna but one who is not “too macho” for comfort, one who is more caring and compassionate. For this insight alone, the movie is one of the best books of history that can enlighten Filipinos on modern Philippine politics.

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PHILIPPINE NEWS

Mar on Duterte Run: Do I Look Worried?

by Alexis Romero
Tuesday, Nov. 24, 2015

MANILA, Philippines - Presidential contenders were unfazed by the possible entry of Davao City Mayor Rodrigo Duterte in the race.

"Do I look worried?" was the reply of Liberal Party presidential candidate Manuel Roxas II when asked yesterday if he felt threatened.

Roxas regards Duterte's decision to seek the presidency as a welcome development.

"Welcome to the campaign. It would be great if those who seek to serve or present their platform become part of this contest," he added.

Roxas said Duterte did not talk to him about his plan to run for president.

"This decision is personal for every candidate," the ad-



Mar Roxas

ministration coalition standard bearer said.

Vice President Jejomar Binay welcomed yesterday Mayor Duterte's possible presidential run in 2016.

"I'm happy that Mayor Duterte will also run, the people will have more choices," the Vice President said in an interview in Tondo, Manila yesterday.

Binay said Duterte is "very qualified" to run for the presidency.

"He's a successful mayor. A good leader," he said.

Speaker Feliciano Belmonte Jr. said Duterte's plan to run for president "may have some effect" on the campaign of other presidential candidates.

He said Duterte's strong anti-criminality message appears to resonate with many Filipinos and could have influenced his decision.

"He's bound to have some effect on the playing field right

(continued on page 13)

OPINION (from page 10, PROSECUTORIAL)

Unlike in the U.S., in the Philippines, this principle of Prosecutorial Discretion is generally not utilized by the Department of Justice or the Bureau of Immigration or other agencies as a useful tool for creating general public policy that serves the interests of its citizens.

In the U.S., the Attorney Generals of various States, the Head of the US Federal Department of Justice, the Head of the US Citizenship and Immigration Service and the Head of other agencies - and even the U.S. President - have repeatedly utilized this principle of "Prosecutorial Discretion" in order to: Create policies that make sense; Protect citizens from indiscriminate non-judicious application of the law; Implement humanitarian considerations; Utilize limited government resources for more

important priorities.

For example, in some states, mere possession of Marijuana is a crime. But the Attorney Generals of some of these states utilizing the principle of Prosecutorial Discretion - have issued general directives to prosecutors and law enforcement personnel that simple possession for medical or recreational purposes and not for sale - will no longer be prosecuted. Not only did this judicious exercise of Prosecutorial Discretion kept many good citizens from: being arrested, getting jail time, having criminal records, spending money for lawyers and facing other hassles - it also saved a lot of money for these states and freed prosecutors to utilize their time on more serious crimes.

On the basis of Prosecutorial Discretion, the Head of the

U.S. Immigration and Customs Enforcement has also issued general directives to prosecutors and agents not to proceed to arrest or deport undocumented immigrants when obvious humanitarian considerations are present - but to prioritize the use of limited government resources to go after criminal aliens.

US Attorney General Eric Holder also used this principle of Prosecutorial Discretion when he announced that the U.S. government will no longer proceed to enforce the Defense of Marriage Act (DOMA) federal law which limited marriages to those with opposite sexes. This eventually led to the US Supreme Court declaring same sex marriages as legal.

With all due respect to President Benigno Aquino III and Secretary of Justice Alfredo Benjamin Caguioa, please allow me to suggest utilizing this principle of Prosecutorial Discretion to immediately stop this "Tanim Bala" scam. I do not wish to give the impression that I am a "know it all" U.S. Fil-Am lawyer dictating to Philippine officials what to do. I am sim-

ply humbly wanting to help my fellow human beings - that is, keeping innocent outgoing passengers from being hassled and victimized. I also want to remedy the bad global image that this "Tanim Bala" scam has given to the Philippines and to our people.

This suggestion is also very important and valuable in serving the peoples' interest. It shows how government can use an important legal principle as a policy making tool now and in the future to prevent corrupt law enforcers and regulators from abusing existing laws. Citizens of the Philippines encounter this abuse of the laws by corrupt government personnel in their everyday lives. Laws are implemented without utilizing common sense and fairness principles when used for corruption purposes.

I draw from my experience as a lawyer officially certified by the California State Bar as an expert on Immigration Law continuously for more than 25 years now as well as being a human rights lawyer - to provide whatever help I can give to my fellow human beings and country of origin - offering an

effective proven way to solve this serious problem. I know from experience that the principle of Prosecutorial Discretion when utilized by government prosecutors acting in good faith - really makes a big difference in bringing about order and justice in many situations.

The intent of the law that makes the possession of bullets a criminal offense whether by airline passengers or in some other context - was for a good purpose - just like so many other laws. It is meant to prevent shootings that cause death or injuries. This law was certainly not meant to be used by scammers to extort money and hassle innocent people.

The whole purpose of airport screenings and scrutiny of passengers and luggages is to detect deadly weapons and explosives that threaten the safety and security of passengers and crew. Obviously, a few bullets by themselves without a gun - are not deadly weapons. This is more obviously so with bullets that have been converted to amulets. As such, just confiscating the bullets is a simple common sense summary pro-

(continued on page 15)



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MOVIE REVIEW (from page 7, WHO KILLED....)

sition as a colonial and industrial power.

CONCLUSION

As Professor Jose has concluded, which was picked up by the movie version as the major event of the era, "Luna was killed but not in spirit. He was a scientist, a writer, an editor and a revolutionary democrat whose life demonstrates

the possibility of freedom and liberation from oppression under a colonial society."

Jose adds: "This patriot Luna shall always live in the minds of the people, as his ideals for a free, independent and democratic republic, which survives beyond his physical mortality and white bones."

And Jose adds with a dra-

matic passing of a hero "who lives from one generation to another, one of the truly great leaders of the Filipino people."

DR. BELINDA A. AQUINO is currently Professor Emeritus at the University of Hawaii at Manoa where she was also a Professor of Political Science and Asian Studies, and Founding Director of the Center for Philippine Studies. She is also a Contributing Editor of Hawaii Filipino Chronicle.

LEGAL NOTES



By Reuben S. Seguritan

Residence and Physical Presence Requirements for Naturalization

Basic residence and physical presence requirements must be met in order to qualify for naturalization. The noncitizen applicant must be a lawful permanent resident (LPR). However, certain non-residents who served in the U.S. military are an exception and may qualify for U.S. citizenship.

As a general rule, the noncitizen must have continu-

ously resided in the U.S. as a lawful permanent resident five years immediately prior to applying for U.S. citizenship.

The application is made on form N-400 and may be filed 90 days early or 3 months before the end of the required continuous residence period.

Only three years of continuous residence is required for spouses of U.S. citizens. The U.S. citizen spouse through whom the noncitizen obtained his lawful permanent resident status must have been a U.S. citizen during those three years and they must also

have been living together as husband and wife. The noncitizen will have to complete the five year continuous residence requirement if the marriage ends in less than three years.

The three year continuous residence requirement also applies to spouses and children who obtained lawful permanent resident status through the Violence Against Women Act (VAWA).

Continuous residence is not the same as physical presence. To meet the continuous residence requirement, the noncitizen does not have to be

physically present in the U.S. throughout the entire five or three year period.

Absences of six months or less from the U.S. are acceptable and will not disrupt continuous residence. However, absence from the U.S. for six months but less than one year raises a rebuttable presumption that U.S. residence has been abandoned.

A finding of abandonment of residence will disrupt continuous residence and may result in a denial unless the applicant demonstrates lack of intent to abandon residence.

Evidence which may establish continuity of residence include not terminating employment in the U.S., presence of immediate family in U.S., retention of full access to U.S. home and not obtaining employment abroad.

Absence from the U.S. for one year or more will interrupt the continuity of residence. Counting the relevant period will begin again when the noncitizen returns to the U.S. Applicants do not have to wait for the full period to file the N400 application. Spouses of U.S. citizens can file after two years and one day while other LPRs can file after four years and one day.

There are instances when an absence from the U.S. for one year or more may be excused. These include employees abroad working for certain U.S. government agencies and U.S. companies. They must however seek permission to preserve their residency for naturalization purposes by filing Form N-470.

The applicant for naturalization must also meet the physical presence requirement. The noncitizen must have been physically present in the U.S. for one half of the required residence period.

Applicant must be in the U.S. for an aggregate period of not less than 30 months for the five-year period, and 18 months for the three-year period. Employees abroad working for the U.S. government and firms must also satisfy this requirement.

The applicant must reside within the state or within the USCIS district where the application is filed for three months immediately prior to the filing of the application.

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

PHILIPPINE NEWS (from page 12, MAR....)

now. Everybody will just have to make some adjustments," Belmonte said.

"I don't want to use the term 'game changer'... maybe there will be effect on the campaign of the candidates," he said.

He declined to comment on the legal issues of Duterte's possible filing or substitution before the Commission on Elections.

He said he believes Duterte's statements on killing criminals were really more to emphasize his point on the need to act decisively on crime.

Eastern Samar Rep. Ben Evardone said Duterte's decision would favor Roxas as it will further divide the opposition votes.

"Definitely, he is a negative factor for opposition presidential bets," Evardone said.

Reacting to Duterte's an-

nouncement that he is open to running for president, presidential spokesman Edwin Lacierda said discussions should go beyond personalities and focus on issues.

"Let's move the discussion from one of personalities to one of issues-based and that's where the President wants the whole campaign to be. Let's talk about issues, let's talk about your program of government," Lacierda said.

Lacierda claimed that the administration is clear about what it wants to achieve in the next six years.

"Let's talk about their platform. Let's talk about what they are going to do with jobs. We have a clear idea; we have a clear blueprint for those things," he said.

Duterte's son, Davao City Vice Mayor Paolo Duterte, hit back at Sen. Grace Poe's run-

ning mate Sen. Francis Escudero, who had called on the mayor to stop using the Senate Electoral Tribunal ruling as an excuse to run for president.

The young Duterte reminded Escudero that the senator is a lawyer and that he himself knows the law requires that only natural-born citizens are qualified to run for president.

"I am certain that Escudero, who is a lawyer himself, knows all too well that Grace Poe cannot be considered a natural-born Filipino citizen and does not satisfy the residency requirement, yet he persistently pushes her to the presidential race. Who's now using who?" Vice Mayor Duterte said.

He also pointed out that what his father is stressing is based on the Constitution and not on any selfish interest as that of Escudero's, being Poe's running mate. (www.philstar.com)

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PHILIPPINE LANGUAGE



DAYASADAS
By Pacita Saludes

Naranga Ti Pannakaselebrar Ti Maikasiam Nga Anibersario Ti San Nicolaneous U.S.A.

Narambak ti selebrasion ti maikasiam nga anibersario ti SAN NICOLANEOUS U.S.A. a naaramid iti Pacific Beach Hotel idi Octubre 23, 2015. Napunno ti Grand Ball Room a nakaummongan dagiti timalantan manipud kadagiti nadumaduma nga organisasion iti Oahu. Naurnos ti panagsasaganad ti “Master of Ceremonies” a ni Novie Hartwell kadagiti naisagana nga agtignay iti programa. Isu payen ti nangidaulo ti panakakanta dagiti National Anthems, sinaruno met ti panagkararag nga indauloan ni Beatriz Santiago.

Kalpasan ti panangrabii, simmaruno ti “Welcome Address” ti Bise Presidente a ni Cesar Bonilla tapno marugianen ti programa. Naiparang amin dagiti opisiales ken

miembros. Kalpasanna, ni met Vilma Valdez ti nangipresentar ti Guest Speaker a ni Consul General Gina Jamoralin manipud iti Philippine Consulate a nangre-affirmar kadagiti opisayales ti San Nicolaneous USA.

Dagiti opisiales: John de Los Santos - President; Cesar Bonilla - 1st Vice President; Rosemarie Aquino - 2nd Vice President; Beatriz Santiago - Secretary; Kathy Kabashikawa - Asst. Secretary; Vilma Valdez - Treasurer; Gina Lardizabal - Asst. Treasurer; Warlita Baltazar - Auditor; Vicky Caraang - Asst. Auditor; Lydia Kamiya - P.R.O.; Charing Reyes - P.R.O.; Board of Directors: Fely Burigsay, Letty Tesoro, Teddy Reyes, Cresente Guillermo, Lee Kamiya, Agustin Tolentino ken Amelita Guillermo; Sgt.-at-Arms: Hermie Tesoro, Edgar Santiago, Rolando Lardizabal ken Orlando de los Santos; Advisers: Estrella Cariaga ken Froebel

Garcia; Legal Adviser - Ben Martin, Esq.

Dagiti kabbarbaro a miembros: Homer Bustos, Winnie Damo, Josie Ibon, Cathy Llonillo, Rebecca Naces, Manuel Pascua Jr. ken Leilani Tanaka.

Mapagwadan ti San Nicolaneous USA babaen ti panangidaulo ti naanus a presidente a ni John de los Santos. Naurnos ken natalged ti panakaitungpal dagiti nakabuklan ti gunglo babaen ti nasimbeng a panangidaulo ti presidente. Adu dagiti plano nga aramiden ti organisasion kangrunaanna ti panangtulongda iti nagga-puanda nga ili.

Natalged ken naragsak dagiti taga San Nicolas ta ad-daanda ti mapangnamnamaan ken manangtulong a presidente. Adun ti nagsayaatan ti ilimi kuna ti maysa a nakasaritami. Manmano ti kas kenkuana nga ammona a taliawen ti nalikudanna ken kasapulan dagiti kakailianna.

Naparaburan ti nabuslon a panangngaasi ken panakaaawat kadagiti kakailianna. Kunada nga awanen ti kas kenkuana a makaitandudo kadagiti kakailianna. KUDOS!

President John!!
Babaen met ti abilidad ken alibtak dagiti opisylesna, agbalin a naisangsangayan nga ili ti San Nicolas ken ti San Nicolaneous U.S.A.

FILCOM CENTER

ni Fely Cristobal

Iti innak panagtugtugaw ti agpulpuligos a palangka Gaput' napalalo a bannog, adu a marikrikna Sipsiputak maipalalayupoy a bulbulong Ket isut' bulonko a nangputar nanumo a daniwko.

Sangapulo a tawen manipud nag-”ground breaking” a kuna Panangrugi a panagkali nasagraduan a daga a nagdissuanna Kasla man di maur-uray no ar-arigen dayta a kabayagna Ngem ti dakkel a tulong ti Namarsua intay met la nauray.

Filcom Center nabirtud, nasayud a baliksen Filipino Community Center isu't inna kaipapanan Nabayag nga inar-apaapyo tinagtagainep Filipino ditoy Hawaii Babaen adu a karkararag dinengngeg, innatay' pinaraboran.

Rag-o ken ragsak toy pusok diak man masbaalan Iti innak pannakaimatang patakder a kinalkalikaguman Awan ngatan ti inna kaparis wenno kapadpad No idilig iti dadduma di met maatiw a pagtitiponan

Filipino Community Center, patakder a pagdidinnamagan Partuat dagiti Filipino isu't intay pakaidaydayawan Umuna a patakder intay naimatangan ken naaramidan Isu't pakakitaan urnos ken timpuyog Filipinos ditoy Hawaii.

Pagaammok idi un-unana a tiempo adda nangirusat A nagplano a Filipino intay maaddaan patakder a kabukbukodan Ngem no awan ti urnos panagkaykaysa ken pigsas Awan ti pagtungpalan, matungday awan ti inna pagbanagan.

Numan pay maysaak a nababa, nakurapay ken nanumo Ta ti laeng a, e, o, u, wenno ABC ti adda a nagaw-atko Ngem babaen iti kiddaw ti madaydayaw a “leader” tayo Inkarigatak ti nangputar numan pay agsursuro ti kaarigko.

FILCOM CENTER ita ti tandodo ni Filipino ditoy Hawaii Adda naikudi a pagtitiponan tayo Plano, partuat, managanpanunot, nasirib a tattao Pagtitiponan, pagraragsakan ni FILIPINO!

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SANTANIANS ASSOCIATION OF HAWAII-USA ANNUAL CHRISTMAS PARTY AND ELECTION OF OFFICERS | December 5, 2015 | ST. JOHN THE BAPTIST PARISH HALL (KALIHI) | Contact Julius Soria @ 722-9958 or Aurora Garcia @ 722-3150 or email santaniansofhiusa@gmail.com

PASKO SA FILCOM | December 6, 2015 | 3:30 PM - 7:00 PM | FILCOM CENTER | For more info please call FilCom Center at 680-0451

SAKADA DAY | December 6, 2015 | 9:00 AM - 3:00 PM | KEEAU COMMUNITY CENTER, HILO, BIG ISLAND | Contact Iris Viacrusis @ 808-895-9742 for details.

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MAINLAND NEWS

Philippine Embassy in DC Hosts Domestic Violence Forum

In honor of International Day for the Elimination of Violence Against Women on November 25, 2015, Philippine Embassy personnel and members of the Filipino-American community in Washington, DC gathered for a forum on a Campaign to End Violence Against Women.

In his remarks, Patrick Chuasoto, Chargé d'Affaires of the embassy, stressed the importance of ending domestic violence and violence against women.

"It is ironic that in conflict situations, for example, women are common targets of violence and yet they are the ones on whom the families and communities rely the most when it is time to heal and rebuild. It is time that all of us recognize the strength of women, treat them with respect and stop their victimization from violence in their homes and everywhere else," Chuasoto says.

JV Chan-Gonzaga, the embassy's minister and economic officer, talked about Philippine and international laws on the elimination of violence against women and children. He provided a comprehensive overview of Republic Act 9262 or the Anti-Violence Against Women and their Children Act of 2004, which criminalizes several categories of abuse including physical violence, sexual violence, psychological violence and economic abuse.

The law treats physical, threatening physical harm, attempting to cause physical harm, placing the woman or child in fear of imminent physical harm, inflicting or threatening to inflict harm on oneself to control the victim's actions and/or decisions, and knowingly or purposely engaging in conduct that causes substantial emotion or psychological distress to the victim as acts of violence against women and children.

"The Philippine law on violence against women and children is state-of-the-art in many respects. However, there is still much to do to enhance enforcement and prosecution capabilities," Chan-Gonzaga says.

Panelists pointed to the historical imbalance in power and gender relations as the main factor to the persistence of violence against women in society. They also emphasized the need to shift cultural attitudes and norms in order to eliminate the problem and also recognized that men can be victims of domestic violence.

The forum was part of the embassy's Talakayan sa Pasuguan series and the Philippine government's Gender and Development (GAD) Program which promotes gender equality in society.

OPINION (from page 12, PROSECUTORIAL)

cedure to terminate further hassles.

On the basis of the principle of "Prosecutorial Discretion", President Aquino can order Secretary Caguioa or even Secretary Caguioa by himself - can just issue a general directive to prosecutors and airport security personnel - that finding ten or less bullets in passengers' luggages - will no longer be prosecuted. Instead, just confiscate the bullets.

The "Tanim Bala" scam will immediately be effectively stopped if Secretary Caguioa issues this directive. The scammers will no longer plant bullets in luggages as they can no longer conveniently wrongfully use the law banning bullets to victimize helpless passengers.

It also costs the government nothing to stop this scam. No need for watchers to watch the screeners and other airport personnel. No need for extra

cameras. It also saves the government time and money as prosecutors will be freed from having to prosecute passengers with bullets. They can then utilize their time and efforts in more important priorities - such as prosecuting really serious crimes.

Instant provable results are accomplished and the government can proudly immediately announce to the world that they have effectively stop the "Planted Bullet" scam. This erases the country's projected bad image and gives the impression of a well meaning government that knows how to effectively protect people and solve problems.

As of the moment, extended hearings and discussions are going on in the Philippine Congress as Senators and Congressmen look for solutions to the "Tanim Bala" scam - hoping to come up with remedial legislation. With all due respect to the legislators

who mean well - but drafting bills, engaging in various studies, meetings between representatives of the Senate and the house - is a time consuming vexatious expensive legislative process.

The immediate use of Prosecutorial Discretion by either President Aquino or the Secretary of Justice Caguioa will instantly solve this serious "Tanim Bala" problem. Again, with all due respect, I hope they use this important principle to

serve the peoples' and the nation's interests.

ATTY. TED LAGUATAN is a human rights lawyer based in the San Francisco Bay Area.

Email: laguatanlaw@gmail.com
Tel 650-991-1154. He is only one of 29 lawyers whom the California State Bar has officially certified continuously for 25 years now as

an expert lawyer in Immigration Law. He also does accident injuries, wrongful death and complex litigation cases.

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