

HAWAII



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HAWAII'S #1 FILIPINO NEWSPAPER

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HAWAII'S ELDERLY FACES CAREGIVER SHORTAGE

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EDITORIALS

State Must Seek Solutions to Caregiving Problems at Homes and Facilities

In order to properly assess the issue of caregiving, it must be looked at in two ways. The first is to examine the needs of caregiving at professional settings where seniors are assisted in adult residential care homes, nursing homes, day-care centers, or any other facility that requires licensing. The second is to examine the challenges that families confront in providing care for their loved ones at home. Both types of caregiving have different sets of challenges. With Hawaii's rapidly aging population where the state's elderly population over 60 is over 238,000, constituting nearly 20 percent of the total population, lawmakers must quickly come up with solutions to both approaches to optimize caregiving and avoid a crisis.

Professional facility. The two biggest challenges of care facilities are cost and shortage. The average cost to stay at an assisted living facility is \$4,000 a month that only a small percentage of Hawaii families can afford for only a short time during a loved one's disabled stage in life. If families can afford a licensed facility, availability is scarce which is one reason why it is so costly. The shortage is compounded because operating a care facility is so heavily regulated that starting a business in this industry is unappealing. When factoring in the cost of labor for a 24-7 operation, many care home operators complain that they are underpaid. While state inspections of care facilities are necessary to ensure safety and compliance, care home operators say inspections need to be less intrusive. The current method, some have said, often interrupt their daily work. In addition to caring for elderly clients, care home operators must also reserve considerable time to do paperwork that they must do themselves because it is too costly to hire staff just for administrative tasks.

Caregiving at home. Realizing the shortage in caregiving facilities and its limitations for market growth any time soon, the state is looking to improve the second approach to caregiving and make caring for loved ones at home more viable. The state's Kupuna Caregivers bill is one way. It's unique and the first proposed program of its kind in the nation. Rather than allocating more money for state funded and state subsidized caregiving facilities, some lawmakers believe state money is better spent on helping the elderly remain at home with their families. This type of caregiving often comes at great cost with some family members needing to quit their jobs or go into financial debt. What the Kupuna Caregivers program would do is give a \$70 a day voucher to enable families to hire respite care assistance so they can keep their jobs and not have to be full-time caregivers. This helps the state in two ways: tax revenues will not dip as workers stay employed; tax expenditure is less because it's cheaper to provide help through the Kupuna program than to expand care facilities subsidized by the state.

While the proposed Kupuna Caregiver's program is an innovative approach to caregiving, the state must also find ways to boost the professional caregiving industry to serve a greater portion of the elderly population. It can do that by streamlining business regulations of caregiving facility start-ups, reduce unreasonable regulations and paperwork that overburden care home operators, consider increasing compensation in certain types of acute care that require more time, and provide increased tax breaks to caregivers. A robust caregiving industry could spur competition and hopefully reduce cost, making it more affordable for more seniors and their families.

It's unrealistic to think that with Hawaii's high cost of living, an aging population, and limited caregiving options, that

FROM THE PUBLISHER

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iven the critical demand to provide care for our rapidly aging state population, we present a second consecutive cover story on the issue of caregiving. University of Hawaii at Manoa Professor Emeritus, Dr. Belinda Aquino, gives us the nuts and bolts

of the Caregivers assistance bill at the State Legislature and places it in the context of what's currently available in the way of caregiving. The state and private organizations involved in elderly care are both aware that a potential "caregiver crisis" awaits if the shortage problem isn't dealt with. We hope bringing attention to this issue, will motivate lawmakers into action.

Also in this issue, HFC's Emil Guillermo writes about President Donald Trump's newest Travel Ban. As discussed in an earlier HFC cover story, the highly controversial original travel ban is held up in the courts. So, instead of waiting to appeal the case, Trump decided to issue another executive order (EO) with a few changes -- removing Iraq from the list, and most importantly, exempting citizens of the banned countries who are legal U.S. permanent residents or have valid visas to enter the U.S. This may seem like a substantive victory for immigrant advocates; but the crux of the EO remains constitutionally questionable. The new travel ban is not receiving much attention in the mainstream media compared to the original ban that was met with fierce resistance. HFC is dedicated to keep a watchful eye on this issue and we hope Americans continue their fight against anti-immigrant EOs or legislations.

HFC's Atty. Reuben Seguritan informs us in his article that starting April 3, the USCIS will temporarily suspend premium processing of H-1B petitions of employment. The H-1B is used by American employers to bring into the U.S. highly skilled foreign workers such as researchers. The excuse used to justify the suspension is to deal with the current backlog. But the reason looks more like another one of Trump's anti-immigrant policies. How does delaying entry into the U.S. some of the brightest scientists and innovators from around the world be "making America great again?" It doesn't.

We hope you enjoy these articles and the rest of this issue. We ask that you please continue to support print and ethnic media. Remember: diversity in media makes for a healthier democracy.

Until next issue, warmest *aloha* and *mabuhay*!

Chona A. Montesines-Sonido

this issue will suddenly resolve itself and not eventually begin to take a toll on the state's overall economy and social services. This is why the state and private sector must collaborate on finding solutions now, versus wait until a crisis ensues.

Support Those Who Enhance Our Lives, Support the Arts

I

magine a world with no art.

A world void of music that soothes the soul; a world devoid of dance that uplifts the spirit; a world deprived of literature that takes our imagination to faraway places; or even a world where paintings did not exist to beautify bare, boring walls.

In today's age of electronics, digital gadgets, and tech-dominated professions, perhaps there's no sphere in society greater impacted than the arts -- visual, performance, and written.

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LEGISLATIVE CONNECTION



By Senator Will Espero

Legislature Must Enact Meaningful Affordable Housing Policies

The 2017 legislative session is now under way and I am excited about the depth and breadth of bills that my colleagues have introduced. This year, we are facing big ticket issues such as rail transit and the funding of the state's employee retirement system. As legislators, we have the difficult but necessary job to determine what gets funded while protecting the interests of the taxpayer. As the new chair of the committee on housing, I can attest to these monumental challenges and needs for funding. I am committed to do my best to find solutions to the homeless crisis and lack of affordable housing for Hawaii's working families.

While the state has made

progress in addressing the critical housing needs of both the homeless and lower-wage earning families, we must do more. I have introduced Senate Bill 591 that will infuse \$2 billion, funded by general obligation bonds, for the building of affordable units, public housing, and infrastructure aimed at low income and middle wage earners. Hopefully the \$2 billion package, if passed, could be leveraged for more funding for housing. The \$2 billion will be allocated among the various revolving funds that go towards building affordable housing for those who are 140% of area median income (AMI) and below.

Of the \$2 billion, the bill commits \$500 million into the dwelling unit revolving fund, rental housing revolving fund, and rental assistance housing fund. \$400 million will be spent on public housing such as Kuhio Park Terrace and redeveloping Mayor Write hous-



ing projects. \$200 million will go towards building temporary and transitional homeless shelters on all islands. \$450 million will go to the Hawaii Housing Finance and Development Corporation to engage private-public partnerships to build more affordable rentals for people making between 30% and 140% AMI. \$400 million will be spent on the needed infrastructure improvements to effectively build more housing. Finally, \$50 million will be earmarked for the Department of Hawaiian Homelands to build multi-

unit condominiums for native Hawaiian beneficiaries.

In addition to funding more development, the legislature is currently weighing several housing-related bills that will support solutions to the crisis. Senate Bill 581, relating to the conveyance tax, will raise the percentage paid from this tax from fifty percent to sixty percent, and remove the current \$38 million cap paid into the rental housing revolving fund. With the building of affordable housing so cost-prohibitive, the legislature is considering exempting developments aimed at those making 80% AMI and below from the proposed school impact fees that have received recent news coverage in Senate Bill 1146 SD1. Senate Bill 1244 SD1 will allow

affordable housing focused non-profit organizations to purchase affordable units with government assistance, thereby ensuring that these units will be kept in the affordable rental pool for years to come. To best utilize the potential of Transit Oriented Development near rail transit stations, Senate Bill 254 SD1 will direct the Hawaii Housing Finance and Development Corporation to coordinate with other state agencies to build affordable housing on state-owned lands within a one-mile radius of transit stations.

In addition to these ambitious bills, there is proposed legislation that will incentivize the building of affordable housing by eliminating barriers to development and giving buyers more options and flexibility in financing their purchase. We must also look to our county governments to work collaboratively with the state, leveraging financial resources, and streamlining processes where applicable. Affordable housing and community advocates from across the state are excited about these multi-pronged plans, and I look forward to the fruitful discussions that will come before the legislature.

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

Artisans, painters, dancers, musicians, actors and writers - once held high in esteem with means to practice their art for a living in the glorious days when art was valued and mattered -- increasingly find themselves pushed out of the current economic marketplace and relegated to jobs where their genius and skill go unexpressed. What is left then is a vacuous period in history that gives us computer generated prints of art, versus original paintings; machine fabricated crafts made of cheap mass-produced material, versus masterful works created of genuine materials of steel, wood, bronze, and glass that only guild professionals know how to do. We have amateur part-time performing artists who do not have the means to cultivate and elevate their profession. We are short of true geniuses who can express artfully the signs of our time, our culture, our ethos, our values, our religion, compared to the glorious days of the Ren-

aissance that enabled Michelangelo to create the sculptures Pieta and David; compared to the Age of the Dutch Masters in the 17th Century that gave us Johannes Vermeer's "Girl with the Pearl Earring;" compared with the early 19th Century writers: Poe, Emerson, Whitman, Tennyson, Yeats, Baudelaire, and Wilde. Today, we have animation for art; rap for poetry.

What we need is a new renaissance, a new period where art can flourish, which can only be made possible if artists can practice their craft and make a viable living doing it. That entails support from the community, support from consumers.

Here are a few small ways that can make a big difference in supporting the arts: 1) No matter what your income is, almost everyone puts aside some money for discretionary/entertainment spending. With that money, buy art made by artists who are alive and practicing

their craft, not prints of famous artists of the past; 2) Hire real musicians and dancers for your parties or company events. Get a live band, *mariachi*, a string quartets, or *hula halau* to perform at your wedding; 3) Attend and buy tickets to live concerts, dance recitals, off-Broadway productions, the local symphony; 4) Go to indie film festivals or purchase indie films, instead of going to the movies to watch the latest big budget blockbuster; 5) Patron local hand-made crafts either at craft fairs or small shops owned by the artist; 6) Purchase handcrafted jewelry and local clothes from designers who make and carry their own fashion line; and 7) Buy from local writers off the internet or encourage your local bookstore chain to carry local self-published authors.

Imagine how gray and drab the world would be without the color and vibrancy of art. Let's show our gratitude and support artists as best we can.

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COVER STORY

State's Huge Aging Population Could Lead to a Caregiver Crisis

By Belinda A. Aquino, Ph.D.

"Caregivers' and "Caregiving" have become buzzwords in today's community in Hawaii. The urgency of these concepts has grown more critical as the state's elderly population over 60 has escalated to more than 238,000, constituting approximately 18.7 percent of the state's total population. And that is projected to increase between 2020 and 2030.

Recognizing the complexity of this issue, the Hawaii State Legislature is proposing legislation on caregiving that is becoming more urgent as time goes on. Hawaii is experiencing a "silver tsunami" of elderly individuals reaching their retirement years.

As the state population ages, the health care industry struggles to find solutions to provide care for the elderly community.

The principal purpose of this article is to study the critical need with regard to adult residential care homes, community-based homes, day-care centers, licensing requirements and other aspects. The licensing requirements and procedures are crucial to "ensure the health, safety and wel-

fare of the individuals placed in their respective care centers." Visits to these care facilities are not announced to the owners to make sure that the well-being and safety of the individuals in the care of the caregivers and their providers. There is a penalty for individuals operating these care homes, including a hospice facility, without a proper permit. The details of this requirement for visits or inspections are posted on the health "website" of these facilities.

The Role of The State Department of Health

The state is especially crucial in coming up with needed funding following state requirements and procedures. As in every law, these require-

ments are strict, and they are based on the nature of the services rendered, e.g., adult residential care homes, expanded residential care homes "domiciliary home for developmentally, physically or intellectually adult patients, and adult foster homes." The fees are deposited into the general fund that supports the licensing, relicensing, certification or recertification of the care facilities.

It is a tough and demanding job especially in light of the increasing problem of providing adequate security and safety of the patients in these various care homes.

Medicaid clients, however, have limited options and it's not available for extended periods. This means the patients, who mostly cannot afford to shoulder the fees of private-pay homes, are left with practically no access and health care facilities.

So, the law further cites the need for adequate elderly care for patients wherever they are placed, provided they meet certain "qualifying conditions." The Department of Health is required to submit a report to the Legislature no later than 20 days after the opening of the body to study the report.

The Department will reimburse the community health care facilities. The care operators are also required to provide training for caregivers, especially substitute caregivers, such as a one-year experience as a caregiver in a



residential care home or in a medical facility.

The Impact of The Law If Approved

If passed, this caregivers assistance law will be the "first" in the nation and will provide a model to follow by other states. It will at least give caregivers a recourse to access to meet the need to care for their loved ones at home.

In light of the politics of the new administration in Washington, D.C., it is imperative that the individual states do all they can to protect the most vulnerable among the affected population groups in accordance with their needs.

SB534/HB607 will allow family caregivers to access funds (\$70 a day to pay for trained caregivers when they need additional help. It will allow caregivers to keep working and build their own Social Security benefits while helping businesses retain experienced employees. It will help kupunas or elderly to get the care they need in their own homes.

In the private sector, there are organizations working to improve caregiving. Faith Action for Community Equity (FACE) is a diverse, faith-based 501(C)3 non-profit or-

ganization in Hawaii and "Caring Across Generations" (GAP) is a national movement of families, caregivers, people with disabilities and aging Americans working to transform the way "we care" in this country. The movement further argues that "together we can shift how our nation values caregiving and call for policy solutions that enable us to live well and age with dignity."

Statement of State Senator Josh Green, Major Sponsor of The Pending Legislation

Hawaii State Senator Josh Green sums up his support for Caregiver Assistance in these terms: "As a physician and senator for well more than a decade, I am completely aware of the critical contribution of the caregivers to the health system, without caregivers we would not be able to sustain health benefits to provide adequate health care for all of our citizens who need it, especially our seniors."

The senator further discloses additional details, such as: 1) increased reimbursements to keep up with the cost of caring for people in Hawaii; 2) fair and unobtrusive regulations that allows providers to

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COVER STORY

(from page 4, STATE...)

do their job while assuring top standards of care and transparency; 3) tax credits for all the costs and supporting new caregivers; 4) expanded capacity to meet demands; 5) respite supports for those who work such long hours in support of their clients.”

Finally, the senator argues that “caregivers are an essential part of the public health system in Hawaii and will always have my full support.”

Senator Green should be lauded for his full support and commitment to the cause and necessity of stabilizing the caregiving industry in Hawaii. The fact that he is a physician adds to his stature as the main supporter of the Caregivers Assistance bill. If passed, we can be sure that the law will be implemented and will give needed assistance to caregivers, the “unsung heroes” of the industry.

Perspectives of Some Caregivers

Obviously, without caregivers, especially trained ones, the caregiving industry will experience serious difficulties and barriers. A recent observation from the media speculates that there might be a potential “caregiver crisis” if the problem will not be treated in its early stages.

In fact, a recent panel discussion on PBS Hawaii, which included Hawaii State Senator Rosalyn Baker, the panelists were all supporters of the proposed bill but there might still be barriers along the way. It will take several millions of dollars to fund it, let alone recruit the best qualified caregivers for the various groups placed in a variety of care facilities-residential homes, foster care homes, hospice centers and other types of care homes. It will take \$6 million a year to provide for the caregivers to eventually become part of the regular workforce. The greatest hope of caregivers is to be able to help them save up adequate funds for their retirement, or for other emergencies like illnesses that require long term care. The state will really be hard pressed to see this am-



bitious program succeed in one way or the other.

Building the infrastructure needs professional providers, educating affected families, training caregivers to detect signs of strokes, heart attacks and other manifestations of failing health. Moreover, institutions like AARP, which have well established systems of health assessment, are needed to help in determining possible remedies for the stricken patients.

There is also the problem of educating the caregivers themselves. At times, they are bothered by the vagueness and complexity of their jobs. Some perceive themselves as “glorified maids.” This perception, of course, is disturbing because they are caught between the patients, who could be very demanding, and the providers which often demand much of their time as well. The aggravating thing is that, they are paid very little for the long hours and difficulties in many situations of keeping up with the demands of their job. For instance, families of patients may require more or better care for their relatives who are being cared for.

The proposed bill is considered a good idea, according to a recent editorial in the *Honolulu Star-Bulletin*, because Hawaii has “the highest percentage of ohana households in the nation.” The editorial further cites a U.S. Census survey a few years ago, that 11.3 percent of all family households in the islands were multigenerational—three or more generations while the national average has 5.8 percent.

Moreover, according to the bill (SB534), voucher recipients must be employed 30 or more hours a week and caring for a Hawaii resident who is at least 60 years old. The person cared for must have functional impairment and not be residing in a skilled nursing, assisted-living or other adult residential care facility.

Adding to the complexity of the caregiver program is the funding issue, which would require a whopping start-up sum of \$600,000 from the state’s General Fund for fiscal year 2017-18 to draft a study

of program logistics, gatekeeping rules and other matters. On top of this, the even bigger sum of \$6 million is needed for the implementation of the law, assuming the proposed bill has been passed as a law. While the state would pay for respite services, Hawaii would gain in tax revenues because caregivers who receive respite services would be able to still be employed.

While the program has good intentions, lawmakers must find a balance between what the state can pay for given its limited financial resources and how they can improve caregiving.

the salient point in the above-mentioned editorial to take “a hard look at elder-care challenges confronting the state and make careful plans to address them.”

Conclusion

There are several more dimensions of the caregiver issue that deserve more discussion. As unsurmountable as the issue becomes, more effort should be explored to look for sustainable solutions.

With respect to the Filipino community, which provide at least 90 percent of the caregivers, it should mobilize more committed individuals for the cause. This will be a long-standing challenge that will not disappear as the state grows older year after year. The mantra should be: We are not getting any younger as a state in its entirety.

.....
DR. AQUINO is currently a Professor Emeritus at the University of Hawaii at Manoa where she served as Professor of Political Science and Asian Studies and founding director of the Center for Philippine Studies.


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Some Thoughts on Family Law

by Sheryll Bonilla, Esq.

Child Support After the Divorce

Child support is a topic that many parents face. A friend told me his sister got \$150 a month for child support, and had never sought an increase in all those years that she raised her son alone. I was surprised, knowing how much the cost of rents are. If you are one of those single parents, the current Child Support Guidelines allow you to ask for a change in the amount of child support you receive once every three years or if there is a significant change in circumstances. So, if the raises your ex-spouse is getting or the new salary at the job change will increase the child support, it may be worth your while to go try to get that extra financial help. You don't have to go to court.

The Child Support Enforcement Agency can make an administrative decision based on the current earnings of both parents. Go to <http://ag.hawaii.gov/csea/forms-brochures/> and click on "Application for Services". Fill out the form and mail it to CSEA (addresses for each island are at <http://ag.hawaii.gov/csea/contact/>). If the parent paying the child support has retirement benefits, a QDRO (below) can be used to collect child support. Social security benefits received by a retired spouse are credited to the payor parent, with the extra counted as a gift to the child. If your ex-spouse stops paying child support and is at least \$500 behind, CSEA can intercept

his or her tax refund to make up some of that arrearage.

Collecting Retirement Pay

It's not automatic – the decree doesn't make your ex-spouse's employer turn over your share of his or her retirement benefits. The decree only involved the two of you, not either's employer. A separate order is needed, called a Qualified Domestic Relations Order or QDRO for short. If the working spouse cooperates, getting the order is not too much trouble. Divorce decrees spell out the percentage, usually one-half of the benefits accrued during the overlap of the marriage and employment. See a lawyer to prepare the QDRO for you and get it processed by the court.

There's other details that are often left out of a decree and that's what can lead to haggling. When does the other spouse get the benefits – when the employed spouse retires or now? What if the employed spouse dies before retiring – will the other spouse still get the benefits (will he or she be treated as a surviving spouse or have to purchase survivor benefits)? What if the other spouse dies before getting the full benefits – does his or her share go back to the employed spouse or become part of the estate of the other spouse? Does the benefit get paid in a lump sum or monthly payment?

For private companies, the other spouse usually doesn't have to wait until the worker spouse retires, and can collect when he or she chooses. For

spouses of military and federal employees, the other spouse does have to wait until the service member retires. If a spouse remarries before age 55, he or she could lose the retirement benefits awarded in the decree. One note about military retirement – the ten-years rule applies to direct payment from DFAS to the former spouse. That means you had to have been married to the military spouse for at least ten years overlap to get your share paid directly to you from DFAS. If you were married less than the ten years, you can still get your share, but your ex-spouse has to pay it to you directly from the full benefits he or she receives from DFAS. For Hawaii state and county employees, years of lobbying by former spouses has finally made it possible for QDROS to be honored, but not until July 1, 2018. If you are one of these former spouses, you'll have to wait until next year.

Paternity

If you have a fling that produces a baby while you're married to someone else, then the two of you and your spouses decide to divorce, the paternity issue has to be resolved first before the divorce will be granted. You can file both the paternity and divorce at the same time to save some of the waiting in your cases. You'll need genetic testing done to confirm or rebut the parentage of the child. One of the clinics that does genetic testing is here in Waipahu, next to Don Quixote. It's a simple test, and the certified results are used by

the judge – along with affidavits of the spouses or parents – to enter a judgement establishing or rebutting paternity. After that judgement is entered, then the divorce can proceed. Why? Because the judge in the divorce case has to know whether to order or not order child support and child custody in the divorce, and he or she can't know that until the paternity case is concluded.

What if the baby and parents are back on the mainland? Here's one thing that surprised me when I had a parent call me to ask about custody and visitation. The baby being born here gives jurisdiction, but even being conceived here – and you have to prove that – also can serve as grounds for jurisdiction of the Hawaii courts. Proof? Being stationed here on military service, going to university here, being employed here, and similar kinds of records confirming presence at the probable time of conception.

Legal Separation

Often this is sought by military couples who decide to split and need the service branch to pay for one spouse to move back to the mainland. The process is similar to a divorce, with much of the same information being required and the same issues being decided by the judge. The couple can then get the divorce after the move.

Guardianships and Special Needs Trusts

When disabled children grow up and reach 18, their parents then have to seek legal guardianship so they continue to have authority to act for their

adult disabled child. The parents petition the court, provide relevant information and proof of disability, and attend a hearing to prove to the judge that a guardianship is necessary. The judge reviews the evidence offered and decides whether to grant the parents the authority to make decisions and take actions for their child.

Disabled children may be receiving government benefits that are dependent on financial eligibility. What if the disabled child inherits from a grandparent or aunt or uncle or some other person? That inheritance could jeopardize his or her eligibility for benefits. It helps to have a special needs trust established for the child, into which any inheritance would be placed. That preserves eligibility because the funds do not directly come into the child's ownership but are managed by a trustee for the child's benefit to take care of needs that are not met by the benefits received.

Sometimes guardianships are needed because a child is very young and the parent needs to go to the mainland for training or work for a very long time and cannot take care of the child there. The parent may ask the grandparents (the parent's parents) to become guardians for his or her young child. The order allows the child to be covered by the guardian's health insurance and for the guardians to enroll the child in school, make medical decisions, and so forth, for the child's benefit. Yes, the guardianship is reversible when the parent is again able to care for the child, as this is not a termination of parental rights, but simply a grant of authority to other trusted persons to take care of the child while the parent is unable to do so.

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WHAT'S UP, ATTORNEY?



By Atty. Emmanuel
Samonte Tipon

Was Secretary Yasay Telling the Truth About U.S. Citizenship? Or How to Lose U.S. Citizenship Without Really Trying



“Less talk, less mistake; No talk, no mistake,” Genaro Magsaysay reportedly

said when asked to talk about the issues while he was running for a Philippine Senate seat. He won.

The Commission on Appointments on March 8, rejected the ad interim appointment of Attorney Perfecto R. Yasay, Jr as Philippine Secretary of Foreign Affairs after he refused to answer a Commission member's question to “categorically answer 'yes or no,' whether at one point in time in your life, were you ever an American citizen? Just a yes or no.” Yasay had replied: “I wish I could answer that question with a yes or no, but as directly as I could in an-



Sec. Perfecto Yasay Jr.

swering that question, I have always admitted that I was granted US citizenship. That is my answer.” “I was granted US citizenship on November 26, 1986, but it is my position that that grant of US citizenship at that time was void ab initio on the basis of the explanation I have stated in my affidavit.”

<http://www.rappler.com/nation/163666-duterte-appoints-enrique-manalo-acting-foreign-secretary>

Yasay reportedly said in a prior interview: “But at that time I was granted US citizenship, I had a “preconceived intent” of returning back to the Philippines.” He reportedly said that taking the oath of citizenship “does not make me a US citizen if precisely the basis upon which the grant of American citizenship is flawed and is defective.” “I would not have and I did not acquire legally American citizenship. It is precisely for that reason that three months after,

in January 1987, I returned back to the Philippines.” “And this consolidated the position that I did not legally acquire US citizenship and I returned all of my papers, executed an affidavit, telling the American authorities that I did not qualify.” He said that under American law, one is “disqualified for being an American citizenship” if at the time of applica-

tion or granting, one had the “preconceived intent of abandoning your US residency and in fact you abandon your US residency within two years after obtaining that U.S. citizenship.”

<http://news.abs-cbn.com/news/03/06/17/yasay-i-did-not-acquire-us-citizenship-legally>

(continued on page 15)

HAWAII-FILIPINO NEWS

Hawaii Joins Federal Lawsuit Over Inflated Drug Prices

Hawaii joined 39 states in a federal antitrust lawsuit over inflated drug prices, announced state Attorney General Doug Chin. The complaint alleges that 6 generic drug-makers entered into illegal conspiracies to unreasonably restrain trade, artificially inflate prices and reduce competition in the United States for two generic drugs: doxycycline hyclate delayed release (an antibiotic) and glyburide (a diabetes medication).

The lawsuit alleges that the anticompetitive conduct continues to cause significant harm to the country's health-care system.

The defendants include Heritage Pharmaceuticals, Inc., Aurobindo Pharma USA, Inc., Citron Pharma, LLC, Mayne

Pharma (USA), Inc., Mylan Pharmaceuticals, Inc. and Teva Pharmaceuticals USA, Inc.

Connecticut is leading the multistate group of plaintiff states, consisting of Alabama, Arizona, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington and Wisconsin.

In July 2014, Connecticut began to investigate the reasons behind suspicious price increases of certain generic phar-

maceuticals. According to the complaint, the investigation, which is still ongoing as to a number of additional generic drugs, generic drug companies and key executives, uncovered evidence of a well-coordinated and long-running conspiracy to fix prices and allocate markets for doxycycline hyclate delayed release and glyburide.

The amended complaint further alleges that the defendants routinely coordinated their schemes through direct interaction with their competitors at industry trade shows, customer conferences and other events, as well as through direct email, phone and text message communications.

The lawsuit was filed under seal in the U.S. District Court for the District of Connecticut. A redacted copy of the amended complaint is attached.

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Oppose President Trump's executive orders that effectively ban Muslims and Syrian refugees. Our multicultural, multiracial community in Hawai'i is a testament to the fact we are stronger together. We stand together with our Muslim brothers and sisters. Join us, and demonstrate our values of compassion, respect, kindness and aloha.

- Filipino American Advocacy Network
- Filipino American Citizens League
- Filipino American Historical Society of Hawai'i
- Filipino Chamber of Commerce of Hawai'i
- Filipino Community Center
- Friends of Operation Manong

- Hawai'i Friends of Civil Rights
- National Federal of Filipino American Associations (Region 12)
- UH Mānoa College of Education
Tinalak Filipino Advisory Council
- UH Mānoa Office of Multicultural Student Services

CANDID PERSPECTIVES



By Emil Guillermo

Hawaii to the Rescue? But Can the Philippines Avoid Being Left Out of Future Travel Bans?

On the heels of a German hostage beheaded by the Abu Sayyaf, it's good that Donald Trump only watches the U.S. version of CNN.

Travel Ban 2.0 doesn't add any new countries. It dumps Iraq, thanks to that country's lobbying, and keeps six of the original seven countries: Iran, Libya, Somalia, Sudan, Syria, and Yemen.

But if you're a Filipino breathing a sigh of relief it may only be the one thing more temporary than Travel Ban 2.0.

Section 2 of the order gives the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence,

the power to conduct a "world-wide review to identify whether, and if so what, additional information will be needed from each foreign country ...in order to determine that the individual is not a security or public safety threat."

It's the kind of language that could justify, say a special look at any country.

You want to bet the beheading of the German hostage by the Abu Sayyaf gets noticed?

The broad language that allows for additions to the ban make 2.0 less innocent than you think.

Of course, could vetting of Filipinos waiting for visas be any more extreme than it is?

Still, can't put it past Trump, who is capable of doing anything.

Just ask Hawaii's accused

wiretapper-in-chief Barack Obama.

Look at the mileage Trump has gotten out of some hearsay accusation backed up with zero evidence.

At least, if Trump put the Philippines on the travel ban, he'd have a German's head as exhibit A.

So, Travel Ban 2.0, has a big loophole to bring in new countries.

In general, the new ban had exceptions to make up for the embarrassments of TB No.1. There are now exceptions made for green card and visa holders, as well as those who travel for work, or young people who need medical care. (It specifies children, not older persons.)

Travel Ban 1.0 remains blocked by the courts. This new one revokes the old one

but still contains some other nastiness.

The new executive order suspends the refugee program for 120 days, limits the number of refugees in 2017 to 50,000, and does not single out Syrians.

All good? Not exactly.

No matter how you slice it, the travel ban is still a Muslim ban, which raises constitutional questions.

There's also another aspect of the ban I've found rarely talked about in Section 11 of the order.

"Transparency and Data Collection" sounds benign.

But not when its intent is to provide the country with what essentially is a national scoreboard on terrorism.

It's going to be the unofficial official Muslim Report Card.

According to the executive

order itself, information will be gathered on the number of foreign nationals in the U.S. charged or convicted of terrorism; or removed based on terrorism-related activity.

These aren't travelers, mind you. These are people in the U.S. living in immigrant communities that the government wants tracked.

"Information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and who have engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States."

There are even specific crimes the government is interested in, such as "the number and types of acts of gender-based violence against women,

(continued on page 10)

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Dr. Jon Avery Go is a Magna Cum Laude graduate of the University of Santo Tomas Faculty of Medicine and Surgery and underwent training at the Roger Williams Medical Center in Providence, Rhode Island which is affiliated with Boston University School of Medicine.

CANDID PERSPECTIVES*(from page 9, HAWAII)*

including so-called 'honor killings,' in the United States by foreign nationals."

And then there's the catch-all. The government wants "any other information relevant to public safety and security as determined by the Secretary of Homeland Security or the Attorney General."

Oh, that would be Jeff Sessions.

He'll have so much time on his hands since he's recused himself on any Trump Russia matters.

And all this is in something called a travel ban?

Once again, sounds like they're gearing up for a Muslim Ban 3.0 that will last longer than 90 days (120 days for refugees).

If they have data, and everyone loves data these days, you can justify banning just about anyone in Trump's America for as long as Steve Bannon wants.

Forever?

So far only Hawaii has challenged the new executive order.

A federal judge has agreed to hear a challenge to the ban and will hear the case the day before the executive order is to take effect.

"Sections 2 and 6 of the March 6, 2017 Executive Order violate the Immigration and Nationality Act by discriminating on the basis of nationality, ignoring and modifying the statutory criteria for determining terrorism-related inadmissibility, and exceeding the President's authority under the Immigration and Nationality Act," Hawaii Attorney General Douglas Chin said in a statement.

Section 2 temporarily suspends entry for "Nationals of Countries of Particular Concern" during a review period, which could be as long as 150 days from March 16.

Section 6 is the realignment of the U.S. Refugees Admissions program, which suspends travel of refugees and

subjects them to what the administration likes to call "extreme vetting."

"The new executive order is resulting in the establishment of religion in the state of Hawaii contrary to its state constitution; it is inflicting immediate damage to Hawaii's economy, educational institutions, and tourism industry; and it is subjecting a portion of the state's citizens to second-class treatment and discrimination, while denying all Hawaii residents the benefits of an inclusive and pluralistic society," attorneys for the state argued in court filings.

"The executive order means that thousands of individuals across the United States and in Hawaii who have immediate family members living in the affected countries will now be unable to receive visits from those persons or to be reunited with them in the United States."

Hawaii is as diverse as America gets, and attorney Chin said that the discriminatory order is a violation of the state's history, its culture and constitution.

Will it be enough to stop the TB 2.0?

Let's hope so. There's a shot.

What is less promising is a watered down reaction from the public. We aren't seeing as many spontaneous demonstrations like for TB 1.0.

In fact, we have the news media scattered to cover a flurry of Trump, from the repeal of Obamacare, to the wiretap claim, to the Trump Russian connections. The travel ban? Hardly covered with just days before it goes into effect.

It's up to Hawaii.

If TB 2.0 passes, it takes America another step forward toward an isolated, closed society that's not just less open, but smaller, and certainly not as great as it ever was.

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.

HAWAII-FILIPINO NEWS

DOH Lifts Suspension of Meadow Gold Dairies Two-Percent Reduced Fat Milk

The Hawaii State Department of Health (DOH) lifted its suspension of Meadow Gold Dairies' two-percent reduced fat milk products. The company may resume producing, selling and distributing two-percent reduced fat milk.

Samples of two-percent reduced fat milk taken from the Meadow Gold milk plant in Honolulu on March 1, 2, and 6 were tested and found in compliance

with Coliform counts of less than 1/ml. The maximum allowed Coliform limit for pasteurized milk is 10/ml.

The Meadow Gold milk plant in Honolulu was also inspected on March 1 in response to the Feb. 27 suspension and was found to be in substantial compliance with Hawaii Administrative Rules and the U.S. Food and Drug Administration's Pasteurized Milk Ordinance.

HEALTH & FAMILY

How to Mend a Broken Heart

MIND YOUR BODY By Willie T. Ong, MD

Going through a breakup is one of the sadness and hardest times in one's life. After falling in love, you now have to deal with living without the beloved.

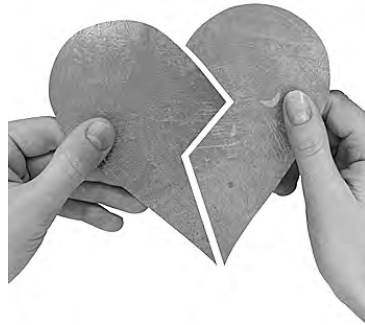
Normally, it takes three to six months to recover from a breakup.

There are many physical symptoms associated with a breakup. You may have difficulty falling asleep or you could be sleeping a lot. Some people lose their appetite and

lose weight. On the other hand, some people tend to overeat and gain a lot of weight.

You may have difficulty breathing, suffer palpitations, stomach pains, and even chest pains. If the chest pain is just for a few seconds, then you can ignore it. However, if the chest pains are from one minute to five minutes long, you may need to consult a doctor.

There is such a thing as Broken Heart Syndrome, where a person succumbs to heart failure because of the



stress of the breakup.

To recover faster from a broken heart, try these tips:

1. Keep yourself busy. Continue doing your work and projects.
2. Do not spend too much time alone. This will bring the old memories back. Try to avoid doing the things you used to do. Re-

move the things, physically or on the Internet, that remind you of the person.

3. Don't listen to love songs, watch sad movies, or go to places that remind you of the person. Do new things.
4. Do not use alcohol, smoking, or drugs to cover up your feelings. This will only make matters worse.
5. Seek help from friends and family. Force yourself to get out of the house even when you don't feel like it.
6. Exercise and stay in shape. Feel good about yourself.
7. Pamper yourself. Enjoy the things you can do now

that you are single.

8. If you still feel sad, seek professional help. There's no harm and it can help you, too.

I know surviving a breakup may seem hard, but people have gone through this at some point in their lives. One day, you're going to tell yourself, "I'm happy this happened to me. Because of this, I have become wiser, stronger, and a better person."

There is a purpose for each of these episodes in your life. This is also the best time to become spiritual and pray.

(www.philstar.com)

HAWAII-FILIPINO NEWS

State Unemployment Rate Registers Slight Improvement

Hawaii's unemployment rate dipped slightly from 2.9 percent in December 2016 to 2.8 percent in January 2017, according to the Hawaii State Department of Labor & Industrial Relations (DLIR). The

state's unemployment level is performing better than the national average of 4.8 percent in January.

In raw numbers, there were 673,850 employed, 19,700 unemployed in January for a total adjusted labor force

of 693,550.

The unemployment rate figures for the State of Hawaii and the U.S. in this release are seasonally adjusted, in accordance with the U.S. Bureau of Labor Statistics (BLS) methodology. The not season-

ally adjusted rate for the State was 2.9 percent in January, compared to 2.6 percent in December.

In another measure of employment, total nonagricultural jobs decreased in January over December by 2,000 jobs. Among the major industries, there were job gains in Other Services (+300), Construction (+200), Information (+100), and Financial Activities (+100). Employment in Manufacturing remained stable. Job losses were experienced in Professional & Business Services (-200), Leisure & Hospitality (-500), Educational & Health Services (-700), and

Trade, Transportation, & Utilities (-1,200). Within Educational & Health Services, job contraction occurred in all sub-sectors of Health Care & Social Assistance (Ambulatory Health Care, Hospitals, Nursing & Residential Care, Social Assistance). In the Trade, Transportation, & Utilities grouping, the job decline was split between Transportation & Warehousing (in particular Courier & Express Delivery Services) and Wholesale Trade. Government employment dipped by 100 jobs. Compared with one year ago, total nonfarm jobs are up 7,300, or 1.1 percent.

De La Salle Santiago Zobel Symphonic Band to Perform in Honolulu



De La Salle Santiago Zobel Symphonic Band from the Philippines announced that it will participate in the 2017 Pacific Basin Music Festival in Honolulu from March 24 to March 30. The 48-member symphonic band, led by teachers Nena Chavez and Linwell Lalic, is composed of students from Grade Four to Fourth Year High School who study classical, new and diversified musical pieces.

Some previous festivals the band has performed include: 5th Winter Band Festival in Hong Kong and 2014 Singapore International Band Festival, where they garnered Silver Award, and the 2014 Cultural Centre of the Philippines Orchestra and Band Festival. Recently, the DLSZ Band participated in the 7th Winter Band Festival in Hong Kong where they garnered Gold Award.

The Pacific Basin Music

Festival is an international event that brings together the most talented junior high, high school, community, and college level bands and choirs from countries of the Pacific. Some of the venues where participating bands will perform are the Pacific Beach Hotel, Waikiki Shell, Hawaii Theater, Central Union Church, and Ala Moana Shopping Center. Visit www.world-projects.net for more information.



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HAWAII-FILIPINO NEWS

Access Road Slated for Leeward Coast

Lawmakers Sen. Maile Shimabukuro and Rep. Cedric Gates met with Leeward Oahu residents to discuss the second access road, Waianae Coast Emergency Access Road (WCEAR). The project is slated to be constructed in two phases. Phase 1 will extend

the WCEAR from Helelua Street to Nanakuli Avenue for emergency use. Phase 2 will seek to establish a road for daily and emergency use.

Potential routes include constructing a road from Lualualei Naval Road, to Nanakuli High School, then to Makakilo. Updates will also

be provided on other traffic mitigation projects, including the Nanakuli turn lane, contraflow pilot project, traffic lights, resurfacing of Farrington Highway, and the fifth lane study for the Wai'anae Coast.

"We're seeing progress in our efforts to provide some traffic relief for

Leeward O'ahu commuters," said Sen. Shimabukuro. "There's been improvements on the roads so far, but I know there's a recognized need for more work to be done and I'm excited as we continue to move forward and make life better for Wai'anae residents" "This is really about qual-

ity of life for residents in my district," said Rep. Gates. "This meeting will be a chance to celebrate the headway being made to improve traffic through HB1378 and other efforts. It is also a great opportunity to hear the concerns of residents and share ideas on ways to make things even better."

Philippine Consular Services Available In Kauai For Two Days

LIHUE, HI--If you are qualified and would like to vote in the 2019 Philippine Mid-Term elections, apply for a dual citizenship, or apply for a Philippine passport, the Philippine Consulate General in Honolulu

will be conducting a mobile outreach services and registration in Kauai on March 25, 8:30 a.m. to 5 p.m., and March 26, 8:30 a.m. to 12 noon, at the County of Kauai Kapule Building Conference Room 1 and 2, located at 3290 Kapule

Hwy.

Applicants can contact the United Filipino Council of Hawaii and the Kauai Filipino Council at 808-651-7439 for more information. Other services to be provided include: legalization of documents

(acknowledgement, authentication, notarial), receipt of Reports of birth, marriage, and death. Applicants planning to register in the election should bring their Philippine passports.

The Philippine Consulate encourages attendees to come with all the required documents to avoid the rejection of

any application. Applicants are also required to bring with them a \$6.45 priority stamp for mailing of their passport and relevant documents. Only cash is accepted for all types of services.

For more information on requirements, call the Philippine Consulate General in Honolulu at 808-595-6316.

PHILIPPINE NEWS

Leni Raises Philippines Rights Abuses Before UN

by Helen Flores

Wednesday, March 15, 2017

MANILA, Philippines — Citing the "palit ulo" scheme that literally means exchange of head, Vice President Leni Robredo hit anew the human rights abuses in the administration's war on drugs, in a video message for the 60th annual meeting of the United Nations Commission on Narcotic Drugs in Vienna, Austria.

The video, which runs almost six minutes, was published by TIME.com yesterday.

According to Time, the video was recorded in February and would be aired at a side session of the Vienna conference tomorrow.

In her message, Robredo



VP Leni Robredo

mentioned the more than 7,000 people killed since the government launched its war against illegal drugs on July 1.

"Our people have fought long for our rights and freedoms," she said. "We are not about to back down now."

Robredo said people requesting search warrants were beaten and police detained rel-

atives in lieu of absconded drug suspects.

"They told us of the palit ulo scheme (exchange heads), where the wife or husband or relative of a person in a so-called drug list will be taken if the person could not be found," she said.

Robredo also slammed the inconsistent figures on drug ad-

diction reported by President Duterte.

She also thanked the international community such as the UN for discussing the issue of extrajudicial killings as well as human rights advocates around the world for "watching over our country as this gives us comfort, courage and hope."

The Vice President said drug abuse "must be regarded as it truly is: a complex public health issue linked intimately with poverty and social inequality."

"You cannot kill the addicts and declare the problem solved. Help them transition into productive members of the society," she said.

"We demand greater transparency in the government's war on drugs because this is a major publicly-funded campaign," she underscored.

Last week, the Philippine National Police re-launched the war on drugs, renamed "Project Double Barrel Reloaded."

Catholic clergy and other religious workers have been asked to join the police anti-drug operations, to be led by a new unit still being put together — the Drug Enforcement Group.

The Catholic Bishops' Conference of the Philippines

(CBCP), for its part, has tied up with the Commission on Human Rights to educate the public on the principles of basic human rights.

CBCP Public Affairs Committee executive secretary Fr. Jerome Secillano said they created a program to equip the public, "especially those affected by the extrajudicial killings and human rights violations."

Covered by the program are matters such as EJKs, urban poor, illegal settlements, poverty, health and unemployment.

He clarified the program was not intended to counter the issues being raised against the Duterte administration as this was conceptualized even before he became president on June 30.

Secillano added that in the program, they would be using a holistic approach and would not be limited to academic discussions.

Aside from providing human rights information, the modules will also include available interventions such as legal, psychosocial and spiritual interventions.

The program will be pilot tested at the Diocese of Caloocan. (www.philstar.com)

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LEGAL NOTES



By Atty. Reuben S. Seguritan

Suspension of H-1B Premium Processing Could Hurt Businesses and Workers

On March 3, 2017, the United States Citizenship and Immigration Services (USCIS) announced that starting April 3, 2017, it will temporarily suspend premium processing of H-1B petitions. The suspension may last up to six months. The new policy will apply to all H-1B petitions, including regular cap and master's cap cases, H-1B cap exempt cases, H-1B extensions and H-1B change of employment.

The H-1B program allows American employers to bring into the United States highly skilled foreign workers. H-1B visas are used by people in different fields, such as teachers,

engineers, therapists, journalists, entertainers, professors, researchers and doctors. The cap every year is about 85,000. Standard processing of H-1B is up to 9 months. Premium processing costs an additional \$1,225 and ensures a response from the USCIS in 15 days.

H-1B petitions with request for premium processing filed before April 3, 2017 will not be affected. The USCIS will continue to premium process them and may refund the premium processing fees if it is unable to adjudicate the petition within 15 days.

The USCIS justified the suspension by stating that it would help reduce the overall H-1B processing times because it would now have the time to process long-pending petitions and prioritize the adjudication of H-1B extension

of status cases that are nearing the 240-day mark from the filing of the petition. The 240 day mark is significant for H-1B extension applicants because they are authorized to work for 240 days while their H-1B extension application is pending.

Although the USCIS has given a believable reason or the suspension, the adverse effects on American citizens, American companies and the highly skilled foreign nationals who want to work in the United States is undeniable.

With the suspension of the premium processing, the foreign nationals who need the H-1B visa quickly are first to suffer. They include physicians in J-1 status who are applying to work in medically underserved areas, graduating students intending to change status so they can work and H-

1B workers who intend to travel for emergency reasons.

In the technology field, American companies, especially those in Silicon Valley, depend on the H-1B premium processing for them to quickly hire the best engineers and programmers in the world to work for them. But with the suspension of the premium processing, both the American companies and the highly skilled foreign national are in limbo and cannot proceed with the cutting-edge advancements that they could be developing.

It is still possible for a petitioner to request for expedited processing in urgent cases. But this is not easy to get because of the strict criteria. The requester must prove to the USCIS one or more of the following situations to justify the expedited processing: severe financial loss to the company

or person; emergency situation; humanitarian reasons; nonprofit organization whose request is in furtherance of the cultural and social interests of the United States; Department of Finance or national security interest situation; USCIS error; or compelling interest of the USCIS.

The suspension of the premium processing for all H-1B petitions looks like it is part of the President's campaign promise to give jobs to Americans instead foreigners. But what the current administration may not realize is that their actions may also adversely impact Americans and the United States.

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

RP Death Penalty Bill Moves Closer to Being Reinstated

MANILA, PHILIPPINES—The Philippine House of Representatives has approved a proposal on March 1 to bring back the death penalty. The bill, when passed into law, will punish drug-related offenses with death along with so-called heinous crimes which include some forms of rape and murder. The death penalty bill is scheduled to have a symbolic third reading in the House before going to the Senate.

The death penalty was abolished by former president Gloria Macapagal-Arroyo in June 2006.

BAYANi (Bayan Bago Sarili) and its worldwide members called on all Filipinos to collectively raise their voices to oppose the measure. BAYANi is a group of a global Filipinos advocating truth, justice and democracy in the Philippines.

"Life is precious and the

government has the responsibility to ensure that it is respected and valued," says BAYANi Hawaii State Chair Ilalo Parayno. He emphasized that "a government that supports death penalty commits murder, and a government-approved murder (via death penalty) is definitely unacceptable in a civilized world." Logronio, added, "Life sentence for a heinous crime is already a penalty. Let a man who is guilty of his crime suffer such penalty for a lifetime."

Dr. Celia Lamkin, BAYANi-Bayan Bago Sarili Founder and Chair, said "We have heard of cases wherein the accused have been declared guilty of rape and murder by the courts; have languished in jail, but was later on found to be not guilty," she explained. Dr. Lamkin was

referring to the wrongful conviction involving Paco Larrañaga who was convicted in 1999, along with six others for the July 1997 kidnapping, rape and murder of sisters Marijoy and Jacqueline Chiong. Although the Philippine Supreme Court in 2004 affirmed Larrañaga's conviction and sentenced him to death by lethal injection, widespread support including Amnesty International created nationwide momentum to free Larrañaga.

BAYANi's co-founder Bonggo Calawod echoes the same apprehension, and pointed that in a society where the justice system is flawed, there is always a chance of error. There is indeed cause for concern because information released in 2004 by the Supreme Court of the Philippines cited a 71.77 percent judicial error rate in capital cases in the period from 1993 to 2004, when capital punishment was still legal. a percentage determined by the total

number of death convictions that had been either reversed or pardoned. During this time, 651 of 907 convicted persons were saved from lethal injection due to wrongful conviction.

Anti-Poor

Gerald Miranda, Philippine Country Chair of BAYANi regards death penalty as anti-poor. "This measure will further highlight the inequalities in Philippine society. The poor, who cannot afford a good lawyer will end up getting the death sentence

- no matter how guiltless, while the rich can always bail themselves out," he said. John Logronio, BAYANi Malta Country Chair shares the same sentiment, adding that the justice system in the Philippines is perceived as a privilege enjoyed by the moneyed and the death penalty will only violate the rights of the marginalized members of society. Both agree that the lawmakers should instead work on fixing the justice system and go for a humane, pro-life, correctional system.

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PHILIPPINE NEWS

After PNP, NBI Also Rejoins Drug War

by Robertzon Ramirez
Thursday, March 16, 2017

MANILA, Philippines - Agents of the National Bureau of Investigation (NBI) are again authorized to arrest drug suspects and to probe drug-related cases.

The return of the NBI to the war on drugs followed a similar move for the Philippine National Police. President Duterte had pulled out the PNP and NBI from the drug war after the kidnapping and murder of a South Korean businessman by members of the main police anti-drug unit right inside PNP headquarters at Camp Crame.

Justice Secretary Vitaliano Aguirre II said yesterday he signed a department order on Tuesday that authorized the NBI to get involved in the war on drugs.

He explained that under the law, either the president or the justice secretary could issue such as order.

"Our President has returned to the NBI the power and authority to investigate and, if necessary, to arrest and raid in drug operations," he added.

In December 2016, the NBI seized at least 1,100 kilos of shabu worth P6.6 billion and arrested three Chinese and three Filipinos in a raid in a house in San Juan City.

Aguirre said he wants the court to issue an order to destroy the illegal drugs seized by authorities so government employees will not get tempted to resell the contraband amounting to roughly P10 million per kilo.

The head of the Dangerous Drugs Board (DDB), meanwhile, expressed his support for "long overdue" stricter sanctions for local executives deemed as non-performing in the administration's war on drugs.

DDB chairman Benjamin Reyes yesterday said the government is now looking to penalize elected officials who fail to step up in the campaign against illegal drugs, the centerpiece program of the Duterte administration.

He also lamented that they receive reports from officials of capable local government units (LGUs) who still do not know how to intensify efforts against illegal drugs despite the eight-

month drug war.

"We still have so many things to do. The LGUs should realize that they have an important role in the campaign. If they do not do their part, it will be difficult for us. Almost all are onboard, the question is how much effort are they giving for this campaign?" he added.

A memorandum circular from the Department of the Interior and Local Government (DILG) is being crafted with guidance from the DDB and the Philippine Drug Enforcement Agency, the lead government arm in the campaign on illegal drugs.

The circular will mandate stricter compliance and penalties, which could include suspension for local officials who fail to address the drug problem in their areas.

The circular is expected to be released in a few weeks and will cover officials from barangays to the provincial level, according to Juan Jovian Ingeniero, assistant regional director of the DILG-National Capital Region.

The drug war was marred by reports of summary killings and human rights violations.

The government then launched a revised program called Project Double Barrel: Reloaded.

PNP: Highest death toll in CL

While the first week of Project Double Barrel: Reloaded appears to be less bloody, 27 drug suspects were killed in the revised drug war from March 6 to 15 nationwide.

The Philippine National Police (PNP) recorded the highest number of drug-related death in Central Luzon.

Central Luzon has 16 deaths, Central Visayas, five and the Autonomous Region in Muslim Mindanao, two. The National Capital Region, Ilocos, Southern Tagalog and Western Mindanao have one death each.

From March 6 to 15, 1,102 drug pushers and users were arrested, of whom 221 came from Central Visayas.

As to the cases of death under investigation or DUI, PNP spokesman Senior Supt. Dionardo Carlos said the PNP continues to probe these cases committed during the first drug war, the Project Double Barrel Alpha.

Carlos said that of the 4,435 DUIs, 1,409 cases have been concluded and filed in courts.

Duterte asks allies in Senate to support drug war

Despite the thousands of deaths and human rights violations committed under the drug war, President Duterte asked his allies in the Senate to support it as well as the other programs he has for the economy.

Sen. Juan Miguel Zubiri said that the President made the request to the 15 senators before they ended their meeting last Tuesday night.

(www.philstar.com)

MAINLAND NEWS

Trump Proposes to Slash Housing Budget by \$6 billion, 14 Percent

WASHINGTON, U.S.--The Trump Administration is proposing to cut the Housing and Urban Development (HUD) budget by more than \$6 billion, or about 14 percent, to \$40.5 billion in fiscal 2018. The proposal would include a cut of \$1.3 billion – nearly 70 percent – in the public housing repair budget.

U.S. Senator Brian Schatz (D-Hawai'i) and his colleagues on the Committee on Banking, Housing, and Urban Affairs demanded answers from Housing and Urban Development (HUD) Secretary Ben Carson on the proposed slashing to the department's budget. The lawmakers stressed that cuts of this magnitude would be devastating for children and families nationwide, and would contradict Carson's testimony to the Banking Committee during his January 12 confirmation hearing.

In a letter to Carson, the senators called the proposed

cuts "unconscionable," noting that Carson told the Banking Committee that reducing agency budgets by 10 percent – a figure he had previously supported – was too steep. Carson testified that he supported only a 1 percent across-the-board spending cut, and that it would be "cruel and unusual punishment to withdraw these programs before you provide an alternative route."

"You testified to your understanding of the real impacts that substandard housing have on the health and opportunities of children and their families, in particular how it is far more costly to ignore lead hazards than to spend the money to abate them," the senators wrote. "If this reported budget stands, you will most certainly be presiding over an unprecedented attack on the health of some of our most vulnerable Americans. It cannot stand and, if you are to remain true to the testimony you gave under oath, it must not."

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COMMUNITY CALENDAR OF EVENTS

PMAH FOUNDATION'S BOWLING TOURNAMENT

March 18, 2017 | 5:00 PM (Check-in at 4:30 PM) | AIEA BOWL
For more information, contact Dr. Paeste at 808-223-3065 or 808-671-1634, or email rosalo.paestemd@gmail.com

FILIPINO WOMEN'S CLUB OF HAWAII FOUNDATION ANNUAL TERNO BALL

April 15, 2017 | 6:00 PM | HIBISCUS ROOM, ALA MOANA HOTEL | Contact Nelly Pongco Liu @ 228-7808, Carlota Ader @ 797-4381 or Mercy Mullins @ 226-1320.

MAUI FILIPINO CHAMBER OF COMMERCE FOUNDATION ANNUAL SCHOLARSHIP GOLF TOURNAMENT

April 22, 2017 | KAHILI GOLF COURSE |

Contact Bill Ruidas at 873.8605 or co-chairperson Alfredo Evangelista at 808.242.8100.

PMAH MEMORIAL WEEKEND & CME

May 27 - 29, 2017 | TURTLE BAY HILTON | Contact Nelly Pongco Liu @ 228-7808, Carlota Ader @ 797-4381 or Mercy Mullins @ 226-1320.

2ND PMAH GOLF TOURNAMENT

October 18, 2017 | 9:00 am (Registration), 11:00 a.m. (Golf Tournament Begins) and 6:00 p.m. (Awarding of Prizes and Buffet Dinner) | HOAKALEI COUNTRY CLUB | For registration, contact Elmer Baysa, MD @ 689-8315, Ray Romero, MD @ 680-0554 or Christopher Regala, MD @ 622-2626.

WHAT'S UP, ATTORNEY? (from page 7, WAS SECRETARY YASAY....)

The question remains - Was Mr. Yasay ever an American citizen from an objective, not subjective (or from his own), point of view? If he was, when did he cease to be one?

On November 24, 1986, Yasay took his oath as a United States citizen. On January 8, 1987, Yasay returned to the Philippines and "abandoned" his U.S. residency. On February 23, 1993, Yasay signed an affidavit that he had abandoned his residency in the United States in 1987, thereby becoming "ineligible" for U.S. citizenship. In March 1993, Yasay was appointed as an associate commissioner of the Philippine Securities and Exchange Commission (SEC). On June 28, 2016, Yasay renounced his American citizenship before an American consular official in Manila. On February 22, 2017, Yasay told the Commission on Appointments that his 1993 affidavit stating that he had abandoned his U.S. residency "nullified" his oath of allegiance to the U.S., thus he "did not acquire legal status as a U.S. citizen."

The question has arisen: why did Mr. Yasay have to formally renounce his U.S. citizenship before a U.S. consular official in Manila on June 28, 2016 if the grant of U.S. citizenship to him on November 24, 1986 was "void ab initio" because he had a "preconceived intent" of returning back to the Philippines?

Conceding U.S. Citizenship but admitting its subsequent loss

Would Mr. Yasay's appointment have been confirmed if he had simply said "yes" - that he became an American citizen in 1986 when he took the oath as a naturalized American citizen, but lost his American citizenship (or nationality) in March 1993 when he was appointed as a Commissioner of the Securities and Exchange Commission and took an oath of allegiance to the Philippines, citing Sec. 349(a)(4) of the U.S. Immigration and Nationality Act [8

U.S.C. 1481(a)(4)] which provides in relevant part:

(a) A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality-

Xxx xxx xxx

(4) (A) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years if he has or acquires the nationality of such foreign state; or (B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years for which office, post, or employment an oath, affirmation, or declaration of allegiance is required; or"

Mr. Yasay, by "accepting, serving in, or performing the duties of" a Commissioner, either (a) acquired Philippine nationality or citizenship, or (b) took "an oath, affirmation, or declaration of allegiance" to the Philippines. Therefore, he lost his American citizenship at that time.

OBSERVATION: According to some observers, Mr. Yasay took the position that his naturalization as an American citizen was void ab initio (from the beginning) to prevent any charge that he was occupying a government position (SEC commissioner) and running for office (senator and vice president), even though he was a U.S. citizen. But such a charge could not successfully be made because he automatically lost his U.S. citizenship when he was appointed as SEC Commissioner and took the oath of allegiance to the Philippines.

Mr. Yasay posted this on Facebook: "I faithfully did my duties and

responsibilities in the service of our country the best way I could, the best way I know how, with honor, dedication, fairness, competence, dignity, and respect."

Many wish Mr. Yasay had consulted an honest and competent counsel who knows U.S. Immigration and Nationality Law, especially Sec. 349(a)(4).

MORAL LESSON: People facing a legal issue should hearken to Abraham Lincoln's comment about a person representing himself. See <https://www.avvo.com/legal-guides/ugc/abraham-lincoln-had-it-right---he-who-represents-himself-if-has-a-fool-for-a-client>

Other Grounds for losing American Nationality

Other grounds for losing American nationality under Sec. 349 are:

- (1) obtaining naturalization in a foreign state; or
- (2) taking an oath or making an affirmation of allegiance to a foreign state; or
- (3) entering, or serving in, the armed forces of a foreign state; or

Xxx xxx xxx

- (5) making a formal renunciation of nationality before a diplomatic officer of the United States in a foreign state; or
- (6) making a formal written renunciation of nationality whenever the United States is in a state of war; or
- (7) committing treason against, or attempting by force to overthrow, or bearing arms against, the United States.

(b) The burden is upon the party claiming that loss of nationality occurred to establish such claim by a preponderance of the evidence. Any person who performs any act of expatriation shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a

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showing, by a preponderance of the evidence, that the act was not done voluntarily.

ATTY. TIPON has a Master of Laws degree from Yale Law School where he specialized in Constitutional Law. He has also a Bachelor of Laws degree from the University of the Philippines. He placed third in the Philippine Bar Examination in 1956. His current practice focuses on immigration law and criminal defense. He writes law books for the world's largest law book publishing company and writes legal articles for newspapers. He has a radio show in Honolulu, Hawaii with his son Noel, senior partner of the Bilecki & Tipon law firm, where they discuss legal and political issues. Office: American Savings Bank Tower, 1001 Bishop Street, Suite 2305, Honolulu, Hawaii, U.S.A. 96813. Tel. (808) 225-2645. E-Mail: filamlaw@yahoo.com. Website: www.bileckilawgroup.com. He was born in Laoag City, Philippines. He served as a U.S. Immigration Officer. He is co-author with former Judge Artemio S. Tipon of the best-seller "Winning by Knowing Your Election Laws" and co-author of "Immigration Law Service, 1st ed.," an 8-volume practice guide for immigration officers and lawyers. Atty. Tipon has personally experienced the entire immigration cycle by entering the United States on a non-immigrant working visa to write law books, adjusting his status to that of a lawful permanent resident, and becoming a naturalized United States citizen

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