

HAWAII-PHILIPPINE NEWS EDITION

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# HAWAII FILIPINO CHRONICLE

HAWAII'S ONLY WEEKLY FILIPINO-AMERICAN NEWSPAPER

## LEEWARD COMMUNITY GEARS UP FOR 10TH ANNUAL KO OLINA TASTE AT KAPOLEI

By HFC Staff

If eating, drinking and dancing under the stars sounds like your kind of fun, then the 10th Annual Ko Olina Taste at Kapolei may be just for you. The all-you-can-eat benefit on the beach will be held at the beautiful Ko Olina Resort & Marina's Ulua Lagoon 4 on Saturday, September 12, 2009 from 5:30 p.m. - 9 p.m.

Organizers say this year's edition will be the biggest and best yet. In fact, the event will have the largest number of restaurant and beverage offerings ever.

More than 30 restaurants from Honolulu to the North Shore will be serving culinary fare ranging from Pacific Rim specialties to island poke; Okinawan, Thai, Egyptian, Italian, Japanese, and good, old-fashioned American cuisine; and cheese-cake, yogurt, and more.

Nine celebrity chefs, including one flying in from Maui exclusively for the event, will be serving VIP sponsors. They include

Chai Chaowasaree of Chai's Island Bistro, Fred DeAngelo of Ola at Turtle Bay, Scott Higa of J.W. Marriott Ihilani Resort & Spa, Darryl Shinogi of Roy's Restaurants, and Russell Siu of 3660 on the Rise. Maui chef David Paul, who recently opened David Paul's Island Grill in Lahaina, will fly in to serve appetizers for the sponsor reception.

Guests at the main venue can choose cuisine from among 24 restaurants including Sam Choy's, Don Ho's Island Grill, Formaggio Grill, Gordon Biersch, Haleiwa Joe's, Hooter's, Indigo, Kolohe's Bar & *(continued on page 4)*



Ron de Guzman displays some of his food creations.



Hapa Grill's food booth serving attendees at last year's event.

## Senators to House: You'll be Buried with Charter Change

By Aurea CAUCA

MANILA, Philippines - Senators called on their fellow lawmakers at their fellow lawmakers at their fellow lawmakers to drop all Charter change (Cha-cha) initiatives and move on.

Senate President Juan Ponce Enrile yesterday urged congressmen to drop the efforts to amend the Constitution since the Senate is against it.

Enrile said he was wondering why the congressmen were insisting on Charter change through a constituent assembly (con-ass) since it would not be possible without the concurrence of the Senate.

Enrile led the senators in saying the issue of Charter change had been overtaken by events and many sectors are op-



Sen. Pres. Juan Ponce Enrile

posed to it.

"My suggestion is they better bury (Cha-cha) because if not, they might get buried with it," Senate Minority Leader Aquilino Pimentel Jr. added.

The senator made the call after Speaker Prospero Nograles announced the House is ready to tackle House Resolution 1109 seeking a Senate-less con-ass.

Enrile, however, stressed the Senate is no longer interested in the issue. "We have forgotten Cha-cha and how to change the Cha-cha a long time ago," he said.

Asked whether President Arroyo should consider as a warning the statements of US President Barack Obama and *(continued on page 4)*

## San Francisco Hosts 16th Annual Pistahan Parade and Festival

By HFC Staff

Tens of thousands of Filipinos and non-Filipinos alike attended the 16th Annual Pistahan Parade and Festival, which was held at the Yerba Buena Gardens in San Francisco on August 8-9, 2009.

The two-day event, which began with a parade featuring beautiful themed floats and nearly 100 contingents, was filled with non-stop entertainment and cultural activities.

Themed "Connect...Discover...Celebrate Green," the event featured the return of the popular Adobo Cook-Off and balut *(continued on page 4)*



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# EDITORIAL

## Traveling in Excess

One nearly forgotten detail about the Aquino presidency is that in the last years of her administration, Corazon Aquino stopped going overseas so precious public funds could be put to other uses. Her decision was reached after she scrapped a visit to Italy following the bloodiest attempt to topple her government in December 1989.

For the next two and a half years, President Aquino stood by her decision, turning down invitations for trips overseas. Instead she focused on the numerous problems besetting the nation in the painful transition from dictatorship to democracy. She also shot down suggestions that she extend her stay in power.

In contrast, the beneficiary of people power II seems hell-bent on seeing every corner of the globe in the final months of her term. Yesterday Malacañang admitted that President Arroyo had exceeded her budget for foreign travels by a whopping P1 billion since 2001 — and the third quarter isn't even over yet. Next month the President is expected to be in London, where steaks and lobster are even more expensive than in Washington. Later in the year there are the annual summits of the Asia-Pacific Economic Cooperation forum and the Association of Southeast Asian Nations.

Her propensity for globetrotting on taxpayers' dime has rubbed off on her sycophants in Congress. Despite intense criticism, about two dozen lawmakers still managed to tag along with the President in her pilgrimage to US President Barack Obama last month. Except for a representative each of the Senate and the House, those lawmakers failed to even make it to the White House lawn, much less secure a photograph with the new US president. And after reassuring the public that they were embarking on their junket using their own money, it turned out that Malacañang footed everyone's bill after all. After the Palace demanded a reimbursement of about P300,000 each per congressman, some of the lawmakers said they would pay up — but only if the amount would be charged to the budgets of their offices.

In the age of globalization, foreign trips are unavoidable for a head of



government. They can also be useful for other government officials. But the reason for such trips, the funding and expenditures must be rationalized. It is not impossible to draw a line between justifiable expenditures and sheer junkets. Anyone with decency and common sense can spot excess a mile away. ■

## Waiting for the Benefits of Growth

But this achievement is vulnerable to external factors beyond the government's control, such as volatile crude oil prices and the global financial meltdown. Both the World Bank and the International Monetary Fund expect the Philippine economy to contract this year, from its record high 7.3 percent real GDP growth in 2007 and 4.5 percent last year.

Another factor also dampens positive economic news: the benefits of economic growth are not being felt by the poor. Wealth distribution remains hugely inequitable. The failure to make the benefits trickle down to the grassroots was acknowledged by the government's economic team about a year ago. Last week Finance Secretary Margarito Teves made the same observation, pointing out that the booming population meant smaller slices of the economic pie for everyone.

Though Teves was not making a direct pitch for family planning, which his boss the President refuses to promote, several quarters have long

pointed out that the country's economic growth cannot keep pace with the population boom. Despite sustained economic growth since 2001, up to 40 percent of Filipinos are estimated to be living below the poverty line. The global economic slowdown will further hamper efforts to alleviate poverty.

Dire scenarios could be averted with the continuing strong remittances from millions of Filipinos working overseas. The Philippines has the third highest rate of remittances in the world, making the local economy vulnerable to economic shocks in other countries. Services account for more than half of the country's gross domestic production. But the news yesterday was encouraging for the government's economic team, with the figures showing that remittances in the first six months of 2009 hit \$8.5 billion, growing by 3.3 percent from the previous year.

The dark side of this story is well known: those millions of Filipinos are working overseas for lack of better opportunities in their own country. People who cannot feel the benefits of economic growth leave their loved ones behind to work abroad, even as servants. While their massive remittances contribute to economic growth, the country's next set of leaders must work to create employment opportunities for Filipinos in their own land. And the next set of leaders must work harder so the benefits of economic growth will make a dent in the battle against poverty. ■

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## OPINION

# Passing Health Care Reform 2009 – It's The Right Thing To Do

by Edwin **QUINABO**

**W**ondrous, complex — the most efficient operating system," is how some could describe the human body. When it comes to describing the United States' health care system, however, such flattering words rarely roll off the tongues of most Americans. If the human body is a creation of God as theologians would want us to believe, shouldn't the "care" of His creation be less engulfed in controversy and more widely praised by a greater majority of people?

How strange! You might be thinking, such an odd question to interject into the debate over universal health care. But is it really? Since 1912 under President Theodore Roosevelt, universal health care has been debated under the umbrella of politics, the typical gains versus costs discourse. All the while, almost one century later, there remains nothing "universal" about health care. Nor can detractors of it reasonably claim an acceptable system currently exists. So, why not interject into the debate a higher justification: a "moral, even divine, right" of

fair access to universal health care.

## WHAT GOOD IS A FACT ANYWAY?

Simply put, arguing facts for health care reform is not convincing enough. The hard facts NOW (as opposed to dismal projections by its detractors) are: 1) **BANKRUPTCY**—the principal cause of personal bankruptcies in the U.S. (6 out of 10) can be traced to medical debt. Dr. David Himmelstein of Harvard University, a physician and public policy expert, commented, "Unless you're Warren Buffett, your family is just one serious illness away from bankruptcy...for middle-class Americans, health insurance ofers little protection." Cost of long-term or chronic illnesses could run into the tens-of-thousands of dollars; 2) **RUNAWAY COSTS**—medical cost is rising faster than inflation, wages and the growth of the economy. Coverage will increasingly become less affordable. Already close to 16 percent of the population or some 45 million people living in the U.S. are uninsured. It's estimated coverage for a typical family health plan would cost over \$20,000 annually

in the next decade, and result in yet more uninsured; 3) **MEDIOCRE QUALITY**—even though medical coverage in the U.S. is the most expensive in the world, costing more per person and a greater percentage of the national budget; the U.S. consistently is ranked in the 30s by the World Health Organization, far behind other wealthy countries with universal health plans; 4) **ADMINISTRATIVE EXPENSES**—administrative costs in the U.S. health care system are estimated at 24 percent of U.S. health care spending. Roughly 50 percent of health care dollars are spent on actual health care, the rest go to other expenses.

## THE ADDED ALTERNATIVE

So what exactly is before Congress? The current proposed health reform is not a bona fide "universal" health care system. Rather, it offers a public option to buy insurance with the government alongside already in-place private insurers (similar to the educational system with public/private alternatives). Under the proposed system, a public option would inject greater competition

into the market. With reform, the choices will increase, not decrease. So the argument of taking away patients' freedom is political spin. At the very least, reform will expand coverage to a greater number of people. At its best, the most nefarious aspects of the current system — the cancellation of insurance coverage when a patient gets sick or loses his job; or when an applicant is denied coverage due to a costly health pre-condition — would be eliminated if a patient opts for the public buy-in alternative. Again, this is an ADDED choice. Patients can still keep their current plans.

The health care reform is feasible. Most economic studies show the cost of implementing it in the long run will cost the country less than the rising rate at which it already is costing taxpayers. A public buy-in system would be less than the average current private premiums. Even though a public buy-in option is not a true universal health plan with a single-payer system, it would still save billions a year in administrative costs. Even from a business perspective of those in the health care industry,

for-profit or otherwise, expanding the pool of patients-clients through affordability translates to more dollars earned.

## BACK TO REALITY

But then again, what are we arguing here? — mere detailed facts that seem to always fall on impatient, tired ears. Public policy is emotion-driven, a contest of public relations. New public policy makes its way to the pen only after overwhelming approval over sustained periods of dissatisfaction. According to most recent polls by newspapers and independent pollsters, pro universal health care sentiments have the edge over the status quo (even among doctors). But is this "edge" enough, even after 100 years of debating the issue? What health care reformers must do is appeal to the highest justification for its implementation.

The language to achieve this goal must be something very basic and powerful, that is: "Health care reform (and eventually universal health care) is the right thing to do." It is a moral, divine right for all, no less in value than our right to access public education or our responsibility to care for our elderly and sick through social security, Medicare, and Medicaid. It is true that these similar, already in-place public systems are not perfect. Neither would the proposed healthcare reform be perfect. But it is a start worth pursuing than doing nothing at all. ■

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OPEN FORUM

# Hurricane Fund—Providing Stability in Uncertain Times



by Romy M. CACHOLA  
CITY COUNCIL MEMBER,  
COUNCIL DISTRICT 7

Faced with a \$786 million budget deficit, state and union leaders are looking at ways to minimize the effects of furloughs and public employee layoffs and to balance the budget, including tapping into the \$185 million Hawaii Hurricane Relief Fund (HHRF).

**HISTORICAL BACKGROUND**

To better understand the ramifications of raising the HHRF, we must first review the fund's history. In 1994, a year after the Legislature established the HHRF, a State briefing revealed several alarming findings about the fund, which included the following:

- The State collected about \$80 million annually from hurricane

insurance premiums, mortgage recording fees and annual assessments of insurance companies.

- Nearly all of the \$80 million was used to buy reinsurance coverage worth \$500 million in the Bahamas.
- The \$1.7 billion pool to pay for losses was just enough to cover damages by an Iniki-level hurricane. After a hurricane hits metropolitan Oahu, homeowners will likely receive about 50 cents on the dollar for damages, rather than be paid in full.

In 1995 as a State Representative, to address this concern I introduced a bill which became law as Act 32. In lieu of buying reinsurance, Act 32 set up a savings mechanism for the hurricane fund that proposed:

- 1) Floating \$500 million in state reserve bonds.
- At that time, the rule of thumb for debt service was 10 percent of debt principal, or in this case, \$50 million. The \$80 million in annual

collections less the \$50 million in debt service equals an annual savings of \$30 million into the reserve fund.

- 2) Securing \$500 million loan commitment from the federal government that would take the place of reinsurance, thus allowing the \$80 million collected annually to go into the reserve fund.
- 3) Securing commitments from banks and other financial institutions. When Iniki struck, real estate transactions, mortgage loans and other commercial transactions came to a halt. Without catastrophic insurance, financial institutions were strapped so they agreed to extend to HHRF a line of credit of up to \$500 million. However, about half of the credit line was used and HHRF bought reinsurance coverage with the remainder, spending about \$40 million in premiums annually.
- 4) Any combination of the above.

By the time the HHRF closed, there was a savings of about \$230 million, some of which was used to balance the State budget—hence its current total of \$185 million. Can you imagine if the federal government gave us a loan commitment of \$500 million, which would have allowed \$80 million to be added annually into the reserve fund? It was estimated that savings and investment income in the HHRF could have reached up to \$700 million by the time the fund had closed.

**BALANCING THE BUDGET**

The pressing question facing state and union leaders is whether to use the hurricane fund to balance the budget. The ANSWER IS YES, especially if it will reduce the impacts of furloughs and layoffs. However, there must be a well-structured written agreement on the part of all stakeholders to replenish the fund as the economy improves or when the need arises.

I realize that the \$185 million in the HHRF is not enough to cover damages in the event of a catastrophic hurricane but I agree that

it's better to have the money available rather than start from scratch.

Since history is bound to repeat itself, it's a matter of time before another hurricane hits. In the meantime, it would be wise to continue working with our congressional delegation to obtain a loan guarantee, which when combined with the \$185 million savings, puts the HHRF in a better financial situation when the next hurricane hits and when the private sector stops insuring.

The beauty of the HHRF is that when it kicks in, the following occurs:

- All monies collected are added to the reserve fund, increasing the \$1.7 billion pool.
- The money stays in Hawaii to boost the economy, rather than to a foreign country to buy reinsurance.

The bottom line is that the state can take charge of its own destiny by keeping the Hawaii Hurricane Relief Fund in place, ensuring that it is no longer at the mercy of private insurers who may decide to flee when the next hurricane hits Hawaii. ■

## HAWAII-FILIPINO NEWS

### National Night Out Draws Large Audience

by Dennis GALOLO

**OVER 1,000 PEOPLE GATHERED** on the top level of the Salt Lake Target store's parking structure in a show of solidarity against crime in their neighborhoods.

The event was the 26th annual National Night Out, held on August 4, 2009. The audience, which comprised mostly of citizens patrols and neighborhood watch groups from across Oahu, later marched through the neighborhood and waved signs to passing motorists.

Included in the boisterous gathering were several members of the Kailihi Kai Citizens Patrol—a small band of concerned residents, mostly Filipinos, who have walked their neighborhood diligently for the past two years. Their visible presence has made a marked difference in the safety and quality of life in their community. For their efforts, the yellow-clad patrol members were recognized with a certificate of appreciation and a special koa bowl.

According to U.S. Attorney Ed Kubo, citizen patrols and neighborhood watch groups have helped to reduce Oahu's overall crime rate. He also credited pro-



Members of the Kailihi Kai Citizens Patrol and Officer Fabian Mata pose with their certificate of appreciation and special koa bowl.

grams like Weed and Seed for a drop in crime by 80 percent in some areas of Honolulu.

"We went from 2001, from being the ice using capitol of the states, to last year where Honolulu is the safest city in the nation," U.S. Attorney Ed Kubo said.

**COMMUNITY INVOLVEMENT**

National Night Out is designed to bring neighbors together, heighten awareness about crime and drug activity and strengthen neighborhood and police relations.

With several police cruisers and even a copter on-hand, the event was an opportunity for residents to meet law enforcement officers in a friendly, relaxed setting. The evening also featured free bentos, soft drinks and live entertainment.

Overall, National Night Out is an effective, inexpensive and enjoyable program to promote neighborhood spirit and police-community partnerships. Most importantly, the event sends a message to the criminal element that neighborhoods are organized and fighting back. ■

### HAWAII LOVES BARBIE MUSEUM

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## TRAVEL

# Baler: 400 Years of Chivalry, Friendship and Patriotism

**M**ANILA, Philippines - Its significant role in certain fragments of Philippine history, and its natural beauty, make Baler's remote location worth the six-hour drive from Manila. The seaside town affords views that even seasoned surfers and beachcombers would gasp at. Its beaches are a surfer's paradise, stretching far north as the eye can see, where gigantic waves can go as high as 10 feet. But alongside its physical features, the idyllic town teems with history.

If the Baler movie, toppled by Anne Curtis and Jericho Rosales, enthralled the young and old with its forbidden love story set during the time of war, coming events this August in the capital of Aurora will surely fascinate visitors and Balereños. Not only will Baler take a step back in time but also remember an inevitable friendship between two once-sparring countries ignited during the historical Baler siege.

A few important facts about Baler place it firmly on the Philippines' historical map. One of these is that small town is Commonwealth President Manuel Luis Quezon's birthplace. Yet, what not many people are aware of (although a stirring movie based on the episode was widely viewed by



The historic Baler Church

cinema buffs), is that 53 Spanish soldiers holed up in Baler's parish church for almost a year.

Totally unaware that the Spanish colonial government in the Philippines had been defeated, these self-garrisoned Spanish soldiers had barricaded themselves in Baler Church. Only when Aginaldo's Katipuneros greeted them in friendship when they finally stepped out of their refuge—37 emaciated Spanish survivors—did they discover that events had passed them by. The

Americans had become the Philippines' new colonial masters.

"As a proud son of Baler, I take pride in a hometown fabled for its wealth of associations including the lore and the legend that have given it a unique character and flavor," Senator Edgardo Angara says. "And it is with great pride and honor that I, together with my fellow Balereños, commemorate the 400th anniversary of the Baler siege which paved the way to a strong alliance between the Philippines and Spain." Add to

that, it will be President Quezon's 131st birthday on Aug. 19.

In cooperation with the National Commission for Culture and the Arts, the Office of Senator Edgardo Angara and the provincial and local governments of Aurora will bring Balereños, diplomats and guests to a week-long cultural spectacle that is Baler 400 — celebrating epic episodes of chivalry, friendship and patriotism.

The Komisyon sa Wikang Filipino under the Office of the President will hold a two-day "Pambansang Komprensya sa Wika" in Baler with the theme "Wikang Filipino: Mula Baler hanggang buong Pilipinas" on Aug. 17 and 18. In cooperation with the Aurora State College of Technology led by Dr. Eusebio Angara and Pangrehingulo Sentro sa Wikang Filipino Director Lolita Dela Cruz, the seminar's participants will be PSMF directors nationwide, and Filipino teachers and supervisors and the Department of Education from Regions III and IV.

This first and largest national language conference will discuss ways on how to enrich, develop and preserve the Filipino language including multilinguismo (multilingualism), wika at komunikasyon (language and communication), pantikang pambata (children's lit-

erature), wika at kultura (language and culture) and several other facets of language.

On the 18th, the Cultural Center of the Philippines will feature the Philippines' leading musical artists in a 90-minute gala concert of original Filipino music from the Spanish colonial period to the present. Particularly evident in many Filipino compositions such as the kundiman or love song and orchestral music for zarzuelas is the western influence brought in by the Spaniards. Featured artists include Rachele Gerodias, Rachele Ann Go, Bo Cerrudo, Ervin Lumauag, the University of the Philippines Singing Ambassadors and the Ramon Obusan Folkloric Group together with the Philippine Philharmonic Orchestra.

A Commemorative Program for Baler 400 to be led by the National Historical Institute on Aug. 19 will install a Bayan ng Baler marker at the town plaza enunciating significant changes the town has undergone since its earliest historical events. Diplomats from Cuba, Chile, Mexico and Spain will visit Baler to witness the event.

Guests will then proceed to Museo de Baler to view a photo exhibit of flora and fauna endemic to Baler put up by the National Museum. Already, the National Museum has started its exploration activities to find specimens of these botanical and zoological species endemic to the province, or to the Philippines, that are found in Baler. ([www.philstar.com](http://www.philstar.com)) ■

## HAWAII-FILIPINO NEWS

### Consulate Registers Filipinos For 2010 Philippine Election

**AN OVERSEAS ABSENTEE VOTING (OAV)** Registration Team from the Philippine Consulate General in Honolulu paid a recent visit to Kailua-Kona on the Big Island in an effort to reach eligible Filipinos who wished to cast ballots in the Philippines' 2010 presidential election.

The OAV team registered several dozen voters during a three day period from August 7-9, 2009. Among those they assisted were a couple who brought their children, aged 18 and 20. The mother did

not want to miss the August 31, 2009 registration deadline, along with the opportunity to take part in the May 2010 elections which she believes will be a turning point in the Philippines' history. To do so, she would have had to board a flight to Honolulu. But thanks to the Consulate's Mobile OAV Outreach Team, overseas Filipinos like herself can now vote in the Philippine national elections.

The Consulate, in cooperation with the Kona Visayan Club and its President, Jane Clement,



and key leaders of the Filipino Community in Kona, held the registration drive at Kealakehe Intermediate. The drive was also made possible with the Kona Visayan Club and the Congress of Visayan Organizations, which has included

community service as part of its year-long celebrations commemorating the Centennial of Visayan migration to the Hawaiian Islands.

Kailua-Kona has an estimated 3,000 Filipino residents. Most of the Big Island's 13,551 Filipinos live in Hilo.

#### REGISTERING ELIGIBLE FILIPINOS

This year has proven to be a busy one for the Consulate. Since the start of the registration drive on February 1, 2009, the Consulate has issued press releases to local Filipino media as well as the mainstream media, appealing to Filipinos to register and vote in the 2010 Philippine elections.

Consulate officials have also held several field registrations statewide. In addition to Kailua-Kona, voter registration drives were held on Maui in March, in American Samoa in April and in

Hilo in May. A final voter drive is scheduled for Kauai during the last weekend in August.

According to Consul Paul Raymond P. Cortes, the Consulate has so far registered about 1,200 overseas Filipino voters, including those who voted in the 2004 and 2007 elections. Officials hope more will register by August 31st.

"We hope to entice about 100-200 voters more, mostly during the field registration in Kauai at the end of this month," he says.

Cortes says Filipinos have much to gain by registering for the 2010 election in the Philippines.

"Overseas Filipinos, having lived in other countries and with their active participation in the electoral process, can share their perspectives of governance," he says. "They can share their experiences, particularly as these relate to the strengthening of democratic institutions and processes." ■

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# IMMIGRATION GUIDE

## Lawyer Blames Partner as Ineffective but FilAm Ordered Deported Anyway



by Atty. Emmanuel Samonte TIPON

Here they go again. A FilAm wanted to legalize his stay. He hired a white LA law firm. A member of the firm failed to file a motion to reopen on time resulting in its denial. A partner took over accusing the member of ineffective assistance of counsel (IAC). I have read more than 1,000 cases alleging ineffective assistance of counsel in connection with a book I am writing. But this is the first time I have read of a lawyer accusing a member of his own firm of ineffectiveness. As the Jews put it: "what chutzpah."

"Chutzpah" is the quality of audacity, for good or for bad. The word derives from the Hebrew word חָצֵפָה (חָצַף), meaning "insolence," "audacity," and "impertinence." See also nerve, gall, temerity. <http://www.merriam-webster.com/dictionary/chutzpah>. The ultimate chutzpah: "A boy, having just been convicted of murdering his parents, begs the judge for leniency because he is an orphan." <http://en.wikipedia.org/wiki/Chutzpah>.

The Court of Appeals First Circuit rejected the second lawyer's contentions, commenting: "to put it mildly, the law firm Korenberg & Abramowitz had divided and conflicting interests." It referred the attorneys to the Call-

foria bar disciplinary authorities. (Are you wondering if this is the same firm some of whose senior partners were convicted for visa fraud, see the DHS website at: <http://www.ice.gov/pil/news/news-releases/articles/070301la.htm>. <http://www.mabuhayradio.com/content/view/2755/51/>.)

### FACTS

Ariel entered the U.S. on October 5, 2001 for a period not to exceed April 4, 2002. He did not depart. On July 29, 2005, DHS commenced removal proceedings. Ariel appeared with counsel before an Immigration Judge (IJ), conceded removability, and said that he would seek asylum or voluntary departure. Later, Ariel withdrew his asylum request and sought voluntary departure. On January 9, 2006, the IJ granted Ariel voluntary departure up to March 10, 2006.

Meanwhile, on December 29, 2005, Ariel married a U.S. citizen. On January 25, 2006, his wife filed an I-130 immediate relative petition. On February 2, a lawyer of the KA law firm filed an appearance for Ariel. On March 2, 2006, Ariel faxed to KA materials to prepare an application for a motion to reopen seeking adjustment of status (AOS) based on the I-130 petition. On March 17, 2006, 7 days past the voluntary departure deadline, the motion to reopen was filed. On March 29, 2006, the IJ denied the motion saying that Ariel failed to depart by the March 10 deadline and was therefore ineligible for AOS.

8 USC § 1229c(d)(1).

On May 9, 2006, new counsel from the same KA firm filed a second motion to reopen, alleging that KA had provided deficient performance because the first motion to reopen should have been filed before the March 10, 2006 deadline. The IJ denied the second motion to reopen, stating that Ariel had filed the motion to reopen after the voluntary departure deadline, that he failed to comply with the Lozada requirements, and that he was not diligent in pursuing his first motion to reopen.

### DECISION

Under In re Lozada, 19 I & N Dec. 637, an alien seeking to reopen removal proceedings based on a claim of IAC must include with the motion (1) an affidavit explaining the petitioner's agreement with counsel regarding legal representation, (2) evidence that counsel has been informed of the allegations of ineffective assistance and has had an opportunity to respond, and (3) if it is asserted that counsel's handling of the case involved a violation of ethical or legal responsibilities, a complaint against the attorney filed with disciplinary authorities, or an explanation for why such a complaint has not been filed. *Dawoud v. Holder*, 561 F.3d 31.

Ariel appealed to the BIA which dismissed the appeal, saying that it was "not persuaded that respondent's [Ariel] prior counsel acted ineffectively." The Court of Appeals denied the petition for review, saying that Ariel "was to blame for the failure to make a more timely filing." It noted that Ariel sent the AOS Form I-485 to his first counsel on March 2, 2006, just eight days before the voluntary departure deadline and that "counsel could only act as quickly as permitted by the respondent's piecemeal manner of supplying him the requisite evidentiary documents."

The court also said that the Lozada requirements were not complied with. The court agreed with the BIA's skepticism whether Ariel "registered a meaningful complaint about his former counsel." Furthermore, the KA firm served itself with the bar complaint, with the counsel who filed the second motion to reopen accepting service as the firm's representative. Punzalan v. Holder, No. 08-2277 (1st Cir. 08/05/2009).

**COMMENT:** It is a pity to see so many of our kababayans having serious immigration problems because of their overconfidence in white lawyers and clinging to them even after their ineffective performance. In this case, the mistake was clearly avoidable. Is relief still possible? Yes if the kababayans hire within 30 days from the decision an excellent lawyer who is clean.

(ATTY. TIPON is from Lagoon City, Philippines. He holds a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from U.P. He is admitted to practice law before the U.S. Supreme Court, other U.S. Courts, and Philippine courts. He handles cases throughout the U.S. and the Philippines. He specializes in immigration law and criminal defense. Office: 905 Unit St., Suite 201, Honolulu, HI 96819. Tel. (808) 847-1601. E-mail: [filamlaw@yahoo.com](mailto:filamlaw@yahoo.com). Website: [www.ImmigrationServicesUSA.com](http://www.ImmigrationServicesUSA.com). Listen to his very interesting, useful, and humorous program "Immigration X Files" on KNDI Hawaii radio 1270 AM on the dial every Friday 7:30-8:00 am. This article is for general information only. It is not legal advice. It may not be cited as an authority.)

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# The Health Care Debate – A Must-Do Proposition (Part 1)



by Senator Will ESPERO

**F**ourteen thousand Americans lose their insurance coverage every day and the next could be you. Americans spend \$5000-\$8000 more on health care each year than do citizens in countries that have a national health service. Fifteen per cent of Americans, 46 million, have no coverage at all. Tens of thousands of persons have had their coverage canceled -- many denials resulting in death -- because insurance companies search medical records to find reasons to cancel policies when patients actually need treatment. Under the current system, choice is curbed and care is restricted: treatment must be by a "participating provider," a "covered benefit," "medically necessary" as determined by the utilization review department, and under a "cap."

The model adopted by Congress will be an American plan, ensuring freedom of choice. It will be easier to buy and pay for insurance and get the care you need. Under the plans in Con-

gress, insurance companies will no longer be able to cancel your insurance in case of a crisis at a time when you are most vulnerable and most frightened. Insurance companies will no longer be able to deny eligibility for pre-existing conditions or place an arbitrary cap on the care you need in a given year or over a lifetime. Finally routine, preventive care will be provided because it's the most affordable way to keep people healthy. It will not be a government takeover. Individual choice will be retained. If you like your plan, you can keep it; if you like your doctor, you can keep him or her. Government will not meddle in your health care but neither will the insurance company bureaucrats who profit by denying you care and canceling your policy when you need it after you have paid thousands when you didn't need it.

Under the proposed reform, the government will oversee and provide the financing and people will continue to retain the freedom to receive care from the providers. This is the same approach Congress has taken with our other single payer systems: Medicare, Medicaid, and the military retirees / dependents/veterans system. The draft proposals in Congressional are the result of the collaborations undertaken by leaders in the field --

insurance companies, pharmaceutical companies, hospitals, medical device manufacturers, and other providers -- to provide \$2 trillion in savings over the next 10 years. The final language is being worked on.

Grandma is safe. Don't let anyone tell you otherwise. No one is pulling the plug on anyone's grandparents, or the disabled, either. It is hard to believe that people would allow themselves to be scared by such misrepresentation when Social Security since 1935 has made sure our elders have an income for basic living needs, and Medicare and Medicaid has since 1965 made sure our elders and disabled have medical care, including care homes. There are simply no "death panels" in the health care proposals being considered in Congress.

### LEARNING FROM OUR OWN EXPERIENCE AND OUR NEIGHBORS ABROAD

Medicare, a single payer system for our elderly, has been ensuring access to health care since 1965. The program is largely successful, despite its problems. Medicare's administrative costs are less than half those of private care. Thanks to Medicare and Medicaid, seniors, disabled per-

sons, and the poor have access to the medical care they need.

The national health systems of our western neighbors -- Britain, Canada, France, Germany, and western Europe, have also been largely successful. Citizens in those countries have the assurance that they will get the treatment, medicines, and supplemental care they need. That is the reason those programs retain huge levels of public support and produce better health care outcomes at much lower cost than ours. The public support for nationalized health care in European countries has been so strong that no Western nation that has it has ever switched to a private model (the U.S. model) with the disastrous exception of Israel.

### THE PUBLIC OPTION

Opponents argue that the public option will drive private insurers out of business. This is simply not true. Parents still choose to send their children to the many, flourishing private schools and universities rather than sending them to public school or universities. FedEx and UPS still operate even though the US Postal Service delivers packages for much less. People still pay to be members of private recreation facilities even though they can use public parks.

The government does many things well such as infrastructure (interstate highways; seaports; air-

ports; electricity in rural areas where private utility companies won't go); scientific research; military operations; postal service; education and libraries; and provision of services such as sanitation, water supply, rescues and emergency response, and the like. Government provides services that are too critical to be put at risk by turns in the business cycle or that serve the needs of the population as a whole. We're not alone. Nearly every country relies on its government to provide similar basic services. The "free market" should not take over public functions as reform opponents claim; it leaves people at risk.

People not only accept government provided services without saying their rights have been taken away, or that the services will be rationed, or rendered at a lesser quality than the market will provide it -- they expect those services. It's a wonder that with all the comforts we take for granted in our daily lives because of government-provided services that people still feel apprehensive about health care reform.

As President Obama told a town hall meeting in Montana, you can't say "I hate government programs but keep your hands off my Medicare." Medicare is a government program. So is Social Security. I doubt that there are any seniors who want their social security check to stop coming in the mail. ■

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# PHILIPPINE NEWS

## Palace: GMA Overspent Travel Budget by P1 Billion

by Marvin SY /  
Wednesday, August 19, 2009

**MANILA, Philippines - MALACAÑANG ADMITTED YESTERDAY** that the Office of the President had exceeded its budget allocation for travel expenses by over P1 billion from 2001 to 2009 but insisted that there was nothing wrong with it.

Deputy Executive Secretary for administration and finance Susana Vargas presented figures showing the overspending at a press briefing in Malacañang yesterday.

Vargas disclosed that P1.4 billion had been allocated for local and foreign trips of the Office of the President (OP) from 2001 to 2009 but the actual amount spent was close to P2.5 billion.

Vargas noted that on a yearly basis, the OP received P130 million for travel expenses until 2007, when the figure was raised to P170 million and then to P244.6 million each for 2008 and this year.

Malacañang's disclosure came on the heels of an announcement by Bukidnon Rep. Teofisto Guingona III that the OP exceeded its travel budget by P1.3 billion from 2002 to 2008. Guingona said his figures were provided

by the Commission on Audit (COA).

But Vargas explained that there was nothing irregular about the OP's travel expenses and that it was allowed to draw from "savings" on other items in the miscellaneous and other operating expenditures provision in the OP's budget.

She said that most of the additional funds needed for the travels were taken from the maintenance and other operating expenses (MOOE) while only P67 million was taken from the contingency funds.

The difference was drawn from our regular MOOE. It's allowed. It's still within the allotment cast," Vargas said.

Deputy presidential spokesman Gary Olivar also defended the Palace's travel expenses.

"It is the ability provided within the GAA (General Appropriations Act) to cover expenditures on any given item in excess of the budget allocation by savings from other budget items and it should be within the appropriately authorized class," Olivar said.

"For example, under the local or foreign travel which is an item



under MOOE, the savings have to come from class of MOOE," he explained.

Olivar also defended the use of the contingency fund for President Arroyo's travel expenses, saying it is legal.

"When the congressman said that the entire contingency fund was exhausted because of the travels, he is wrong. The contingency fund can be used for other MOOE in excess of allocation as provided by the law. So he mis-speaks," Olivar said, referring to Guingona.

The controversy over the President's travel expenditures came immediately after reports on her supposed lavish dinners in US restaurants with her entourage and friends. The controversy overshadowed reports on her meeting with US President Barack Obama.

Vargas noted that Mrs. Arroyo's trip to the US cost the taxpayers a total of P19.19 million.

But Olivar emphasized that the overall benefits of the trips should also be taken into account.

"This is a mishmash of numbers. If we look at all the numbers together, we are looking at over \$6 billion, a very rough estimate.

That's about 312,000 dinners at Le Cirque, assuming that the number is correct, which by the way, the restaurant management has denied," Olivar said.

Le Cirque was the posh restaurant in New York where Mrs. Arroyo and her entourage had dinner.

According to the New York Post, the presidential entourage was billed \$20,000 for the dinner.

An article in the Filipino Reporter quoting the contact manager of Le Cirque denied the \$20,000 bill reported by the New York Post.

At yesterday's briefing, Vargas also clarified that the OP did not spend a single centavo for the expenses of the members of Congress who accompanied the President to the US.

### PROBE, NOT EXCUSES

Guingona, meanwhile, challenged Speaker Prospero Nograles yesterday to lead an inquiry on allegations of overspending in Mrs. Arroyo's foreign travels instead of making excuses for the controversy, which has sparked public uproar.

"I had expected that, as the leader of the House, Speaker Nograles would be the first in ensuring the proper use of the budget, especially so because the power over the purse is exclusively entrusted to Congress," Guingona said.

"Instead, he is providing excuses for the abuse of budget," he told reporters at a press briefing.

Guingona earlier said a Commission on Audit briefing last Aug. 12 revealed that in 2008, the Office of the President spent P920 million from the contingency fund when the budget only allowed for P800 million.

"From previous hearings I already knew that the travel expenses of the Office of the President in excess of the budget was, in fact charged to the contingency fund," Guingona said.

(www.philstar.com) ■

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# PHILIPPINE NEWS

## Congressmen Want to Charge Taxpayers for US Trip

by Jess DIAZ /  
Tuesday, August 18, 2009

**MANILA, Philippines - SOME OF THE MORE THAN 28 CONGRESSMEN** who accompanied President Arroyo on her recent working visit to the United States are willing after all to repay Malacañang for their trip — but using taxpayers' money.

Manila Rep. Bienvenido Abante Jr., one of those who joined the presidential entourage, said yesterday he would reimburse the Palace if he was asked to, but added he would use the travel funds he is getting from the House of Representatives for such reimbursement.

"You see, congressmen get about P1 million a year in travel funds from the House," he told radio station dzmm.

He said he is not ashamed to

use taxpayers' money for his first trip with Mrs. Arroyo "because it really was worth it."

"I worked during the visit. I attended counterpart US congressional conferences and meetings with members of Filipino-American communities. I can defend my decision to use my travel funds," he said.

Abante, who is an evangelical bishop, said he was just being truthful about the fact that he did not pay a single centavo for his US trip and that he would use taxpayers' money in reimbursing Malacañang if asked to.

Speaker Prospero Nograles, who led the large House delegation that accompanied the President, has reportedly asked his colleagues to pay for their trip.

The delegation included five newly proclaimed party-list repre-



Congressman Benny Abante

sentatives, one of whom left with the presidential party on his first working day.

Before leaving for the US, Nograles and his colleagues announced that they would be using personal funds.

Last Thursday, Abante told the Serye Cafe news forum in Quezon City that "I don't know who paid for the plane fare, hotel

accommodation and other expenses. I did not ask."

He said since it was Malacañang that invited him to join the President, he assumed that it was the Palace that shouldered his and his colleagues' expenses.

Asked whether his colleagues paid for their expenses, Abante said, "If I did not pay, I supposed that they, too, did not pay."

He revealed that they were billeted at the expensive Waldorf Astoria Hotel in New York City, where former First Lady Imelda Marcos used to stay, and at the Willard Inter-Continental Hotel in Washington.

According to newspaper reports, Mrs. Arroyo's party occupied at least 60 rooms at Waldorf and Willard. An ordinary room at Waldorf reportedly costs \$950 a night. Mrs. Arroyo was said to have occu-

pled a \$3,500-a-night suite.

At the Serye forum, Abante urged Mrs. Arroyo to account for all the expenses incurred in her US trip and not hide behind her spokesmen and election lawyer.

"After all, she's the one accountable for this," he said.

The President's US visit was overshadowed by the death of former President Corazon Aquino and has become controversial due to at least two expensive dinners Mrs. Arroyo and her entourage enjoyed in New York and Washington.

Her spokesman claimed it was Leyte Rep. Martin Romualdez who paid \$20,000 for a dinner at the French restaurant Le Cirque in New York City, while Quezon Rep. Danilo Suarez professed he paid \$15,000 for steaks and lobsters at a Washington steakhouse.

(www.philstar.com) ■

## Concepcion Urges Return to Regulated Oil Industry

by Donnabelle GATDULA /  
Tuesday, August 18, 2009

**MANILA, Philippines - A LEADING CONSUMER ADVOCACY GROUP** yesterday proposed a return to a regulated oil industry to keep domestic oil prices in check.

In a press conference, the Consumer and Oil Price Watch (COPW), led by its chairman, Industrialist Raul T. Concepcion, noted that Republic Act 8479 or the downstream Oil Industry Deregulation Act of 1998 is no longer working effectively. Under the law, government allows market forces to determine oil prices.

"When the industry was regulated in the early 1990, the late President Corazon Aquino requested Finance Secretary Jesus Estanislao and myself as chairman of the Oil Price Watch to explain to IMF managing director Michael Camdessus that the OPWF Fund was in a deficit by more than P10 billion and since the price in the world market dropped dramatically, we committed to the IMF managing director



Raul Concepcion

that we will not lower our prices until our deficit is wiped out," Concepcion recalled.

He said Aquino requested COPW to "make a public statement why we have to honor our commitment not to lower oil prices, notwithstanding the dramatic reduction of oil prices in the world market."

Concepcion said reverting though going back to a regulated regime, will not mean government will be engaging in oil importation.

"As we propose a return to a regulated oil market, we will ensure that the government will no longer import crude or finished products which should be left to the oil industry players," he said.

"We will request that the oil companies make the necessary investment which will be the basis for the regulators to determine whether they can increase or decrease their prices under a performance-based system," Concepcion pointed out.

He said his proposal to revert back to a regulated oil industry was based on several considerations.

One, he said, is that "the DOE has consistently pronounced that since the industry is deregulated, they are free to increase their prices even if Shell and Petron, as refiners can use MOPS (Mean of Platts Singapore) pricing and not Dubai, as it is free market forces and competition will determine pricing.

MOPS is the benchmark used by oil importers while Dubai crude is the price gauge used by refiners. Recently, since oil refiners are also importing finished products, they are using MOPS in pricing

their products.

Concepcion has been critical of this scheme, saying that these oil companies should be using Dubai in pricing their products.

Under the deregulation law, Concepcion noted that the DOE-DOJ Task Force is required to establish on a weekly basis the value of the crude oil imported by the refiners based on Dubai and for the new players based on MOPS pricing.

"If the refiners bought crude oil in February for delivery in March at \$33.98 per barrel, the

price reduction would have been P8 for the month of March and if they bought crude in March for delivery in April at \$37.51 per barrel, the price reduction would also have been P8 for the month of April," he said.

He also pointed out that "the oil refiners refuse to pay forwards and incurred underrecoveries amounting to P6 billion because government persuaded them to limit their increases to 50 centavos per week to soften the impact on consumers and the riding public."

(www.philstar.com) ■

## Remittances Hit \$8.5 Billion in First 6 Months

by Iris GONZALES /  
Tuesday, August 18, 2009

**MANILA, Philippines - MILLIONS OF FILIPINOS WORKING OVERSEAS** sent home a record high \$1.5 billion in June, up 3.3 percent from last year, allaying fears that remittances will dry up amid the global slowdown.

The June data brought total remittances for the first half of the year to \$8.5 billion, up 2.9 percent from a year ago, the Bangko Sentral ng Pilipinas (BSP) reported yesterday.

The June figure raises hopes remittances for the full year could top the previous record of \$16.4 billion set in 2008.

"The continued growth of remittance flows since January this year accompanied by emerging signs of improving global economic conditions have affirmed the positive outlook for steady remittances for 2009," BSP Governor Amanda M. Tetangco Jr. said yesterday.

He said that sustained foreign demand for highly-skilled and professional Filipino workers combined with wider access of overseas Filipinos and their beneficiaries to a broad array of fi-

nanial products and services offered by banks and other financial institutions have been the driving factors behind the sustained growth in remittances.

The BSP also said that the continued expansion of bank and non-bank service providers' of their international and domestic market coverage also helped sustain the inflow of remittances.

The enhancement of the introduction of new products and services have contributed significantly in addressing the remittance needs of overseas Filipinos and their beneficiaries, the BSP said.

For the period January to June 2009, the major sources of remittances were the United States, Canada, Saudi Arabia, United Kingdom, Japan, Singapore, United Arab Emirates, Italy, and Germany.

The World Bank had earlier projected a four percent drop in remittances this year but Tetangco said that signs of a global economic recovery "affirmed the positive outlook for steady remittances for 2009."

(www.philstar.com) ■

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IFS-A107534 Ed. 12/2006

# Government to Finish off Sayyaf in Basilan by Yearend

By Roel PARENO /  
Wednesday, August 19, 2009

ZAMBOANGA CITY, Philippines — DEFENSE SECRETARY GILBERT TEODORO ordered yesterday the military to finish off the Abu Sayyaf before yearend.

Speaking to reporters in Zamboanga City, Teodoro said the offensive against the killers of the 23 soldiers in Basilan last week will continue through Ramadan, the Islamic holy month of fasting, which starts any time this week.

"These are terrorists (Abu Sayyaf and armed supporters) who don't recognize Ramadan," he said.

"As soon as possible is our time table," he said.

"It should be done before yearend. It should be done because if election period comes again we have another problem. I think it's logical it should be done before yearend."

Teodoro said the military offensive against the Abu Sayyaf in Basilan has been dragging on because of changes in government policies.

"At this time I can say we have sufficient stocks of ammunition for any eventuality in Basilan," he said. "More than ever we are driven to finish the problem once and for all."

Lt. Gen. Benjamin Dolofino, Armed Forces Western Mindanao Command chief, told THE STAR yesterday more troops will be sent to Basilan to hunt down the Abu Sayyaf.

"We shall be pulling out troops from areas where there is an existing SOMO (suspension of military operations) and bring them to Basilan," he said.

Troops in central and northern Mindanao, where military operations have been suspended, will reportedly be deployed in Basilan.

Dolorfino said the Abu Sayyaf's actual strength in Basilan before last week's clashes was 80 men.

"It used to be 80 and since 40 of them were killed last week, the Abu Sayyaf now is only 40," he said.

"Right now, the military can very well keep the momentum against the Abu Sayyaf with what we have. But it would be better if we get additional troops."

However, Dolofino said the Abu Sayyaf's support group in Basilan remains large.

"The thing is, during encounters with the real Abu Sayyaf, they would only be very few," he said.

"But later they would increase to large numbers because of the community armed groups operating in the area."

## GOV'T-MILF PEACE TALKS TO CONTINUE

Peace talks with the Moro Islamic Liberation Front (MILF) will continue despite its having ambushed government soldiers last week, Malacañang said yesterday.

Speaking over state-run radio, Avelino Razon, presidential

adviser on the peace process, said the government believed the MILF leadership remained "sincere" despite their involvement in the clashes.

"Our view is that we need to give the peace talks a chance so we can end 40 years of conflict," he said.

Razon said the military has been asked to thoroughly investigate the ambush of troops in Basilan last week.

"What happened in Basilan was an isolated incident," he said.

"We still believe that the MILF leadership remains sincere and is still pushing forward with the formal talks."

In admitting the ambush, the MILF said their fighters were provoked by government fire.

## 'PEOPLE MUST BE CONSULTED'

Mayors from all over the Autonomous Region in Muslim Mindanao (ARMM) warned yesterday that their constituents must reject any peace agreement with the MILF signed without their consent.

On the other hand, ARMM Solicitor-General Cynthia Guani-Sayad said "resuscitating" the agreement on ancestral domain, which the Supreme Court had declared unconstitutional, could spark an "upheaval" among people in Mindanao.

"It's the respect for the laws of the land, respect for the High Tribunal that we're trying to uphold here," she said.

"Any food made up of rotten



DND Secretary Gilbert Teodoro

ingredients is toxic and, therefore, cannot be eaten."

Gov. Datu Zaldy Ampatuan said town and city mayors within the ARMM must be represented in the peace talks.

"We can assure President Arroyo and the GRP peace panel that we in the autonomous region support the peace process very religiously and that it's only on the need for extensive consultation with local sectors on the GRP-MILF talks that we are noisy about," he said.

Speaking at a dialogue with ARMM mayors at the Maguindanao provincial capitol of Sharif Aguak, chief government negotiator Rafael Seguis assured ARMM residents that they would be consulted on all issues and concerns before any peace agreement is signed with the MILF.

"There will be no surprises," he said. "We shall be transparent as much as possible."

Antonio Mariano, a retired Air Force officer, said sectors in the ARMM are also worried about the implications of Seguis's and MILF chief negotiator Muhaqer

Iqbal's acknowledgment of the agreement on ancestral domain as an "initiated, but still unsigned document" in the joint statement they signed in Kuala Lumpur, Malaysia late July.

On the other hand, Hadji Udtog Kawit, a public school teacher of 40 years, said the government and MILF peace panels should focus on the plight of people displaced by recent hostilities.

"Human security is important in peace building," he said.

"There can be no peace without social welfare, without education for our children, without community involvement in any peace initiative."

Peace talks between the government and the MILF started on Jan. 7, 1997, gained headway in 2003 with the help of Malaysia as "third party facilitator."

It collapsed after the aborted signing of the agreement on ancestral domain in Kuala Lumpur on Aug. 5 last year.

Meantime, the police and military are building up murder charges against the killers of 23 soldiers in Basilan last week.

Director Felizardo Serapio, Directorate for Integrated Police Operation Western Mindanao chief, said they have deployed crime scene investigators to Barangay Kurellem, Tipo-Tipo town to gather physical evidence.

"This is in furtherance of our investigation not only on the perpetrators but even supporters," he said.

"If we can file cases against supporters then we will do that. In fact some witnesses came out yesterday and our investigators were able to interview them."

(www.philstar.com) ■

# 2 Teachers Caught with P8-million Heroin at NAIA

By Edu PUNAY /  
Friday, July 31, 2009

MANILA, Philippines — TWO TEACHERS, SUSPECTED OF BEING DRUG "MULES" or couriers, were arrested at the Ninoy Aquino International Airport (NAIA) as they were on their way to China with almost a kilo of heroin, the National Bureau of Investigation (NBI) said yesterday.

During a press conference held at the NBI headquarters yesterday, NBI director Nestor Mantaring presented suspects Maryjane Vargas, 28, a kindergarten teacher at Shenzhen in Guangzhou, China; and Salvador Alberto II, 30, a teacher at Shanwei College in Guangdong province.

The two are detained at the NBI jail and face charges for transporting illegal drugs.

The press conference was also attended by Justice Secretary Agnes Devanadera; Ilocos Norte Rep. Roquito Ablan, chairman of the House committee on dangerous drugs; and Dangerous Drugs Board (DDB) chairman Vi-

cente Sotto III.

The NBI said continuous efforts against the West African Drugs Syndicates (WADS) and their Filipino cohorts led to the arrest of the two suspects, which was also made in close coordination with the Royal Malaysian Police.

In August 2008, initial operations by both agencies resulted in the arrest of nine West Africans, seven Filipinos, and one Sri Lankan, all members of WADS operating worldwide.

As of July 2008, a total of 240 Filipinos are in jail in different countries for drug trafficking offenses.

The NBI said Vargas arrived in the country from Malaysia on July 31 via Cebu Pacific Air at the NAIA Terminal 3. She checked in at a Pasay City hotel, where she met Alberto, who was set to go to China later that day.

However, at the departure area of the NAIA Terminal 1, where flights of China Southern Airlines take off, NBI agents confronted Alberto about the contents of his luggage.

He immediately pointed to

Vargas as the one who requested him to carry the luggage to China. A search of the luggage led to the discovery and seizure of 887.8 grams of heroin, which has a street value of P8 million.

Sotto, for his part, warned Fil-

ipinos not to fall prey to those who entice people to bring illegal drugs in exchange for jobs, money and free travel abroad.

Mantaring said heroin is not usually used in the Philippines because of its high price. He said

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# PHILIPPINE NEWS

## House to Tax Text Messages

by Jess DIAZ /  
Wednesday, August 19, 2009

MANILA, Philippines - **THERE IS A CONSENSUS IN THE COMMITTEE** on ways and means of the House of Representatives to tax millions of senders of text messages, Quezon Rep. Danilo Suarez said yesterday.

"It's almost sure. They will go for the tax on text instead of increasing the tax rates on cigarettes and liquor," he told The STAR.

"I think it's unfair. If we have to tax texters or tax senders, we have to tax smokers and drinkers," he said.

Suarez is the proponent of a five-centavo text tax and an increase in taxes on cigarettes and liquor, or the so-called sin products.

He is the congressman who admitted paying \$15,000 for steaks and lobsters that President Arroyo and her large entourage enjoyed in Washington DC two weeks ago.

He has boasted that it is his habit to treat the Arroyos and their companions to expensive dinners whenever he is with them abroad.

According to The STAR columnist Janius Bondoc, Suarez is rushing the Development Bank of the Philippines to grant a P1-billion loan to a company owned by his sister, his sons and other relatives.

Another member of the presidential entourage, Leyte Rep. Martin Romualdez, reportedly paid \$20,000 for caviar, escargot, expensive wine, soft shell crab, and steaks at New York City's Le

Cirque, a French restaurant.

Ilocos Sur Rep. Eric Singson and other Northern Luzon congressmen are blocking the proposed increase in sin taxes, claiming it could wipe out the tobacco industry in their region.

Instead of higher sin taxes, Singson has filed a separate bill proposing a five-centavo text tax.

Antique Rep. Exequiel Javier, ways and means committee chairman, has expressed opposition to higher sin taxes despite President Arroyo's appeal for the House to adjust sin tax rates.

Suarez said he would present a compromise to the committee: impose a text tax of three centavos, instead of five, and at the same time adjust sin taxes.

He said this would make the distribution of the tax burden

more equitable.

According to mobile phone service providers, there are now over 70 million Filipinos using cellular phones.

In her State of the Nation Address last July 27, President Arroyo advocated an increase in cigarette and liquor taxes.

"Taxes should come from alcohol and tobacco and not from books. Tax hazards to lungs and livers, do not tax minds," she said.

Taking the cue from the President, Speaker Prospero Nograles said the House of Representatives, where all tax measures must originate, would "seriously consider proposals seeking to restructure the excise taxes on sin products and the metering of telecommunications companies."

"These bills are projected to generate at least P25 billion in additional revenues," he said.

He said the additional tax money would reduce this year's projected budget deficit of at least P250 billion.

According to former Finance Undersecretary Milwida Guevarra, the President's advocacy of higher sin taxes was just "lip service."

"She has been against higher sin taxes. She even reject DOF proposals for higher rates after meeting with manufacturers at her Forbes Park (Makati) home," she told ABS-CBN News Channel in a recent interview.

She said new measures to increase rates have been pending in the House since last year and the President could have pushed for their approval by her allies had she been serious in generating additional revenues from sin products. ([www.philstar.com](http://www.philstar.com)) ■

## Alleged Filipino Coup Leader to Run for Senate

by Paolo ROMERO /  
Wednesday, August 19, 2009

MANILA, Philippines (AP) — **A DETAILED PHILIPPINE GENERAL** who allegedly plotted to overthrow two presidents and once stormed a Manila hotel to protest corruption announced Tuesday that he plans to run for the Senate but refused to say if his days of rebellion were behind him.

A court allowed army Brig. Gen. Danilo Lim to travel under heavy police escort from his detention at national police headquarters to his northern hometown of Solano to register as a voter — the first step to entering the 2010 elections.

After filing his papers, the West Point-trained Lim declared his senatorial bid before dozens of supporters.

"I'm taking the same struggle for the same causes of nationalism, good governance and battling corruption to another arena," Lim told The Associated Press by telephone.

Lim has been detained for alleged mutiny since 2006, when he and several other military officers were suspected of plotting to turn against President Gloria Macapagal Arroyo and join a high-profile protest against her alleged corruption.

The 54-year-old is facing a separate charge of rebellion from a 2007 incident in which he and other detained officers walked out of a courtroom and occupied a hotel in Manila's financial district in what they said was another protest against corruption.

The seven-hour standoff ended when government forces drove an armored vehicle into the

lobby and fired tear gas and warning shots.

Lim, a decorated officer who was wounded twice while fighting Muslim guerrillas in the 1970s, was first detained for three years after being accused of helping lead a 1989 coup against late President Corason Aquino. He rejoined the army after being freed under a government amnesty.

Asked Tuesday if his planned entry into politics signaled the end of his rebellious days, Lim sidestepped the question. He warned that many young military officers were still restive because of widespread government corruption, misrule and poverty in the country.

"If the roots of our problems



Brig. Gen. Danny Lim

are not addressed, more Danny Lim's will emerge," he said.

Four other detained officers also were planning to run for public office, Lim said.

Another military officer ac-

used of rebellion, Antonio Trilanes, was elected senator in 2007 after campaigning from detention, but has not been allowed to attend Senate sessions.

Arroyo's aides have said Lim and other idealistic officers have allowed themselves to be used by power-hungry opposition politicians.

The 120,000-strong Philippine military, one of Asia's weakest, has been wracked by rebellion since dictator Ferdinand Marcos was overthrown in 1986 by a nonviolent "people power" revolt. Nearly a dozen coup attempts have erupted since then, each undermining civilian rule. ([www.philstar.com](http://www.philstar.com)) ■

## Twisters Kill Baby, Injure 3

by Dino BALABO /  
Tuesday, August 18, 2009

MALOLOS CITY, Philippines — **THREE PERSONS WERE INJURED** in Bulacan and a seven-month-old baby died in Pampanga when two tornadoes hit the two provinces over the weekend, leaving millions in damages.

Felicitima Mungcal, the action officer of the Bulacan Provincial Disaster Management Office identified the victims as Cesar James Alcaraz, 19; and Arnold Castillo, 35; of Barangay San Juan; and Eduardo Tosal, 22; of Barangay Santol, all in Balagtas town.

All three victims suffered minor injuries and were rushed to the Bulacan Bulacan Medical Center here.

PDMO report showed a tornado ripped through Barangay Wawa and San Juan in Balagtas town, then at Barangays Tukukan, Tabo and Malis in the nearby Guiguinto town around 2:30 p.m. on Sunday.

Strong winds brought by the tornado caused power outage in the said towns, even in Malolos



Residents of Balagtas, Bulacan repair a damaged waiting shed destroyed by twisters yesterday afternoon.

City, aside from stripping iron roofing of some houses along its path.

Balagtas police reported P100,000 worth of damages in Barangay Wawa and San Juan, while in Guiguinto, damage was estimated at P1.2-million.

Witnesses said the horizon dimmed and they thought that heavy rains would follow.

Soon, they realized they were wrong as strong winds started to pummel them.

This is the first tornado inci-

dent in Bulacan since 2007 when four tornadoes ripped through the towns of Baliuag, Bustos, San Rafael and San Miguel on different occasions.

In San Luis, Pampanga, a seven-month-old baby died when strong winds brought by another tornado pushed her on the air on Saturday.

The victim was identified as Mhoana Marie Pabustan of Barangay Sto. Tomas, San Luis town.

Erinda Garcia, the victim's grandmother said the seven-month-old Pabustan was sleeping on a hammock inside their house when strong winds stripped away the house roof where the hammock was tied.

Garcia said she tried to grab the hammock but it was carried away by strong winds and lifted Mhoana as high as 30 feet before falling on a concrete dike some 10 meters away from their house.

She and some neighbors immediately rushed Mhoana to a nearby hospital but she died. ([www.philstar.com](http://www.philstar.com)) ■

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LEGAL NOTES

# Visas for Seasonal Workers Still Available



by **Reuben S. SEGURITAN**

**O**n August 6, the United States Citizenship and Immigration Services (USCIS) announced that it was reopening the filing period for H-2B petition for the 2009 fiscal year that ends on September 30, 2009.

H-2B visas are reserved for non-agricultural workers who enter the U.S. to perform temporary services for an employer on a seasonal, peak load or intermittent basis.

These workers are usually needed in industries that have shortage of U.S. workers such as resort/hospitality, landscaping, construction, health care, food services/processing, manufacturing and education. Most of these workers are recruited from the Philippines, Mexico, India, China and Korea.

While the USCIS reported last January 7 that it had already accepted and approved a sufficient number of H-2B petitions for the current fiscal year, its latest announcement clarified that it had actually received far fewer petitions than expected.

Out of the 66,000 yearly allocation, only 40,640 H-2B visas has been issued to date, according to the USCIS. This leaves ap-

proximately 25,000 H-2B visas still available for issuance in fiscal year 2009.

To qualify for the H-2B visa for the fiscal year 2009, the employer must indicate an employment start date of September 30, 2009 or earlier. If the start date is October 1, it will be counted against the cap for the 2010 fiscal year. 8,974 H-2B petitions have already been received for the first half of fiscal year 2010, of which 8,183 have been approved and 791 still pending adjudication.

To obtain an H-2B visa, a Form I-129 Petition for Nonimmigrant Worker must be submitted to the USCIS with the required documents including an approved alien employment certification issued by the U.S. Department of



Labor that is valid for the employment period indicated on the petition.

The USCIS normally adjudicates H-2B petitions within 60 days from application unless the applicant files for premium processing. Since the H-2B petitions must be received, evaluated and adjudicated on or before September 30, employers are encouraged to file their petitions as soon as possible and request for pre-

mium processing by filing Form I-907 along with the premium processing fee of \$1,000 to expedite the process and beat the deadline. The premium processing will shorten the processing time to 15 calendar days.

An H-2B petition with a start date of September 30, 2009 or earlier, but is received on or after October 1, 2009 will not be counted towards the fiscal year 2009 H-2B cap.

The H-2B worker is usually issued for a year. In extraordinary cases, two one-year extensions may be allowed.

Unlike in H-1B (specialty occupation) cases, dual intent is not allowed in H-2B, which means that the filing of an immigrant petition or permanent labor certification is not allowed for H-2B workers. ■

*REUBEN S. SEGURITAN has been practicing law for over 30 years. For further information, you may call him at (212) 695-3281 or log on to his website at www.seguritan.com*

# GLOBAL NEWS

## Filipina is New Vice-President of UN Human Rights Council Advisory Committee

**DR. PURIFICACION VALERA-QUISUMBING**, Philippine Presidential Envoy for Human Rights and Humanitarian Law, was unanimously elected as vice president of the Advisory Committee for the United Nations Human Rights Council during a

UN session in Geneva in early August.

The Human Rights Council Advisory Committee is the expert think-tank body of the Human Rights Council, of which the Philippines is a founding member. The committee, which is com-

prised of 17 independent human rights experts from around the world, conducts studies and undertakes tasks given to it by the member states of the Human Rights Council.

Dr. Quisumbing's election as vice-president of the Advisory

Committee adds to her long list of accomplishments in the field of human rights, including Chairperson of the Philippine Commission on Human Rights, former President of the UN Commission on Human Rights, and Assistant Secretary for Human Rights under the administration of the late President Corazon C. Aquino.

"It is an honor for me to accept this important position. I feel it is fitting for the Philippines to be acknowledged as an advocate for human rights in the global arena. Tita Cory was a symbol of our national quest for justice and freedom, and we must remain true to her spirit and reverence for human rights," Dr. Quisumbing said.

One of the most significant

tasks given to the Advisory Committee is the elaboration of a draft UN Declaration on Human Rights Education. The Philippines will play a leading role in this task, with Dr. Quisumbing's inclusion as a member of the drafting group which is preparing the initial text for consideration of the Human Rights Council.

The Philippines is also a member of the cross-regional Platform for Human Rights Education and Training, which is composed of delegates from Costa Rica, Italy, Morocco, Slovenia and Switzerland who support the efforts of the Advisory Committee in preparing a draft UN Declaration on Human Rights Education and Training. (DEA) ■

## Filipino Peacekeepers to be Deployed to Golan Heights

**THE PHILIPPINES WILL BE DEPLOYING PEACEKEEPING TROOPS** as part of the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights.

This deployment will be the Philippines' largest in a decade and involves 336 soldiers from various branches of the Armed Forces of the Philippines. Its troops will be

distributed over the Syrian and Israeli side of the area of separation.

The Golan Heights is a 483-square mile region in southwestern Syria that has been occupied by Israel since the Six-Day War of June 1967. In 1981, Israel annexed the area and extended Israeli law to the region. The move was met with Syrian, Arab and international condemnation.

The Philippines has been involved in UN peacekeeping missions since 1963. It is currently ranked the 30th largest troop contributing country in the world and the third largest in Southeast Asia. It has sent missions to Congo, Afghanistan, Burundi, Cambodia, Cote d'Ivoire, Georgia, Haiti, Iraq, Kosovo, Liberia, Nepal, Sudan and Timor-Leste. (DEA) ■

## Filipina in Germany Stars in 'West Side Story'

**PINOY PRIDE IN GERMANY** is alive and well as Leah Delos Santos has been chosen for the lead role of "Maria" in the German Production of the popular Broadway hit musical "West Side Story."

Delos Santos has made a name for herself among Germany's musical scene and continues to captivate German audiences with her musical virtuosity in various stage productions.

She has starred in various musicals in Germany, such as Lady Marian in Robin Hood, Belle in the Beauty and the Beast, Bella in Witches, Airun in Bonifatius, Sil-

labub in Cats, Mary Magdalene in Jesus Christ Superstar, and Cosette in Les Miserables, among others. She also performed in various concerts in Germany, Austria and New York.

Born in Manila, Delos Santos speaks three languages—Tagalog, English, and German. She debuted before German audiences as Kim in "Miss Saigon" in 1994. She is currently a contract artist of Stageholding GmbH, a German multi-media entertainment firm.

"West Side Story" in Bad Hersfeld takes place at the open air ruins of the former Hersfeld



Abbey with a 1,500 seating capacity. Tickets have been sold are sold out for its premier in June through the end of the summer season in September. (Good News Philippines) ■

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# MAINLAND NEWS

## Filipino Dancer/Choreographer Named Metro DC Dance Award Finalist

**JASON IGNACIO, A FILIPINO-AMERICAN FILIPINO DANCER** and choreographer, is a finalist for the Metro DC Dance Award for Outstanding Individual Performance. Winners will be announced at the 9th Annual Metro DC Dance Awards ceremony on September 14, 2009 at the Kennedy Center For the Performing Arts.



The Metro DC Dance Awards celebrates the excellence of Metropolitan DC, Maryland and Virginia's dance community. It showcases the diversity of DC's finest with performances ranging from tango to tap to modern dance and gives distinction to artists in 13 categories—including Outstanding Youth Performance, Emerging Choreographer, and Outstanding Overall Production in Concert Dance. The Metro DC Dance Awards is the only annual opportunity in Metropolitan DC for artists and audiences to recognize professionals and youth in the dance field.

Ignacio, who was previously awarded the 2009 DC Mayor's Arts Awards for Outstanding Emerging Artist, is preparing for the world premiere of "The Mountain," one of two works commissioned by the JFK Center for performances this year under its Performing Arts for Everyone and the Millennium Stage programs.

Officials at the Kennedy Center described "The Mountain" as a work that "focuses on Filipino culture, environmental preservation, and the need for economic moderation."

Ignacio was inspired by and incorporates two mountains in the Philippines—Mt. Pinatubo, which erupted in 1991, and Smokey Mountain, a landfill used as Metro Manila's waste disposal facility for decades. With assistance from Philippine physicist Domenico Vic-

inanza, "The Mountain" incorporates music from the seismic rumblings of active volcanoes.

"The Mountain" draws inspiration from Ignacio's dance background, having been born, raised and trained in the Philippines. Ignacio says that while "The Mountain" draws heavily on Filipino folk dance forms, it also contains "an urgent global message that speaks to many regardless of one's background and culture."

"I am hopeful that the use of Mt. Pinatubo and Smokey Mountain as central figures in my dance will help make people realize that we need to do our share to preserve the environment," Ignacio says.

"The Mountain" premieres September 10, 2009 at the JFK Center. Additional support for "The Mountain" is provided by City Dance Ensemble and the Embassy of the Philippines in Washington, DC. (DFA) ■

## Fil-Am Vets Outraged With Dismissal of Office of Veteran Affairs Chief

### FILIPINO WORLD WAR II VETERANS EXPRESSED OUTRAGE

at the sacking of retired Maj. Gen. Delfin Lorenzana as head of the Office of Veteran Affairs in Washington and the manner in which it was carried out.

"We are concerned about the timing of Lorenzana's removal because he was very helpful to us and why a man who has had no involvement in veterans' affairs was named in his place. We want answers," Franco Arcebal, vice president of the American Coalition for Filipino Veterans (ACFV), said on Monday.

Lorenzana, who played a key role in helping Filipino veterans win their demand for compensation from the U.S. government for their wartime services, read about his dismissal last week in a Manila newspaper report (Manila Standard Today, Aug. 13, 2009).

The report said President Arroyo had appointed her former top spy retired Brig. Gen. Victor Corpus to replace Lorenzana.

Philippine embassy officials, veterans groups and community leaders were shocked by Lorenzana's unceremonious ouster, coming as it did six months after Filipino veterans were granted a \$198 million U.S. compensation to be paid individually in lump sums of from \$9,000 to \$15,000.

Lorenzana said he had no inkling he would be replaced and had to call his boss, Defense Undersecretary Ernesto Carolina, to confirm the newspaper report.

The U.S. said it hopes to pay off by February 2010 all Filipino veterans but the deadline may not be met. Filipino veterans have been complaining of long waiting periods in the processing of their claims. (www.philstar.com) ■

## Richmond, VA Church Holds Filipino Fiesta

**THE OUR LADY OF LOURDES CATHOLIC CHURCH IN RICHMOND, Virginia** held the 4th Annual Filipino Festival, which drew an estimated 4,300 people.

The Festival's Filipino cuisine, folk dances and music at-

tracted attendees from Richmond and surrounding cities and counties who wanted to experience the best of the Philippines without leaving Virginia.

One of the Festival's highlights was an authentic canao, or Igorot Festival, by descendants of Filipinos from Bontoc, Ifugao,



A trio of musicians in traditional Filipino attire entertain visitors at the Filipino Festival hosted August 9, 2009 by the Our-Lady-of-Lourdes Catholic Church in Richmond, Virginia.

Mountain Province, Abra and Kalinga-Apayaog (BIMAAK). Performers are from Maryland, Northern Virginia and the Hampton Roads area.

Children's activities included traditional Filipino games such as sungka and stils. The Festival taught the approximately 40 children of non-Filipinos who participated in the various activities respect for cultural diversity, says Festival Chair Rosario Igharas.

According to Igharas, the Festival is a "unique celebration of community, volunteerism and fun for people of all ages."

"The Filipino Festival celebrates our parents' language, culture, stories, history, dances and songs," he says. "It provides a safe environment for the Filipino community to fellowship, learn and take pride in their rich cultural heritage."

A local newspaper, the Richmond Times Dispatch, described

the Filipino Festival as an "opportunity for cultural exchange that provides Filipino-American children the opportunity to take pride in their parents' culture and heritage."

Vice Consul Robert Borje, who represented Philippine Ambassador Willy C. Gaa at the Festival, congratulated organizers for their efforts in "promoting, preserving and highlighting Filipino culture."

"This is a demonstration of the strong bayanihan spirit here in Richmond, Virginia," Borje says.

Festival Chair Igharas committed to supporting the Philippines' participation in next year's Asian Festival in Reston, Virginia. The Asian Festival, a two-day event that celebrates a multitude of Asian cultures, including the Philippines, attracts attendees from all over the D.C. Metro area and beyond. (DFA) ■

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**JUNE TO AUGUST—Overseas Absentee Voting Registration for Filipino citizens** who wish to vote in the presidential elections in May 2010. Registrants may come to the Consulate in person with their Philippine passports to accomplish the application form.

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