

HAWAII-PHILIPPINE NEWS EDITION

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HAWAII FILIPINO CHRONICLE

HAWAII'S ONLY WEEKLY FILIPINO-AMERICAN NEWSPAPER

ETHNIC RESTAURANTS TARGETED IN LOCAL SCAM

By HFC Staff

The State Department of Health (DOH) has issued a warning for restaurants to be on the lookout for "fake" health inspectors, whom officials suspect may be trying illegally to obtain sensitive information about restaurant employers or employees.

DOH Sanitation Branch offices on Oahu have received a number of reports that a male caller has telephoned local restaurants claiming to be a DOH inspector investigating a complaint. The caller states that the DOH is investigating an outbreak or has received complaints regarding the establishment and would be coming at a later date or after hours to make an inspection.

Officials are advising restaurant owners and employ-

ees to ask for proper identification and to call the DOH if they have any doubts. Similar scams have occurred on the mainland in an effort to obtain sensitive information about employers and employees.

The DOH typically does not call a food establishment prior to a routine inspection or when investigating a complaint. DOH health inspectors are required to wear their DOH issued identification before entering an establishment.

Food establishments should make sure that anyone claiming to

be a health inspector has proper DOH identification. Only DOH sanitarians and food and drug inspectors enter food establishments to investigate health-related complaints or to make routine inspections.

ETHNIC RESTAURANTS TARGETED

According to Janice Okubo from the DOH's Communications Office, a number of Chinese and Korean restaurants have been

(continued on page 4)



No Need to Evacuate Pinoys in South Korea — Palace

By Aurea CALICA

MANILA, Philippines — Malacañang said measures are in place to ensure the safety of Filipinos in the Korean peninsula but there is no plan yet

to evacuate them at the moment.

"There are no plans yet of evacuation but certainly, precautionary measures have been undertaken by the Philippine embassy in Seoul," presidential spokesman Edwin Lacierda said.

He also voiced President Aquino's

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AMM Sends Medical Supplies to Philippines

By HFC Staff

The Aloha Medical Mission (AMM) has sent a 40-foot container with over \$200,000 worth of medical equipment and supplies to Bacolod City, Philippines, for distribution to hospitals and clinics in the area.

The container was shipped on November 20, 2010 and included items such as 14 hospital beds, seven dental chairs, six examination tables, five anesthesia machines and two anesthesia monitors, three ventilators, one portable x-ray machines, one podiatry x-ray machine, and a large clinic x-ray

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EDITORIAL

Once Again, The Freedom of Information Act

Protest marches were staged and calls for justice renewed the other day as the nation marked one year since 57 people were butchered in the town of Ampatuan in Maguindanao. The wheels of justice will not move quickly enough for the heirs of the victims, more than half of whom were media workers. But there's something that can be done quicker than the court trial, which could discourage the creation of more monsters like the ones who were responsible for the worst case of political violence in this country: Congress can finally pass the Freedom of Information Act.

Only public officials with something to hide will prevent the passage of a law that seeks to promote transparency and good governance. Many of these officials, unfortunately, are in the legislature, ready to go through the motions of deliberating on freedom of information proposals, and then making sure there will be a technicality or at least one dissenting voice that will prevent final approval of the measure. This moro-moro has been going on for about a decade, and it remains to be seen whether the 15th Congress will be any different as it once again takes up the Freedom of Information Bill.



Transparency, which is boosted by media access to public records, can help prevent the creation of an environment in which government officials believe political power is their birthright and they wield the power of life and death. Transparency promotes good governance, which enhances poverty alleviation and development — two things that are desperately needed by Maguindanao and the rest of the Autonomous Region in Muslim Mindanao.

More than half of the massacre suspects are still at large and most may escape punishment. The militias, used by the Ampatuans as their private army, aren't about to be dismantled; President Aquino and his security officials believe the paramilitary units are still needed as "force multipliers" especially in the conflict areas of Mindanao.

Beyond improving the enforcement of gun laws and speeding up the prosecution of those who have been arrested, particularly the accused principal players belonging to the Ampatuan clan, what else can be done to discourage the blatant abuse of power? The enactment of the Freedom of Information Act would be a big leap forward. (www.philstar.com) ■

PH or PHL?

Many Filipinos may still not know it, but the new official initials for the Republic of the Philippines are no longer RP but PH or PHL. The Department of Foreign Affairs adopted the initials currently used by the International Organization for Standardization (ISO).

It is not clear why the DFA could not come up with its own original idea about which initials the Philippines must henceforth be known by, instead of adopting the initials the ISO uses when referring to the Philippines.

Just as unclear is why there has to be two sets of initials — PHL and PH — by which the Philippines should be officially known. Virtually all other countries are known by a single set of initials.

The official initials for the United States of America are USA. The initials US are for informal use but may be used formally as part of a longer official name, as in USPS for United States Postal Service, or USAID for United States Assistance for International Development.

The UK, on the other hand, stands for the United Kingdom, the collective name for England, Scotland, Wales and Northern Ireland. That is the only time UK is used. What is referred to as Great Britain are only England, Scotland and Wales, i.e. without Northern Ireland.

Thus, it is very important that a country has to be known by only one specific set of initials. We were doing fine with RP. But if this has to be

changed, so be it. But at least let us make up our minds about how we have to be known.

The resulting ambiguity from having two sets of initials has resulted in a confusing variety of references when used in newspaper reports. Some newspapers, for reasons that are theirs alone, use the initials PH. Other newspapers, again for their own reasons, use PHL.

Let not the brevity of the initials of a country deceive us into believing them trivial enough to be subjected to whimsical use or interpretation. Their use must not depend on one's convenience. The DFA must revisit its order and decide which is which: PH or PHL? (www.philstar.com) ■

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OPINION

Help the Families

SEARCH FOR THE TRUTH by Ernesto V. MACEDA

One sad reality that has surfaced from the extensive coverage of the 1st anniversary of the Maguindanao massacre is the fact that with the exception of Gov. Tolo Mangudadatu, almost all of the families of 57 victims are suffering not only because of the grief and trauma of losing their bread earners, but literally suffering from lack of money to support their basic needs.

GMA promised P100,000 assistance per victim's family but three surviving mothers/wives told ANC's 58 program that the money never came. The only help they have received was P20,000 from Gov. Tolo Mangudadatu. Families of soldiers killed in action get as much as P250,000 each from government. Typhoon victims get P10,000 each.

The 57 victims died due to government failure to protect them, due to government officials, AFP and police officers contributing to the occurrence of the crime including the release of firearms and ammunitions to the powerful Ampatunans. That's basis enough for P-Noy to direct the payment of at least P100,000 to each of the families to help them out. The amount can come from the Pagcor's social fund or contribution of cash rich GOCCs/GfIs.

Congress should pass a law to provide compensation for victims like these.

In the case of Bulletin stringer, Bong Reblando, he has seven kids, all of them still going to school. His widow, Myrna cried openly again to express her hurt and hardship. Once a week, she has to fly to Manila to attend the trial. Kathryn Nufez, mother of UNTV Reporter Victor

Nufez expressed the same sentiments. Can Lance Gokongwei of Cebu Pacific and the 3rd richest Filipino family give them free tickets?

C/Insp. Sukarno Dickey asked for forgiveness from the victims of the Ampatuan massacre. He said he was offered P10 million to withdraw his affidavit implicating the Ampatunans as the perpetrators and masterminds of the crime. Two family members of the two victims said they were offered, one for P8 million and the other "name your price" to withdraw their charges. Editha Tiamson, husband of UNTV's David Tiamson, heard that nine victims received millions to keep silent.

It is very clear that the Ampatunans have accumulated hundreds of millions of pesos. There were reports of P400 million taken from the vaults by PNP raiders. Between Shariff Aguak, Maguindanao, Davao City and Manila, they have 12 luxury mansions.

The question is: Why is there no audit and investigation of their tax liability by the BIR? And also, by the Anti Money Laundering Council? Are they afraid to do their jobs? *

TEN FEET TALL . . . Tourism Undersecretary Vicente "Enteng" Romano, convenor of the Black and White Movement has submitted his irrevocable resignation as DOT Undersecretary. P-Noy accepted his resignation "with reluctance".

Romano accepted responsibility for the ill-fated "Pilipinas Kay Ganda" slogan launch. While he took the fall for Secretary Albert Lim, that does not erase the fact that Lim as Department Secretary approved the controversial slogan and

presided over its formal launching at the Ball of Asia and approved the budget for the event.

Secretary Lim should have had the decency to resign, too.

A tip of the hat to Enteng Romano. He did the honorable thing. I hope he set the example that DILG Usec Rico E. Puno, OPAPP Secretary Teresita Deles and Assistant Secretary Carmen Mislang did not have the delicadeza to set. The Black and White Movement played an important part in fiscalizing GMA. To keep its credibility, leaders of the movement should have decided not to accept appointments to government posts.

Sec. Ace Durano performed excellently as DOT Secretary. Just continue his programs. No need for major changes. ***

KILLING FIELDS . . . Abra has regained its tag as "killing fields" as daily shootings have gunned down Collago Barangay Chairman Freddie Balucas, Barangay Chairman Leonardo Alcartado, 32 and Irneo Martinez, 42. Earlier, Efrén Aquino, 40, a bodyguard of RTC Branch 2 Corpus Cristi, was shot dead in Barangay Sta. Rosa, Bangued.

Another Barangay Chairman, Willie Tan of San Mateo, Isabela was also gunned down. Five potential witnesses against the Ampatunans have been killed. ***

TIDBITS . . . Despite the adoption of number coding for buses, the traffic problem on Edsa persists. Why? Because from 2,400 LTRFB granted 3,000 more franchises, clearly because of tongpats. Amidst the DOT slogan controversy, Chile has an excellent ad now running on TV. Chile features its miner's rescue. Chilean wine, Chilean sea bass, green mountains, fishing among others.

The punch line, "The best in life".

Six thousand Filipinos have AIDS. Retired Archbishop Oscar Cruz and Archbishop Soc Villegas deplore the resurgence "100 percent" in Pangasinan.

Twenty thousand new daytime call center jobs have opened up to serve Australia, Asia and the Pacific. No night duty, the pay will be lower.

To set the example, FPIC who owns the leaking gasoline pipeline in Makati should be fined. Imposing a fine of P24 million is a correct move, Secretary Paje.

The royal wedding of Prince William and Kate Middleton is set for April 29, 2011. By the way, Holy Week in 2011 is April 17-23. Make your reservations early to get lower fares.

Atty. Harry Roque says there's a systems breakdown in the judicial process. Out of 195 accused, only 79 have been arrested. Only 51

have been arraigned. Witnesses are being threatened and killed.

On its 2nd day of trading, Nickel Asia closed at P16.82 after reaching a high of P17.08 for the day. San Miguel Corporation (SMC), San Miguel Brewery and Petron went against the downward trend and registered new highs. ***

QUOTATION OF THE WEEK: To government officials:

"Your life is no longer private. It is public property. Everything you say or do will come under scrutiny. If you look like twits, the government will look like one big twit. If you do something wrong, the government you represent will be seen as being in the wrong. You represent the government and embody it to the people with whom you have dealings, be they personal or professional." By the late Press Secretary Noel Cabrera. (www.philstar.com) ■

Happy 18th Anniversary to the # 1 Filipino Newspaper in Hawaii! Thank you for being the Voice of the Filipino Community!

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EDITORIAL

Restraint

Stock markets fell worldwide and global economic growth forecasts revised downward after North Korea launched an artillery attack, killing two Marines and two civilians, on a South Korean island last Tuesday. Yeonpyeong Island has only 933 households and 1,756 villagers, but it's South Korean soil. It was also the first such direct attack on the Korean peninsula since the 1953 armistice, and the first targeting civilians. The two Koreas exchanged fire for about an hour, with South Korean President Lee Myung-bak threatening "enormous retaliation" to prevent Pyongyang from launching another provocative attack.

The artillery barrage came on the heels of unconfirmed reports that the North had acquired uranium enrichment capability to build

a more powerful nuclear weapon, and several months after 46 South Korean sailors were killed in a torpedo attack on their warship that Seoul blamed on Pyongyang.

It was the North's most provocative act in half a century. The challenge to Seoul is how to prevent more attacks on its own soil, particularly on its civilian population, without letting its response lead to an escalation of the conflict into a full-blown war. The international community has responded with condemnation of the North Korean attack and calls for restraint on the part of the South. Global condemnation has rarely worked on ailing North Korean leader Kim Jong-il, who is reportedly preparing to turn over the reins of power to one of his sons. But both sides will benefit from heeding the global responses.

Pyongyang said it launched the artillery barrage in response to Seoul's "reckless military provoca-

tion" through military drills near North Korea. Seoul, meanwhile, has announced that its joint military exercises with US forces would push through as scheduled next week. The reaction of North Korea's eccentric, reclusive leader to the joint exercises is anybody's guess.

China, the most important ally of the North, responded with caution to the attack, saying it wanted to clarify the facts first. China must not hesitate to do its part in restoring calm on the peninsula. In a globalized environment, another economic slowdown as a result of renewed conflict between the two Koreas can only mean bad news for everyone including the Chinese. The Korean conflict isn't going to be settled any time soon, but escalation of the conflict can be avoided. It is in everyone's interest to see the tension on the Korean peninsula eased as quickly as possible. (www.philstar.com) ■

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HAWAII-FILIPINO NEWS

Tips For Safe Christmas Shopping Online

CYBER MONDAY—THE MONDAY AFTER THANKSGIVING—has officially replaced Black Friday—the day after Thanksgiving—as the most popular day for online shoppers to shop for the holidays.

Every year, more people head online rather than to the mall to get their holiday shopping done. According to the National Retail Federation, in 2009 about 96.5 million Americans shopped online during Cyber Monday, while 79 million Americans shopped at brick-and-mortar retailers on Black Friday.

Officials at Hawaii's Better Business Bureau (BBB) say that shopping online means avoiding the crowds but it can also expose shoppers to attacks from scammers and hackers.

"Shopping online has replaced the hassle of going to the store for many people but it has its own set

of risks," says Dwight Kealoha, CEO of Hawaii's BBB. "Taking steps to avoid fraud online will result in a much happier holiday for everyone but the scammers."

To fight these online grinchers, Hawaii's BBB offers 10 tips when holiday shopping online.

- 1. Protect your computer.** Always have the most recent updates installed for spam filters, antivirus and spyware removal software, and a secure firewall.
- 2. Shop on trustworthy websites.** Start by checking the seller's reputation and record for customer satisfaction with BBB. Always look for the BBB seal and other widely-recognized trustmarks on websites and click on the seals to confirm that they are valid.
- 3. Protect your personal information.**



4. Beware of deals that sound too good to be true. Offers on websites and in unsolicited e-mails can be tempting with extremely low prices on hard-to-get items. Always go with your instincts and don't be afraid to pass up a "deal" that might cost you dearly in the end.

5. Beware of phishing. Legitimate businesses do not send e-mails claiming problems with an order or an account only to lure consumers into revealing financial information. If you receive such an e-mail, call the contact number on the website where the purchase was made to confirm that there is a problem with the transaction.

6. Confirm your online purchase is secure. Always look in the address box for the "s" in https:// and in the lower-right corner for the lock symbol before paying.

7. Pay with a credit card. Under federal law, a shopper can dispute the charges if he or she doesn't receive the item. Consumers also have dispute rights if there are unauthorized charges on their credit card, and many card issuers have "zero liability" policies under which the cardholder pays nothing if someone steals the credit card number and uses it. Never wire money and only shop locally on sites like Craigslist.

with your instincts and don't be afraid to pass up a "deal" that might cost you dearly in the end.

8. Keep documentation of your order. After completing the online order process, there may be a final confirmation page or you might receive confirmation by e-mail. Save a copy of the Web page and any e-mails for future reference and as a record of the purchase.

9. Check your credit card statements often. Don't wait for paper statements; check your credit card statements for suspicious activity by calling the credit card companies or by checking statements online regularly.

10. Know your rights. Federal law requires that orders made by mail, phone or online be shipped by the date promised or—if no delivery time was stated—within 30 days. If the goods aren't shipped on time, consumers can cancel and demand a refund. There is no general three-day cancellation rule but consumers do have the right to reject merchandise if it's defective or was misrepresented. Otherwise, the company's policies determine if shoppers can cancel the purchase and receive a refund or credit.

- For more helpful advice on staying safe online this holiday season, visit www.bbb.org. ■

ACLU Criticizes New Passenger Screening Measures at Airport

OFFICIALS WITH THE AMERICAN CIVIL LIBERTIES UNION OF HAWAII (ACLU) met with passengers at Honolulu International Airport last week and encouraged them to voice their objections to the Transportation Security Administration's (TSA) new screening measures.

The ACLU passed out "Travelers, Know Your Rights at the Airport" flyers outside the airport's Lobby 4 on the Second Floor. The ACLU has sharply criticized the new policy as "an unacceptable choice that violates fundamental rights."

"Given the intrusive nature of these searches, we want travelers to be informed about what they may experience at the airport," says ACLU staff attorney Laurie Temple. "The ACLU is very concerned that these unlawful, invasive and ineffective TSA searches provide a false sense of security."

The ACLU is encouraging travelers to contact their elected officials and demand that Hawaii's airport officials remove the current body scanners and cancel plans to implement any more. The organization has conveyed its concerns to U.S. Sen. Daniel Inouye and plans to contact the rest of Hawaii's congressional delegation.

The national American Civil Liberties Union and state affiliates have received hundreds of complaints from travelers about the TSA's new procedures and the use of "Advanced Imaging Technology" body scanners. Scanners currently in use by TSA at the Honolulu and Lihue airports produce naked pictures of passengers' bodies as they pass through security checkpoints.

The images show highly-personal details like colostomy bags, adult diapers and mastectomy scars and have not been proven to be effective in preventing terrorist attacks. Passengers who "opt out" of the body scanners are subject to "advanced" pat-down searches that involve open-palmed patting and squeezing of the entire body, including genitals and breasts.

These manual searches have been likened to sex assaults and are particularly traumatizing for children, individuals with prostheses and other medical devices, those who believe the policies violate their religious beliefs and those who have been sexually assaulted.

With serious questions being raised about the effectiveness of the naked body scanners and invasive pat-downs, the ACLU is calling upon the federal government to consider alternate security measures that will make passengers feel more secure without compromising their privacy and dignity.

For more information on how to press for effective national security measures, please visit www.aclu.org/TSA. ■

The Great Davidio to Hold Christmas Magic Show

A SPECIAL CHRISTMAS MAGIC SHOW featuring "The Great Davidio" will be held at the Hawaii Kai Public Library on December 11, 2010 at 10:30 am.

"The Great Davidio," a.k.a. magician-dentist Dr. David Brown's magic show will include animations, transformations and comedy. The founder of the Koolau Magic Theatre and a past president of the local chapter of the Society of American Magicians, Brown has been performing magic for nearly 30 years.

A goudy bag will be presented to the first



50 children who attend the program. There will be a Christmas craft activity for families to enjoy following the magic show and light refreshments will be served.

The Friends of Hawaii Kai Public Library is sponsoring this two-hour program which is recommended for ages 3 and older. Children must be accompanied by a parent or caregiver.

Hawaii Kai Public Library is located at 249 Lunalilo Home Road. For more details, please call the library at 397-5833. ■

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SOCIAL SECURITY UPDATE

No Social Security Increase for 2011

by Jane YAMAMOTO-BURIGSAY

Officials with the Social Security Administration announced last month that more than 58 million Social Security retirees will go through another year without an increase in their monthly benefits.

The cost-of-living adjustments, or COLAs, are automatically set each year by an inflation measure that was adopted by Congress back in the 1970s. Officials said that inflation has been too low since

the last increase in 2009 to warrant a raise for 2011. Their announcement marks only the second year without an increase since automatic adjustments for inflation were adopted in 1975.

By law, the next increase in benefits won't come until consumer prices as a whole rise above what they were in the summer of 2008. Officials estimate that it should happen next year. They predict the in-

crease at the start of 2012 will be 1.2 percent.

A little more than 58.7 million retirees, disabled Americans and surviving spouses and minor children of enrollees receive Social Security or Supplemental Security Income. Social Security was the primary source of income for 64 percent of retirees who got benefits in 2008.

The average Social Security benefit is \$1,072 a month. Social Security is supported by a 6.2 per-

cent payroll tax—paid by both workers and employers—on wages up to \$106,800.

Information about Medicare changes for 2011, when available, can be found at www.Medicare.gov. The U.S. Department of Health and Human Services has not yet announced if there will be any Medicare premium changes for 2011. If there is an increase in the Medicare Part B premium, the law contains a "hold harmless" provision that protects more than 70 percent

of Social Security beneficiaries from paying a higher Part B premium, in order to avoid reducing their net Social Security benefit.

Those not protected include higher income beneficiaries subject to an income-adjusted Part B premium and beneficiaries newly entitled to Part B in 2011. In addition, almost 20 percent of beneficiaries have their Medicare Part B premiums paid by state medical assistance programs and thus will see no change in their Social Security benefit. The state will be required to pay any Medicare Part B premium increase. ■

HEALTHLINE NEWS

UK Study: More than 600,000 People Killed by 2nd-hand Smoke

by Paolo ROMERO / Friday, November 26, 2010

LONDON (AP) — SECOND-HAND SMOKE KILLS MORE THAN 600,000 people worldwide every year, according to a new study.

In the first look at the global impact of second-hand smoking, researchers analyzed data from 2004 for 192 countries. They found 40 percent of children and more than 30 percent of non-smoking men and women regularly breathe in second-hand smoke.

Scientists then estimated that passive smoking causes about 379,000 deaths from heart disease, 165,000 deaths from lower respiratory disease, 36,900 deaths from asthma and 21,400 deaths from lung cancer a year.

Altogether, those account for about 1 percent of the world's deaths. The study was paid for by the Swedish National Board of Health and Welfare and Bloomberg Philanthropies. It was published Friday in the British medical journal *Lancet*.

"This helps us understand the real toll of tobacco," said Armando Peruga, a program manager at the World Health Organization's Tobacco-Free Initiative, who led the study. He said the approximately 603,000 deaths from second-hand smoking should be added to the 5.1 million deaths that smoking itself causes every year.

Peruga said WHO was particularly concerned about the 165,000 children who die of smoke-related

respiratory infections, mostly in Southeast Asia and Africa.

"The mix of infectious diseases and second-hand smoke is a deadly combination," Peruga said. Children whose parents smoke have a higher risk of sudden infant death syndrome, ear infections, pneumonia, bronchitis and asthma. Their lungs may also grow more slowly than kids whose parents don't smoke.

Peruga and colleagues found the highest numbers of people exposed to second-hand smoke are in Europe and Asia. The lowest rates of exposure were in the Americas, the Eastern Mediterranean and Africa.

Second-hand smoke had its biggest impact on women, killing

about 281,000. In many parts of the world, women are at least 50 percent more likely to be exposed to second-hand smoke than men.

While many Western countries have introduced smoking bans in public places, experts said it would be difficult to legislate further.

"I don't think it is likely we will see strong regulations reaching into homes," said Heather Wipfli of the Institute for Global Health at the University of Southern California in Los Angeles, who was not connected to the study. She said more



public smoking bans and education might persuade people to quit smoking at home.

In the UK, the British Lung Foundation is petitioning the government to outlaw smoking in cars.

Helena Shovelton, the foundation's chief executive, said smoking parents frequently underestimate the danger their habit is doing to their children.

"It's almost as if people are in denial," she said. "They absolutely would not do something dangerous like leaving their child in the middle of the road but some, smoking in front of them is fine."

(www.phillystar.com) ■

PHILIPPINE NEWS



Philippines Gains Ground in Fight Against Piracy

THE PHILIPPINES TOOK A MAJOR STEP FORWARD IN ITS EFFORTS to fight piracy off the coast of Somalia as it was officially admitted as member of the Contact Group on Piracy off the Coast of Somalia (CGPCS) during its 7th Plenary Meeting on November 10 at the United Nations Headquarters in New York.

The Philippines' membership was announced in the presence of participants from 50 member-states, eight international organizations and five shipping industry associations.

"This is an important membership for us as the Contact Group is the primary global body that is taking direct action on multiple levels to address the serious problem of piracy off the coast of Somalia," says Ambassador Libran N.

Cabactulan, the Philippines' representative to the UN.

The CGPCS was established on 14 January 2009, pursuant to UN Security Council Resolution 1851 to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia.

"We intend to work closely with the other members of the Contact Group as we are determined to protect our Filipino seafarers from this scourge," Ambassador Cabactulan says. "We had made it abundantly clear that the Philippine government attaches great importance to the protection and welfare of seafarers inasmuch as there are a high number of Filipinos seafarers on mer-

(continued on page <None>)

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IMMIGRATION GUIDE

Filipina Charged with Marriage Fraud – Is There Relief from Deportation?



by Atty. Emmanuel Samonte TIPON

What kind of fraud does the Department of Homeland Security (DHS) hate most? Marriage fraud. It even sends officers to check on the alien at home and talk to neighbors. So, is there relief from deportation? It depends on whether you have a skilled lawyer who knows how to research precedent cases, analyze the law, and persuade the Immigration Judge (IJ) to grant relief.

We found this case while researching for our book on waivers. Renese, a Filipina, married Wilfredo, a U.S. citizen, in the Philippines. She was admitted to the U.S. as a conditional permanent resident as the wife of a U.S. citizen pursuant to INA § 216 [8 USC

§ 1186a]. Both parties must submit a joint petition to remove the condition within the 90-day period before the second anniversary of the alien's admission, stating that the marriage was not entered into for immigration purposes and supporting it with documentary evidence.

The parties must appear for an interview before an immigration officer, although in a few cases the interview may be dispensed with if the petition and supporting evidence appear sufficient to establish bona fides. All the joint petitions we filed for clients were approved without interview. A new green card will then be issued without the condition. But if the officer finds the marriage was not bona fide, he will terminate the alien's conditional permanent resident status and place the alien in removal (deportation) proceedings.

R and W were interviewed. W signed an affidavit that R's grandma promised him \$3,000 to marry R. DHS terminated R's con-

ditional resident status because the marriage was entered into for immigration benefits. DHS placed R in removal proceedings, charging her with having procured her admission by fraud. R divorced W and married Frederick, a USC with whom she had a son. F filed an immediate relative petition for R. She filed an application for hardship waiver under INA 216(c)(4). DHS filed an additional charge against R under INA 237(a)(1)(D)) as an alien who was lawfully admitted for conditional permanent resident status but whose status was terminated for fraud.

The Court of Appeals held that the alien was ineligible for the hardship waiver because it is only available to those who fail to meet the joint petition requirements to remove conditions on residence, but that R and W had filed a joint petition, although it was denied on the merits. If the joint petition was not filed or was withdrawn, R could

have applied for the hardship waiver. However, the alien was eligible for the fraud waiver under INA § 237(a)(1)(H) which applies to an alien inadmissible (for fraud, among others) at the time of admission who is the spouse, parent, or child of a USC or LPR, reasoning that R committed fraud and was the spouse and parent of a USC. Vasquez v. Holder, 602 F.3d 1003 (9th Cir. 2010)

COMMENT: In a deportation proceeding involving an attractive conditional permanent resident whose USC husband ran away before the 2-year period had expired, hence could not file a joint petition, our first line of defense was that the marriage was bona fide. Yesterday, we invoked fraud waiver as a second line of defense. The IJ continued the hearing to study this new issue.

He was charged with being deportable under INA § 241(a)(1) [now 237(a)(1)] [8 USC § 1227(a)(1)] because at the time of

his entry he was excludable (1) for having procured a visa or other documentation by fraud or by will. ■

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PHILIPPINE NEWS

'Blame Ampatuans, Not Government, for Massacre'

by Dino BALABO / Friday, November 26, 2010

MALOLOLOS CITY, Philippines – **MALACANANG BLAMED THE LOCAL GOVERNMENT OF MAGUINDANAO** for the massacre of 57 people last year, appealing to the media not to put the liability on the national government.

Presidential spokesman Edwin Lacierda said the national government has only stepped in to put things in order where the provincial government of Maguindanao led by the Ampatuans had failed to control following the massacre.

"This (massacre) is the action of the provincial government, this was not countenanced by the state, that is something to be made clear," Lacierda told a group of demonstrators here showing their support for victims of the Maguindanao massacre.

(cont. from page 6; PHILIPPINES...)

chant vessels that sail off the coast of Somalia and nearby areas. We will not rest as long as a single Filipino seafarer remains a hostage or any Filipino seafarer is endangered by pirates.

Ambassador Cabactulan says that Filipino seafarers' contributions to the global shipping industry are well-recognized. Filipino seafarers account for almost 30 percent of the global seaborne manpower.

Lacierda called on the media not to make the national government liable.

"Do not mix the separate jurisdictions, do not put the liability of a local government... these are not state-sanctioned acts of the government," he said.

Lacierda made the statement in response to the claims made by the National Union of Journalists of the Philippines (NUJP) and the Center for Media Freedom and Responsibility (CMFR) that the system of governance in the country had allowed the environment for the massacre and the culture of impunity by local officials such as the Ampatuans.

The CMFR said the failure of the government to address the murder of journalists made the culture of impunity "the biggest threat to free expression and democracy in the Philippines."

The Ampatuans, in particular

former Datu Unsay mayor Andal Ampatuan Jr., were accused of leading the massacre of 57 people on Nov. 23.

Ampatuan Jr. allegedly led more than a hundred of his men, including cousins and other relatives, in stopping a convoy carrying supporters of a political rival and journalists in Maguindanao on Nov. 23.

The 57 victims were systematically murdered and buried in shallow pits or dumped in grasslands near a remote road in the province.

Supporters, however, claimed there were 58 people who were slaughtered, although one of the supposed victims, Reynaldo Momay, a photographer of Midland Review, is still missing.

Justice Secretary Leila de Lima said she is "morally convinced" that Momay should be included among the victims.

De Lima though pointed out the

need to find the body of Momay as evidence to support the accusations that the Ampatuans massacred 58 people.

De Lima said the body could have been buried somewhere far from where the massacre occurred or could have been mislabeled and claimed by other families, considering some of the victims were beyond recognition.

Supporters and relatives also said compensation must be given to the victims for human rights violations.

Harry Roque, counsel of some of the families of the victims, said the state must compensate human rights violations, pointing out the constitutional duty of the government to protect the people. (www.philstar.com) ■

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SOCIETY PAGE



▲ Drs. Vernon Ansdel and Jozie Waite at a recent cast party of Bayanihan Clinic Without Walls (BCWW) "Love Stories"



▲ Anita Manzano and Rose Martinez at a party at Loulen's Restaurant in Kalihi



▲ Ellen and Jason Sealey enjoying a get-together party in the Windward area



▲ Drs. Michael and Leah McMann with son Ryan at a recent party in Kaneohe



▲ L to R: David Rodrigues, Councilmember Cachola and Al Lardizabal at a dinner party in Kalihi

Dr. Nicanor Joaquin with wife Imelda right after the BCWW's "Love Stories" presentation at FilCom Center ▶



▲ L to R: Melba Bantay, Amy Agbayani, Atty. Abby Shaw, Mila Medallon-Kaahanui and Raymond Longson during a party at Loulen's in Kalihi



▲ Drs. Elizabeth Abinsay and Carol Davide



▲ Noella Querubin with son during the cast party of BCWW's "Love Stories"



▲ The Yadao siblings (L-R) Jay-Anne, Kathleen May, Ian James with Agnes Siruno and Erlinda Sonido



▲ L to R: Drs. Dennis Bautista, Nestor Herana with wife Andrea and son Tovy, Mark Joven, Julie Ann Galinato, Gilbert Luceno, Cristel Miranda & Leo Gonzales



▲ Shown here are former employees of Cocina Filipina Inc. who recently held their reunion and early Thanksgiving party in Kaneohe



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PHILIPPINE NEWS

US-Korea Drill Worries Phl

by Pia **LEE BRAGO** /
Friday, November 26, 2010

MANILA, Philippines - THE PHILIPPINES IS WORRIED THAT A JOINT United States-South Korea military exercise scheduled on Sunday might heighten tensions in the region and stir anxieties among civilians, including Filipino workers in the Korean peninsula.

"The coming exercise is creating anxiety because we have so many OFWs (overseas Filipino workers). This is the uncertain factor in the equation today," Foreign Affairs Undersecretary Esteban Conejos Jr. said yesterday in Filipino in an interview with radio dzRH.

"I hope the exercise will not become another provocative act," he said. A carrier group led by the aircraft carrier USS George Washington is steaming into Korean waters to join the exercise.

Last Tuesday, North Korea shelled a tiny South Korean island, killing four people and burning 19 houses.

"We have a contingency plan that's being prepared by the DFA and the embassy. The plan is detailed and there is a crisis management committee. We have a movement plan



in the event of hostilities," Conejos said. Labor Secretary Rosalinda Baldoz, for her part, said the Overseas Workers Welfare Administration (OWWA) board has initially set aside P25 million as part of contingency measures.

"The fund is being readied for any eventuality and the OWWA board may even provide additional money if the need arises," Baldoz said.

Meanwhile, Philippine Coast Guard commandant Admiral Wilfredo Tamayo said they were ready to help evacuate 60,000 Filipinos in South Korea in the event of a full-blown war.

"If we are asked and if there is a need, we would help," Tamayo said. (www.philstar.com) ■

Fighting Erupts Between Military, Muslim Rebels in Basilan

by Paolo **ROMERO** /
Friday, November 26, 2010

COTABATO, Philippines (Xinhua) - MUSLIM REBELS IN THE SOUTHERN PHILIPPINES attacked a military position on Thursday and engaged in gun battle as peace talks resumption remained stalled.

At least 20 Moro Islamic Liberation Front (MILF) guerrillas led by a commander, Pail Bajali, stormed the detachment of state militia around 10:00 a.m. in Sukatan village of Sumisip, Basilan province, said ground military commander Col. Nicanor Doljoan.

A firefight ensued, leaving casualties on the rebel's side.

"There were no reported casualties on the government side. Our men from the Special Operation Task Force launch a pursuit operation," Doljoan said.

Earlier, the rebel's leader, Murad Ebrahim, has expressed skepticism about their chances in forging a peace agreement.

Ebrahim said the MILF has not seen any sign of the government's capability to offer a lasting solution to the Moro problem.

He said that on the contrary, the peace talks "are becoming a counter-insurgency tool."

The MILF has been fighting government troops for decades in a bid to establish a self-rule Muslim state in the south of the predominantly Catholic country. (www.philstar.com) ■

Group Slams Congressman Over Mandatory Insurance Fee

by Dennis **CARCAMO** /
Friday, November 26, 2010

MANILA, Philippines - A M-IGRANT WORKERS' RIGHTS GROUP based in Taiwan has scored Akbayan partylist congressman Walden Bello for his statement supporting the mandatory imposition of a P6,500 insurance fee on overseas Filipino workers.

Migrante-Taiwan said Bello, during an interview with reporters, claimed that it is too early to attribute the 52 percent decrease in the demand of migrant workers on the implementation of the compulsory insurance fee.

"It is too early to extrapolate from the trends. Let's give it a few months before jumping to conclusions," Bello, House committee on Overseas Workers Affairs chair-



man, was quoted as saying.

Bello, however, said lawmakers would be willing to amend the law if it really causes the low demand of OFWs.

"Obviously, if the insurance scheme ends up hurting our workers, we will have to repeal or modify it. But let's wait and give the trends a chance to emerge clearly," he said.

Reports showed that there has been a substantial decrease in the demand of foreign workers in Hong Kong, Taiwan and Middle East since Nov. 8, the start of the implementation of the law which requires the mandatory insurance fee.

Migrante-Taiwan also called on legislators for the immediate review of the law. (www.philstar.com) ■

PHILIPPINE NEWS

P-Noy Takes Over PCSO

by Delon PORCALLA
Thursday, November 25, 2010

MANILA, Philippines – PRESIDENT AQUINO YESTERDAY TOOK BACK CONTROL and supervision of the Philippine Charity Sweepstakes Office (PCSO) from the Department of Health, which was the arrangement during the time of his predecessor, former President Gloria Macapagal-Arroyo.

Under Executive Order 14, Aquino said there is a "need of placing back to OP (Office of the President) the control and supervision over PCSO" to "ensure the effective implementation of his social agenda, and to effectively facilitate as well the health services and charity programs" of his office.

"One of the main objectives of the OP is to enhance the health services and charity programs to the public as well as to immediately respond to calamities, disaster relief and emerging illnesses," a portion of the order read.

This developed as the jackpot for the 6/55 Grand Lotto on-line lottery draw the PCSO last night reached more than P600 million, the biggest jackpot in the country's lotto history.

In the single-page order, Aquino said that he has the power to transfer functions of line agencies by virtue of the Administrative Code of 1987, which authorizes the President to "transfer agencies to the OP from other departments or agencies."

Arroyo, who is now a Pam-

panga congresswoman, issued in November 2004 Executive Order 383, transferring PCSO's jurisdiction to the Department of Social Welfare and Development, and in August 2005 EO 455 that transferred this over to the health department.

Under PCSO's original charter (RA 1169), however, such power belonged to the OP.

PCSO, which takes charge of the country's lotto operations, is the principal government agency in charge of raising and providing funds for health programs, medical assistance and services, and charities of national character.

With the official transfer, the direct control and supervision over the PCSO is automatically transferred from the Department of Health to the OP.

PCSO WEBSITE TEMPORARY SHUT DOWN

The official website of the PCSO www.pcsco.gov.ph had temporarily shut down since last week after the agency transferred to a new office building, even as bettors trying to access the PCSO website increased since the jackpot of the 6/55 Grand Lotto on-line lottery draw breached P500 million.

In a notice to the public, the PCSO said the agency's website that releases lotto draw results on the Internet and also provides email service will temporarily be offline due to the transfer of the PCSO MIS Data Center to their

new office at the Philippine International Convention Center, CCP Complex in Pasay City.

PCSO officials, however, assured the public that the nationwide lotto network that connects all lotto terminals to the PCSO main office is not affected and is operating normally.

People trying to access the official PCSO website to get the results of the Grand Lotto draw have increased since the jackpot breached half a billion pesos.

"We shall try our best to make the lotto game results search engine, IMAP follow-up and email service online return to normal as soon as possible when our Data Center is fully operational in our new office at the PICC," the statement said.

The website also releases the lotto draw results, including the number of winners of each of the various lotto draws.

PCSO sources said more bettors have placed their bets for the Grand Lotto draw last night after the jackpot was estimated to hit P620 million after nobody got the winning combination 22-25-17-50-19-37 in last Monday's Grand Lotto draw with a jackpot of P584, 899, 925.20.

The jackpot of the Grand Lotto last night was the biggest in the history of the PCSO's on-line lottery that has triggered a nationwide frenzy, with more people joining the long lines at lotto outlets nationwide.



The winner of the Grand Lotto could take home the full amount of the over P600-million jackpot tax free, a PCSO official said.

"If you win you can get your winnings to the last centavo," the source said.

PCSO chairman Margie Juico said in a recent television interview that they are planning to pay in installment the jackpot prize.

Lotto players have opposed the proposal of Juico.

The Grand Lotto draw is now the most popular in the country since the on-line lottery game was launched in 1995. The other lotto games include the Regular Lotto 6/42, Mega Lotto 6/45, Super Lotto 6/49, and the EZ2 games.

Eastern Samar Rep. Ben Evardone filed a resolution directing the House committee on games and amusements to investigate the "rationale of the system, play rules and conduct of the mega lotto draws, and its widespread effect on people to compulsively play the game, and recommend appropriate

legislation."

"The unimaginable jackpot prize and wide media coverage have resulted in record number of people playing the mega-lotto," Evardone said.

"Widespread compulsion to play, including people who normally would not engage in gambling, tends to run counter to the PCSO's vision to uplift the quality of life of the Filipino people."

He said not one ticket sold has matched the winning number combination after 83 lottery draws, with almost every possible pick of number combination being sold.

"It appears that, at any given draw, people are now compulsively playing a game in which the winning number combination may be 'unachievable,'" he said.

Evardone said the PCSO should explain how this no-winner phenomenon has come about.

The PCSO must disclose the total amount of revenue generated by ticket sales, he said.

The PCSO must set a limit to the jackpot prize at stake at a maximum amount, say P500 million, and if such maximum amount is not won or forfeited, it must be donated to orphanages and charitable institutions," Evardone said.

House Deputy Minority Leader and Quezon Rep. Danilo Suarez, however, did not agree with the proposal to put a cap on the jackpot.

"The higher (the prize), the better. I think it's not just the prize, it's the excitement," Suarez said, as he admitted he has been playing the lotto in the last two weeks.

(www.philtstar.com) ■

Saludar Hands Phil's 3rd Gold; Annie Falls

by Delon PORCALLA
Thursday, November 25, 2010

GUANGZHOU – REY SALUDAR FOUGHT BRAVELY AND WELL in a savage exchange from the opening bell and crushed the greatest wall, China's Chang Yong, on his way to a glittering gold in the XVI Asian Games last night.

It came after the Chinese led, 1-0, in the first round, and although Saludar went up, 10-3 sometime in the second round, he had to fend off the never-say-die Chinese to finish the match, 13-11, to claim the country's first and last gold in boxing.

The title was worth P3 million for the 23-year-old who has blossomed into a seasoned fighter after winning the bronze medal in the 2009 SEA Games.

University of the East fighter Annie Albania also unleashed her patented fiery form that felled world championship silver medalist Kim Hye Song in the semifinal, but her effort was not enough as China's Ren Cancan outslugged her, 7-5, to become the first woman champion of the Asian Games.

Albania's silver and Victoria Saludar's bronze from his semifinal loss to Birzhan Zhakypov of Kazakhstan increased the country's gold-

silver-bronze medal tally to 3-3-9, good for 17th among 45 countries.

It trailed Southeast Asian rivals Malaysia at seventh (9-17-12), Thailand at 10th (9-7-31), Indonesia at 13th (4-9-12) and Singapore at 14th (4-7-6).

It is ahead of Vietnam at 22nd (1-17-14), and Myanmar at 27th (0-5-3).

The national team of young and aging chess players downed the young super-GMs of India in the semifinals, 2.5-1.5, and advanced to the final against China.

Another surprise win, similar to their amazing fifth round and semifinal round conquests of the Indian team, will hand the Philippines its fourth gold overall, matching the output of the 2006 contingent.

With only a day left in the calendar of Team Philippines, the performance of the national chessers will determine the final overall medal tally as athletes in gymnastics, diving, sepak takraw, athletics, karatedo and wrestling went down fighting.

Southeast Asian Games silver medalist Niño Carog scored 355 and finished 10th in the men's scoreboard preliminary and advanced to last night's finals where he

Chinese Che Chong and Luo Yu-tong led the group with 468.50 and 467.95.

Carog, fifth placer in Doha, Qatar, did the back 2 1/2 somersault with a high 3.0 degree of difficulty.

He had three forward dives in a pike position, one with a 2 1/2 somersault, the second with 3 1/2 somersault and the third, with a 2 1/2 somersault and two twists with a 3.4 degree of difficulty while the fourth was an inward dive with 2 1/2 somersault.

Japan, which has won 21 of 46

gold medals since karatedo was included in the last four editions of the Asian Games dominated near the competitors.

Southeast Asian Games champion Marna Pabiloro, who had to take a rest the other day to recover from the flu, tied Vathana Gopalasamy of Malaysia at the end of the first round but won it on a referee's decision based on her more aggressive stance and advanced to the quarterfinal.

Pabiloro, who is also the Laos SEA Games gold medalist, dis-

posed of Ramil Eshmbatova, 4-0, and reached the semifinal round where she was subdued by Asian and world champion Miki Kobayashi of Japan.

Kobayashi also succumbed to Vietnam's Le Bich Phong, in the final match.

The succession of matches eventually took their toll on the ill-stricken Pabiloro, who also lost to Falehem Chalaki of Iran, 1-0, in the repechage and missed the bronze.

Sepak takraw got into the Asian Games for the second time with the Philippines facing Korea in the preliminary Group A match.

(www.philtstar.com) ■

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FOOD & LEISURE

Gobble, Gobble

by Millie & Karla REYES

MANILA, Philippines - **MIL-LIE:** I am so blessed. Every year, on my birthday, I take time out to count my blessings, and to thank the Almighty for all the wonderful things that have happened in my life. I thank Him for all that He has given me. I thank Him too, for everything He has not given me, because only God knows what is best for me. I thank Him for all the trials and the hardships because those were what made me a stronger and a better person. Most of all, I thank Him for the people He sent into my life for a reason — to bring something I must learn, to change, and to grow.

My birthday sometimes falls on Thanksgiving Day. See how blessed I can get. My whole family

loves turkey and we always celebrate Thanksgiving with a roast turkey dinner plus all the trimmings: pumpkin soup, cranberry, a yummy stuffing made from apples, prunes and whole roasted chestnuts. Somehow, for me, it marks the start of the holiday season with the cold air, Christmas carols and merriment meaning, catering season time. It's the busiest time of the year for me which only ends after Valentine's Day.

This year, I am lucky to have Karla prepare a real memorable treat with some of my favorite things for my Thanksgiving cum birthday dinner to be celebrated with 12 of my dearest and best-friends — friends who have stood by me through good times and bad, most of the time to eat, to laugh, and to love. The biggest blessing is that my Dad will be



able to join and share the feast with us.

KARLA: The Thanksgiving tradition dates back to 1621 when Plymouth colonists and Wampanoag Indians celebrated a three-day feast for the year's harvest. In the United States, this is the time when everyone gathers to

celebrate and give thanks for the year's blessings with friends and family. In the Philippines, not everyone celebrates Thanksgiving. Maybe because harvest season for is in May, when a number of festivals around the country are being celebrated. But as for our family, we never forget Thanksgiving because it's mom's birthday. Every year, even if mom doesn't have to, or isn't in the mood to celebrate, we always end up gathering as a family to have some of that turkey, stuffing and cranberry.

My memory of Thanksgiving as a kid was when lolo would let us all dress up and sit down for a formal dinner at home. There was one year that he actually prepared score sheets and arranged the kids to be seated in between the adults who were not our parents. This was his way of training us to dine properly. Lolo Joe and Lola Meldy asked the parents seated to

our left and right to rate our dining etiquette and whether we could carry on a conversation with adults beside us or even across the table. This was part of the training we all got, but somehow, I found it fun, except that I had to wear a dress. But hey, I won and got the perfect score, so I guess wearing the dress paid off.

This year, mom's birthday request is for me to make dinner for her and her friends. Although it's not a traditional US Thanksgiving menu, it was however inspired by the menu I'm doing for the US Embassy's Thanksgiving event, which chef Jerry Comfor so generously shared his recipes for. Of course, we will be using US turkey from Vicky Choi of PTC, US potatoes from Synergy Asia and US dried fruits and nuts from Dane International and Beringer Wines from Happy Living. (www.philstar.com) ■

PHILIPPINE NEWS

More Foreign Companies Seen Locating Here Next Year

by Maria Elisa P. OSORIO / Thursday, November 25, 2010

MANILA, Philippines — MORE FOREIGN COMPANIES ARE EXPECTED TO LOCATE in the Philippines next year as foreign investors remain confident that the Aquino administration will work hard for the development of local infrastructure, an international real estate firm said yesterday.

In a press conference, CB Richard Ellis (CBRE) chairman Rick M. Santos said that the demand for

office space in the country will go up by 10 percent next year. This year, the demand is expected to be flat when compared to a year ago. The take up of new office space in Metro Manila for the first 11 months of the year was at 250,000 square meters.

"The good days are back. We have not seen economic fundamentals this strong since 1996. It feels like we are back in (President Fidel V.) Ramos' time," Santos said. He said that the growth is no longer centered in Makati but in other key

areas like Ortigas and The Fort.

Santos said the election of President Aquino into office has been positive for the investor confidence. "Aquino was the number one choice of foreign investors." Likewise, the program of the administration to spur investments in infrastructure through the recently launched Public-Private Partnership (PPP) projects has been a good sign for foreign businessmen.

Santos said the growth in the Philippine market is impressive

given that other markets, specifically the United States have contracted. He noted that the decline in office space in the US will directly benefit the Philippines because this means a growth in the business process outsourcing (BPO) sector.

He explained that the growth in the BPO sector will remain despite of the strengthening of the peso against the dollar. A stronger peso translates to higher costs for BPO firms. Santos noted that a stronger local currency will not be a deterrent for new BPO firms to come in.

"The BPO growth will accelerate especially given the downturn in the US. While the US is down, the

Philippines can benefit," Santos said.

However, because of the strong demand, Santos said that rent specifically in Makati may go up next year. For 2011, only one new building is expected to open in Makati. Santos said that the vacancy rate for office spaces in Makati will go down to single digit.

For the new office space, Santos said they may be little supply next year and their projection showed that it may even be lower in 2012. The average rent is P700 per square meter every month. (www.philstar.com) ■

ABS-CBN Seeks Another TRO Against Willie Revillame

by Aie Balagtas SEE / Friday, November 26, 2010

MANILA, Philippines — THE LEGAL BATTLE BETWEEN ABS-CBN and erstwhile talent Willie Revillame has reached another courtroom after the television network asked a Makati City court to issue a temporary restraining order against the airing of TV5's Willie Revillame for alleged violation of copyrights.

In its complaint, the network said Revillame and ABC president Rey Espinosa violated infringement of copyright provided under section 172.1 of the Intellectual Property Code by running the month-old *Willing Willie* using the same format with the defunct *Wowowee*.

"After the summary hearing, [we pray] the honorable court issue a TRO from further copying the look and feel, of *Wowowee*, more particularly broadcasting the program

Willing Willie is a mere rehash of the variety show *Wowowee*," the petition read.

The law suit was the third TRO request that ABS-CBN has sought against Revillame. It was filed on Wednesday—roughly a week after the Court of Appeals junked the network's previous TRO petition.

According to ABS-CBN, Revillame has previously signed a contract with them where it was stated that "talents acknowledge that ABS-CBN is the sole and exclusive owner of the copyright of its shows in which he/she is to appear and that he/she waives or assigns, whatever moral or other intellectual property rights he/she may have in the show."

Due to this, the network asked for petition for injunction and more than P107,000,000 in damages—including attorney's fees and the "profits that the defendants have so far made from their collective acts of infringement." (www.philstar.com) ■

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LEGAL NOTES

Retrogression in Philippine Family Preferences



by Reuben S. SEGURITAN

The cut-off dates will move back as follows: 2B preference – 2 years and 6 months (from September 1, 2002 to March 1, 2000); 3rd preference – 2 years and 8 months (from March 1, 1995 to July 1, 1992); 4th preference – 3 years and 3 months (from April 1, 1991 to January 1, 1988).

Because of the annual numerical limitation of visa numbers, cut-off dates are established for oversubscribed categories. If an applicant's priority date is before the cut-off date stated in the monthly visa bulletin, a visa number is immediately available. If the priority date comes on or after the cut-off date, the applicant needs to wait until the priority date becomes

current. The 2B preference category refers to unmarried sons and daughters (21 years or older) of lawful permanent residents. The 3rd preference refers to married sons and daughters of U.S. citizens. The 4th preference pertains to brothers and sisters of adult U.S. citizens.

The 1st and 2A family preferences will not retrogress. The 1st preference category, which refers to unmarried sons and daughters of U.S. citizens, will show the same cut-off date of April 1, 1997 as it was in the November visa bulletin. The 2A preference, which refers to spouses and children (less than 21 years old) of perma-

nent residents, will advance to August 1, 2010.

The retrogression will occur after monthly jumps that started last April. Because of the low demand for visa numbers in the previous months, the Department of State increased the allocation pace and this was intended to generate visa number demand so that the annual numerical limits could be fully utilized.

The family 2B, 3rd and 4th preferences greatly advanced as a result, but this rapid advance could not continue indefinitely. At some point, it must slow down, stop or retrogress. It is hard to predict how long this retrogression will last.

In light of this development, beneficiaries of Philippines family-based 2B, 3rd and 4th preference who have priority dates earlier than September 1, 2002, March 1, 1995 and April 1, 1991, and who are currently in the U.S., must file their adjustment application on or before November 30, 2010 in order to get certain interim immigration benefits such as employment authorization. Those with pending adjustment applications will be allowed to remain

in the U.S. and work here until the adjudication of their adjustment applications.

Eligible to file for adjustment of status are those lawfully present in the United States or those who are beneficiaries under Section 245(i) of the Immigration and Nationality Act. To be covered under Section 245(i), an alien must be the beneficiary of an immigrant visa petition or labor certification filed on or before April 30, 2001. If the visa petition or labor certification was filed between January 14, 1998 and April 30, 2001, the alien must prove that he/she was in the U.S. on December 21, 2000.

Among the documents required to file for adjustment of status, in addition to Form I-485 and related forms, are the applicant's photographs, medical examination report, affidavit of support, copy of passport and I-94, copy of birth certificate, and if applicable, copy of the applicant's marriage certificate and official proof of termination of any prior marriage. ■

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

MAINLAND NEWS

Audit Reveals California Not Complying With Bilingual Services Law

A RECENT STATEWIDE AUDIT IN CALIFORNIA HAS SHOWN THAT STATE and local agencies are failing to provide vital government services to many Californians with limited English skills.

The California State Auditor's report released yesterday found that many agencies either do not know of their responsibilities or are not fully meeting the legal requirements to aid limited English speaking residents whom they serve.



nied or delayed vital services based on language barriers."

Over 6 million Californians, or 20 percent of the population, is limited English proficient (LEP). In cities like San Francisco, 13 percent of households are "linguistically isolated," where no one over the age of 14 is deemed proficient in English. In Southern California, where Latinos and Asians make up more than half the population, 45 percent of Latinos, and 40 percent of Asians are LEP.

"We must break down the language barriers preventing many Californians from accessing services that should be equally accessible to all. We must also concentrate on creating greater opportunities for immigrants to learn English," says Titi Liu, executive director of the San Francisco-based Asian Law Caucus.

In a disaster-prone state like California, language barriers can endanger the safety of residents and greatly impact how well communities prepare for emergencies such as earthquakes or fires or even civil unrest. On a broader level, language barriers can undermine government accountability

and threaten democratic values. While not surprised about the audit's findings, advocates hope that it will serve as a wake-up call to state and local agencies.

"California agencies are not really working if they aren't working for all residents," says Vincent Pan, executive director for Chinese for Affirmative Action. "With a clear picture now of these problems, California must create a roadmap to correct these deficiencies immediately." ■



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TRAVEL & LEISURE

What I Adore about Ecuador

BENT ANTENNA
by Audrey N. CARPIO

Gutsy decided to tell me this just as the plane began its descent. Outside the window, we were threading through cloud-covered Andean mountains that loomed 18,000 feet high. The airport in question was at a valley basin, surrounded by houses of the city proper that light up the hills at night. It's a breathtaking view, literally, knowing how a slight miscalculation could end with the plane tearing through the tall buildings of a neighborhood at the end of the runway, and I found out it wasn't just a Filipino thing to applaud when the pilot thanked us to safety.

"No mas problemas con la policia?" Gutsy busted out to our cab driver in a funny gringo-into-Florida accent. The things you discover about someone while traveling. This was our first out-of-country trip together, and we were already south of the border. "No mas, es tranquilo," the cabbie assured us, referring to the state-of-emergency declared in the capital just a week earlier. I felt third-world kinship with the Ecuadorian people who just emerged from their own version of a hostage crisis tourism scare. Quito was our entry point to a longer boat trip around the Galapagos Islands, but we were going to give this city 9,300 feet above sea level two days on foot before saying adios to terra firma.

We settled in the Old Town, known locally as Centro Historico and a UNESCO World Heritage Site with wide cobbled plazas, imposing churches and restored Hispanic charm. Quito, once the northern center of the Incan empire, was captured by the Spanish in 1534, but not before the Incan general Rumiñahui burned the city

and its jeweled palaces to the ground. Here, indigenous folk can still be seen walking the streets, the women with their babies slung across shawls, the men in woven ponchos and panama hats souvenirs which can be purchased at the Otavalo craft market. Not used to the thin air, we got visibly winded climbing up the steep streets and were outpaced by the generally shorter locals.

Old Quito's got more churches, chapels, convents and cathedrals than one's soul can handle, but a few are definite stand-outs. The baroque Iglesia de San Francisco, Quito's first church, was built over an Incan temple, giving a distinct slope to the plaza. This palimpsest is an apt metaphor for how Catholic imagery miscegenated with Indian imagery, making Christianity more acceptable to the natives, and one can find religious paintings of biblical characters in native garb, as well as angelic sun hybrids with Indian faces decorating the entryways and altars of the churches.

Sitting atop a small hill, the concrete neo-Gothic La Basílica del Voto Nacional dominates the landscape as the tallest church in the country. Notre Dame-inspired with its riot of flying buttresses, spires, parapets, and unique gargoyles in the form of local fauna like dolphins, iguanas, tortoises and penguins. La Compañía de Jesus, on the other hand, is a gilt-ridden Jesuit masterpiece of a baroque church, with a meticulously carved volcanic stone facade and lavish Moorish interiors. The sun, a very important Incan symbol, is again brilliantly prominent on the main door and ceiling. Night had fallen, a wedding had just taken place at La Compañía, and fireworks announced the newlyweds to their

white horse-drawn carriage. It was a magical touch to a quiet town now illuminated in the amber glow of spotlights.

Quiet, except for the diabolical purple tram that kept circling the old town blaring dancehall music. We dubbed it the Reggaeatron, and we didn't know whether to hop on it or get the hell out of its way. Nightlife was to be found in the new town where the modern buildings and hotels are located. While largely characterless in the way most urban commercial centers are, the establishments along Juan Leon Mera and Jose Calama streets had a whiff of trendiness, with concept restaurants, artisanal stores, hip tattoo parlors and steamy nightclubs, and where, in direct opposition to the Old Town, activity increased as the hour grew late.

Jet lag however demanded that we were up to catch the sunrise, or whatever semblance it took behind the mist of clouds. Bright and early we set off for the Teleférico, a cable car system that was a relatively recent addition to Quito's list of attractions, though now a bit run-down. It takes passengers from a base station at 10,000 feet on the lower slopes of Volcan Pichincha up to the Cruz Loma lookout point at around 13,300 feet. Sharing the short gondola ride with us were three Ecuadorian tour guide students who were planning to hike to the summit of Rucu Pichincha. They said it would only take three hours, and if we were lucky we'd get a view of the ice-rimmed Cotacopaxi, one of the world's highest active volcanoes. They were off like mountain goats while we gazed our wits and cursed the coffee shop for still being



The landscape of Quito

closed, because an invigorating cup of mate de coca would've made the ascent much easier. We started to take up the trail at a leisurely pace, taking lots of pictures of the scenery. For 50 US cents Gutsy made me don a poncho and pose with Joeselito the llama ("Como te llamo?" I had asked it.) The view was exhilarating, until clouds rolled in from all over and covered us under a thick white dome.

The weather wasn't being terribly cooperative for sightseeing, but we couldn't forgo a visit to the Virgen de Quito, a 30-meter statue on top of a hill called El Panecillo or "the little bread loaf." The closing aerial shots from the movie Proof of Life that pan around the winged Virgin and beyond was set in the fictional city of Tecala but filmed right here. According to our guidebook, "violent muggings" were common on the way to the statue, so we took a taxi instead, which turned out to be equally violent with the way the driver careened up the hill. The rain started pouring down as we reached the statue, and we sought shelter inside the small base tower, which also houses a

museum documenting the construction of the monument. From the viewing platform, we saw our friends down below, just arriving. They asked if it was worth the museum entrance fee. "Sure," Gutsy replied, "if you want to pay two dollars to be inside a virgin."

Quito, particularly the Old Town, used to be a significantly more dangerous and dirty place, but urban efforts to spruce it up nearly a decade ago have turned it into the postcard-perfect colonial city we see today, whose safety is maintained by a visible police presence (that is, until salaries get cut). As historic cities built on bloodshed, slavery and religious subsumation go, it's one of the prettiest, a well-preserved architectural gem found in a small nation already packed with peaks and valleys, rainforests and beaches, an extraordinary diversity of wildlife and not least, the origin of the Origin of the Species, the Galapagos Islands, where my new relationship and even more recently acquired diving skills would be put to the test.

(www.philstar.com) ■

MAINLAND NEWS

23 Fil-Am Students Receive Dr. Jose Rizal Youth Awards in D.C.

THE 18TH ANNUAL DR. JOSE RIZAL YOUTH AWARDS was held at the Embassy of the Philippines in Washington, D.C. on November 20, 2010.

A project of the Philippine American Foundation for Char-

ities, Inc. (PAFC), the youth awards recognizes outstanding Filipino-American students for achieving excellent grades while being active in extracurricular undertakings. Through the Dr. Jose Rizal Youth Awards, young Filipino-Americans

are encouraged to learn more about the Philippine national hero.

This year's awardees received a medal and certificate signed by Willy C. Gaa, Ambassador of the Philippines to the U.S.; Ms. Rebecca Pagsibigan, president of PAFC; and Mr. Roberto Tamayo, vice president of PAFC and chair of the Dr. Jose Rizal Youth Awards.

In his welcoming remarks, Consul General Domingo P. Nolascó congratulated the 23 awardees and urged them to make an extra effort to study the history of the Philippines. Nolascó added that understanding their Filipino culture gives young Filipino-Americans a unique advantage over their American peers. He also shared the outstanding attributes of the Philippine national hero and urged the awardees to emulate Dr. Rizal. ■

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GLOBAL NEWS

No China Ruling Yet on 5 Pinoys on Death Row

MANILA, Philippines – THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) said yesterday the People's Supreme Court of China has not handed down a decision on the five death penalty cases for drug trafficking involving Filipinos.

The statement was issued in reaction to a report that China's Supreme Court has affirmed with finality the death sentence on three Filipinos who were convicted of drug trafficking.

DFA spokesperson Eduardo Malaya said Chinese officials told the Philippine embassy in Beijing yesterday that there are no new developments on the five cases, including two that no longer need to be reviewed.

"To the embassy's knowledge, the Supreme People's Court has not handed down any decision on any of the five death penalty cases involving Filipinos that it is reviewing," Malaya said.

In a radio interview last Sept. 2, DFA

Undersecretary for Migrant Workers' Affairs Esteban Conejos Jr. said the decision on the cases of two Filipinos sentenced to death in China for drug smuggling is final and should not be linked to the backlash against the Philippines for the death of eight Hong Kong nationals in a hostage taking in Manila in August.

Conejos said the Philippines will continue to conduct high-level intercession to save those who are on death row.

Sources at the Philippine embassy in Beijing said on Tuesday that the three Filipinos whose identities were withheld could still escape execution if they identify the members of the drug syndicate that recruited them.

Sources said one Filipino also sentenced to death for drug smuggling had provided information to the syndicate but Chinese authorities said the statement was not enough.

Meantime, sources at the DFA said a letter from President Aquino was being fi-

nalized to appeal the sentence of the five Filipinos.

The letter was supposed to be hand carried by Vice President and presidential adviser on overseas Filipino workers (OFWs) Jejomar Binay had the Philippine delegation that would submit the incident investigation and review committee (IIRC) report to China regarding the Aug. 23 hostage drama pushed through.

The DFA earlier said 112 OFWs are facing the death penalty, mostly drug-related cases, in China.

According to the DFA, 76 Filipinos in China were convicted and sentenced to death for drug trafficking.

In a related development, Sen. Pia Caye-tano has called for an inquiry that will look into the various laws and programs aimed at protecting OFWs from abuses.

In filing Senate Resolution 282, Cayetano expressed alarm over the rise in cases of Filipinos, especially women, being used as drug mules by international drug syndicates. (www.philstar.com) ■

32 Undocumented OFWs Nabbed in Saudi Arabia

MANILA, Philippines – A TOTAL OF 32 UNDOCUMENTED OVERSEAS FILIPINO WORKERS (OFWs) have been apprehended by Saudi Arabian authorities in their crackdown of overstaying migrant workers in the Middle-Eastern country, a Filipino migrants' rights group disclosed today.

Based on reports it received from Al-Khobar, eastern region of Saudi Arabia, Migrate-Middle East said authorities began raiding various accommodations of migrant workers who are believed to be undocumented expatriates.

Last Nov. 23, the group said a composite team from Jawasat police and mutawa (cultural police) started the crackdown by raiding accommodations and houses at Tukbah, Al-Khobar, where suspected undocumented migrants are staying.

"We appeal to the Saudi government to respect the rights of OFWs in the conduct of its intensified campaign to hunt 'illegal' and undocumented migrants," the group said.

Migratee has also called on the Saudi government to consider granting a general amnesty that would cover illegal and undocumented migrant workers.

"We also call on the Aquino administration through the Office of Vice President Jejomar Binay and the Department of Foreign Affairs to lobby to the host govern-

ment the legalization of all undocumented OFWs, giving them the option to be repatriated or to stay, and find job in the Kingdom," the group added.

Last October, the Saudi government granted a Royal pardon but it was known later that it applies only to pilgrims whose visit visas have already lapsed. The Royal pardon will end on March 31, 2011. (www.philstar.com) ■

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