

HAWAII



# FILIPINO CHRONICLE

HAWAII'S #1 FILIPINO NEWSPAPER

◆ MARCH 3, 2012 ◆

## HAWAII MEDICAL CENTER CLOSURE IMPACTS HAWAII'S FILIPINOS

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## EDITORIAL

**Wanted: Medical Facility for West Oahu**

**T**he closing of Hawaii Medical Center (HMC) hospitals in Ewa and Liliha last December threw not only the 1,000 employees who lost their jobs for a loop, but also residents in Ewa, Kapolei and Makakilo where the nearest emergency rooms are now considerably farther away.

Emergency services with the closure of HMC West was not the only cause for concern. Some 400 patients on the waiting list for donor organs were out of luck with the closure of HMC East in Liliha, which was the State's only organ transplant center. Their remaining options were to move near a hospital on the mainland that performed transplants or to perhaps wait for Queen's Hospital which considered establishing its own transplant center. Queen's Liver Transplant Program is currently accepting patients but realistically, it will take more time, perhaps as long as six months, to ramp up the program.

The fact is that West Oahu sorely needs a medical facility. At its peak, HMC West was the second busiest emergency room in the state and took in over 100 patients a day. For sustained growth to continue in Kapolei as well as for the success of future developments in the surrounding area, a fully-staffed and furnished medical facility is an absolute necessity. In the event of strokes, heart attacks and other trauma cases, lives may be lost if ambulances are forced to travel an additional 15 or even 30 minutes to emergency rooms at Waianae Coast Comprehensive Clinic, Wahiawa General and Pali Momi.

We commend State elected officials from the area for organizing town hall meetings to inform residents what medical resources and options are available in the wake of HMC's closure and steps that they can take to re-open a much-needed hospital or emergency room in the area. We urge state lawmakers and the governor to work with St. Francis Healthcare System of Hawaii, Queen's, Hawaii Pacific Health or other medical entities to reopen the former HMC West facility. It may require special financing or fast-tracking regulatory requirements—but whatever it takes, let's hope that the state and private sector move quickly and decisively on this very important issue.

**Paper or Plastic?**

**T**he City Council earlier this week heard testimony on a bill that would ban Oahu businesses from providing non-biodegradable plastic bags to customers at the point of sale. Those found in non-compliance could face fines of up to \$1,000 for each day a violation occurs. If Bill 10 (2012) is passed, Oahu would join Maui and Kauai which implemented a similar ban early last year.

Supporters of the bill say plastic bags threaten the environment since plastics do not break down completely but rather degrade into tiny particles that contaminate the food chain. The bags also harm Hawaii's marine ecosystem, clog storm drains, litter beaches and are a visual blight. However, not everyone sees the ban as a panacea. Critics like the Retail Merchants of Hawaii say that recyclable paper bags are 10 times more expensive than plastic, in actual purchase price and shipping costs to Hawaii. Maui and Kauai retailers have been forced to increase the supply of more expensive paper bags, which take more energy to manufacture and may not be more environmentally-friendly than plastic bags. Studies in fact show that manufacturing paper bags generates 50 times more water pollutants than plastic bags.

Curbing the use of plastic bags is a growing trend on the mainland. But are Hawaii residents prepared to do without plastic bags, which have become rather handy items? Many local households reuse plastic bags for a variety of tasks, including cleaning up after pets, lining wastebaskets, packing items when traveling—and so forth.

## FROM THE PUBLISHER

**O**ur faithful readers may have noticed that recent issues of the Filipino Chronicle have been hard to come by of late. Due to our revised printing schedule, there were only two issues in for the month of February. However, we have resumed with our weekly issues beginning in March and are excited to provide you with the latest news affecting Hawaii's vibrant Filipino community!

We hoped you had a memorable February 29th, which was a Leap Year Day. For you science buffs, leap years are needed to keep our calendar in alignment with the earth's revolutions around the sun. It takes the earth approximately 365.242199 days—or 365 days, 5 hours, 48 minutes, and 46 seconds (a tropical year)—to circle once around the sun. However, the Gregorian calendar has only 365 days in a year, so if we didn't add a day on February 29 nearly every 4 years, we would lose almost 6 hours off our calendar every year. After only 100 years, our calendar would be off by approximately 24 days. Food for thought.

Speaking of being off, our cover story for this issue was written by Fiedes Doctor, who examines the impacts of the recent closures of Hawaii Medical Center's Liliha and Ewa hospitals. Nearly 1,000 nurses and other medical professionals—many of whom were Filipinos—were laid off last December and entire communities left to worry about the availability of medical services, especially in the event of emergencies. Mahalo to the efforts of both government officials and the private sector for pooling their resources to accommodate additional patient volume, as well as displaced HMC patients. Please read more on page 4 about the recent events that have unfolded in the wake of the HMC closure.

Lastly, the Philippine Consulate General of Honolulu is looking for a few young leaders to participate in the upcoming Fil-Am Youth Leadership Program, scheduled for July 11-16, 2012 in Manila. If you're the type of young person who loves making a difference in the lives of those in your community and beyond, or know of a youth whose passion is just that, please read "Philippine Consulate Looking for Youth Leaders" on page 7.

In closing, I'd like to once again thank our readers for their support. As always, we encourage you to provide feedback, story ideas, tips or concerns via an email at: [filipinochronicle@gmail.com](mailto:filipinochronicle@gmail.com). We'd love to hear from you!

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

*Chona A. Montesines-Sonido*

In 2007, City officials rolled out an aggressive curbside recycling campaign that encouraged Oahu residents to recycle aluminum cans, glass bottles and jars, plastic containers, newspaper, corrugated cardboard boxes and green waste. Their efforts appear to have paid off as Oahu's recycling rates are above the national average and Honolulu ranks among the top cities in the country in landfill diversion. Whether current recycling efforts have impacted the use of plastic bags needs to be further studied and evaluated before any such ban is instituted.

The bottom line is that the City Council needs to tread carefully on this bill and carefully weigh the pros and cons of banning plastic bags. If forced to provide paper bags, businesses will simply pass on the cost to consumers in the form of higher prices. Let's not further burden the many small businesses and families that are continuing to struggle financially in this bad economy.



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## OPINION

# The People's Comments and Why the Impeachment Court Should Ignore the Supreme Court

NO LIMITATION By Ted Laguatan

**"S**iguradong limpak limpak na dolyar ang tinatago nitong si Corona!" ("For sure, Corona is hiding tons of dollars.")

Anthony, a care home owner in the San Francisco Bay Area, home to hundreds of thousands of Filipinos - was reacting to the Temporary Restraining Order (TRO) issued by the Philippine Supreme Court against the subpoena issued by the Senate Impeachment Court on the dollar accounts of Corona.

Thanks to ABS CBN TV, Filipinos worldwide get real time live full coverage of the impeachment proceedings. For sure, the following real comments on the trial are heard globally. These comments express the people's sentiments. They tell us much.

Here they are:

Comment 1: "Kung walang tinatago iyan, e di dapat matutuwa pa siyang ilabas ang kanyang mga ari-arian at bank accounts para mapakita niya na hindi siya magnanakaw."

("If he has nothing to hide, he should be happy to reveal his properties and bank accounts to prove he is not a thief.")

Comment 2: "Iyong mga nadiscobre na ari-arian at peso bank account niya, milyon milyon na ang halaga, ano pa kaya iyong ibang ari-arian at dolyar na bank account niya na hindi nadiscobre."

("Those discovered real properties and peso bank accounts belonging to him already amounts to several millions. How much more of those properties and dollar accounts not discovered?")

Comment 3: "Palagay ko napaka daming kwarta at ari-arian pa iyan na nasa pangalan ng mga kamaganak at kaibigan. Madami pang deposito at ariarian sa Amerika at Hongkong. Ganyan ang gawain ng ating mga magnanakaw na opisyaes."

("I bet he has so much more cash and properties in the names of relatives and friends. He probably has more cash deposits and properties in Hong Kong and America. These are the ways of our crooked officials.")

Comment 4: "Napakalinaw sa mga tao na ang trabaho noong abugado ni Corona na si tatang Cuevas ay ipagtakpan ang mga ari-arian at mga milyon milyon na salapi ni Corona. Ha-nga rin ako kay tatang dahil matalas pa rin ang utak at dila at maraming ebidensya ng prosecution na napigil niya ang pagpasok. Pero madami pa rin ang mabibigat na ebidensya ang nakapasok na hindi niya napigilan, kaya patay na si Corona."

("It's very clear to the people that the objective of Corona's aging lawyer Cuevas is to keep his millions from being discovered. I'm impressed by the old guy as he still has a sharp mind and tongue and was able to keep much evidence from being admitted. But still, much damaging evidence has already been submitted which he was not able to prevent, that's why Corona is dead.")

Comment 5: "Salamat na lang na nandiyan etong mga Senador na gustong ibulatlat ang katotohanan sa madlang tao gaya nila Senador Drilon, Osmena, Pangilinan, Cayetano. Hindi kamukha nila Senador Arroyo, Escudero at Senadora Defensor na ayaw lumabas ang katotohanan."

("Thank heavens some Senators want the truth to be revealed like Drilon, Osmena, Pangilinan and Cayetano. Not like Senators Arroyo, Escudero and Defensor who do not want the truth to be exposed.")

Comment 6: "Sino pa ba naman na tao na matuwid ang isipin ang mag gugusto pa na magtuloy na Chief Justice si Corona? Bistado na ang kadiliman ng kanyang kaluluwa?"

("Which person with an honest mind would still want Corona to continue on as Chief



Presiding Officer Sen. Juan Ponce Enrile

Justice? The darkness of his soul is now exposed.")

Comment 7: "Napakalinaw at napakagarapal ang kalokohan na ginagawa ng mga Justicia na ka tropa ni Corona. Gusto nilang huwag mabulgar sa mga tao ang katakot takot na kinurakot ng kanilang hepe. Kung ano anong rason ang binibigay kung bakit daw hindi puedeng ilabas ito kaya nag labas ng TRO. Maloloko ba naman nila ang mga tao."

("The wrongdoings of these crony Justices of Corona are quite clear and blatant. They want to hide the enormous amount of corruption money their chief took. They give all kinds of reasons why these cannot be revealed and issued a TRO. They cannot fool the people.")

Comment 8: "Tama itong si Congressman Farinas. May yagbols ito. Sabi niya dapat inestigahin at impeach din iyan mga Justicia na iyan. Mamahalin siya ng taong bayan pag mangyari iyan. Kailangan na talagang linisin ang ating bayan. Kawawa ang mga Pilipino na talagang sobra nang naghihirap dahil sa kurakot."

("Congressman Farinas is right. He's got balls. He said these Justices should be investigated and also impeached. The people will love him if this happens. It's really time to clean up the country. Pity Filipinos who are really suffering much because of corruption.")

Comment 9: "Gusto ko talagang ma-impeach si Corona pero sa palagay ko baka hindi mangyayari. Pinapag-aralan ko iyong mga Senador at ang tingin ko may apat dito na

kampi kay former President Arroyo at iyong ibang apat pa ay may galit kay Aquino o di kaya malamang mainganyong sumama sa campo ni Arroyo."

("I really want for Corona to be impeached but it might not happen. I'm analyzing the Senators and I think four of them are on the side of former President Arroyo and another four either have axes to grind against Aquino or else might likely be persuaded to join the Arroyo camp.")

Note: Two comments were made that were not supportive of impeaching Corona but not because they like Corona. One was made by a Villar supporter in the last elections, the other a relative of a corrupt official. Their comments:

Comment 10: "Bumabawilang iyan si PNoy dahil tinanggal sa pamilya niya iyong Hacienda Luisita."

("PNoy is doing this (impeachment) for revenge because Hacienda Luisita was taken from his family.")

Comment 11: "Sa talaga, lahat naman ng opisyaes sa ating bayan gumagawa ng kwarta, pabayaang natin itong impeachment na ito."

("Anyway, all the officials in our country are making money, let's just forget this impeachment thing.")

Aside from the Supreme Court's (TRO) against the Impeachment Court's subpoena of Corona's dollar accounts, Corona has also requested another TRO - requesting that the impeachment trial be stopped. The request is still pending.

Should the Senate Impeachment Court obey the Supreme Court?

Here's my take on this:

The rationale for the Constitution instituting a Senate Impeachment Court is to provide a mechanism to remove certain high ranking officials such as the President, Vice President, Supreme Court Justices, etc.

No other entity is given the authority or power of trying specified officials to remove them from office except the Senate Impeachment Court.

It should be obvious and logical that the Supreme Court should not have the power nor authority to order or tell the Impeachment Court what to

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## COVER STORY

# Hawaii Medical Center Closure and Its Impact on the Community

By Fiedes Doctor

**E**very day for the past two months at the Kalihi-Palama and Liliha libraries where she lives nearby, Josie Lamarca has been regularly checking her email and going on-line. Her phone is on vibrate, waiting for potential employers to call while she pores over medical and surgical books to keep her up-to-date on advancements in her field. She has also taken extra classes to get herself more employable.

A registered nurse, Lamarca is among the nearly 1,000 employees who were laid off during Christmas from Hawaii Medical Center's Liliha (East) and Ewa (West) hospitals. Since the closure, some former employees have managed to land jobs at other hospitals, while others have set-up private care homes. Still others opted for employment in lower paying jobs that cut their previous salary in half. The rest plod through the job market and try to make ends meet with their feeble unemployment insurance.

"It's a big loss financially," says Lamarca, who was with the hospital for more than 30 years. "A lot of us who are 50 and above are not getting hired. They either want younger work-

ers or the salary we are asking is too high. That's sad because we are very experienced in our field."

Patients who have relied on the services provided by HMC were similarly distraught and saddened by the closure, almost like losing a family. Where do these patients go from here?

## The Birth of a Legacy

Hawaii Medical Center started as St. Francis Hospital 85 years ago in 1927 when the Sisters of St. Francis opened a 70-bed facility on 4.37 acres in the Kalihi-Palama neighborhood. Arriving to Hawaii from Syracuse, New York in 1883, the Sisters' mission was to "create healthy communities in the Spirit of Christ's Healing Ministry." Their first patient was an



State Rep. Kymberly Marcos Pine (far left) and a panel of medical professionals shares information with the community at a town hall meeting held February 9, 2012 at Kapolei High School. Panelists include (from left): Dr. David Sakamoto, Deputy Director for the State Department of Health; Dr. James Ireland, Director for the City's Department of Emergency Management; Dr. Melanie Kelly, Medical Director for Pearl City Urgent Care; Jen Chahanovich, Chief Operating Officer for Pali Momi Medical Center; Navy Capt. Jose Acosta, Commander for Clinical Services for Pacific Regional Command and Tripler Army Medical Center; Dr. Danilo Ablan, former Chief Medical Officer of HMC West; R. Don Olden, CEO of Wahiawa General Hospital; and Dr. Scott McCaffrey from the Hawaii Medical Association (standing)

8-year-old girl who had a tonsillectomy.

With a heart to serve, the Sisters were sensitive to the health needs of the community. A Day Care Center was established in 1957 to help working parents take care of their children, followed by a Home Care facility in 1962 to help people recover faster in their own homes and a Child Development Center in 1968 to assist children with emotional needs.

After purchasing its first dialysis machine in 1965, a Renal Dialysis Center was established the following year which attracted excellent practitioners such as surgeon Dr. Livingston Wong and nephrologist Dr. Arnold Siemsen. This commitment to renal care and treatment resulted in the emergence of dialysis facilities in other communities through the years: Hilo, Maui, Kauai, Leeward, Kona, Waianae, Molokai and Wailuku.

In 1969, Dr. David Hume arrived from Harvard to join the medical team, which also included Dr. Herbert Chinn and Dr. Young K. Paik, to perform the first kidney transplants here in Hawaii. Nine years later, St. Francis became one of only 15 medical centers in the U.S. to perform bone marrow trans-

plants. In succeeding years, heart, liver and pancreas transplants were performed, earning St. Francis Medical Center the designation as the only transplant center in the Pacific.

Other centers put up were: WATCH (Women's Alcoholic Treatment Center of Hawaii), a Cancer Rehabilitation Services program (CARES), the Health Screening for Senior Citizens program, a hospice facility, the Lifeline program, a personal emergency response service for Hawaii's elderly and disabled, and a bone marrow donor registry.

In 1990, St. Francis Medical Center-West was opened to extend the hospital's reach to communities in West Oahu. It became the only major health facility in the area with a 24-hour emergency room that is one of the busiest on Oahu. It has a helipad for rapid transport of patients and Express Care services for minor medical emergencies.

However, in 2006, prompted by high operating costs and the decision to focus on long-term care, St. Francis transferred its renal dialysis program to Liberty Dialysis-Hawaii, LLC. The following year, in a major milestone that brought new direction to the

hospitals, what was initially known as St. Francis Medical Center was renamed Hawaii Medical Center East and Hawaii Medical Center West after the transfer of ownership was completed from the St. Francis Healthcare Systems to its new owners. The transfer was worth \$68 million.

## The Trajectory of its Demise

A little over two years after purchasing the hospitals and renaming it Hawaii Medical Center, the new owners, a joint venture partnership between CHA-Hawaii and the Hawaii Physicians Group, filed for Chapter 11 bankruptcy protection in August 2009 and a second bankruptcy in June 2011.

Dr. Collin Chang, chairman of the board of directors, in a statement to the Associated Press said the filing for bankruptcy "came down to simply not having sufficient capital for HMC to turn the corner."

"In order to increase patient census and keep pace with new government requirements, we needed to make infrastructure improvements. Not being part of a larger health care system makes it difficult for us to continue as a stand-alone operation," Dr. Chang says.

(continued on page 5)



Michael A. McMann, M.D.

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## COVER STORY

(from page 4, HAWAII...)

With a bleak scenario of a possible closure, HMC sought potential buyers who could keep the hospitals alive. St. Francis, HMC's main creditor, however, objected to a possible sale to Prime Healthcare Services from California, because St. Francis Healthcare Systems would have been paid only \$11.3 million of the nearly \$40 million that HMC owed.

Abandoning talks with Prime Healthcare and with St. Francis also backing out from initial plans to regain the facilities, HMC started the painful process of shutting down.

Patients dwindled to about 80 occupants in a 240-bed capacity at HMC-East and about 70 in the 102-bed capacity at HMC-West. On December 16, 2011, hospital admissions were ceased and the following day, layoff notices were issued for more than 200 employees. Three hundred more employees were notified not to come to work over the Christmas week-end.

"They called us one by one and we were given letters. It was a devastating time for us that day," says an anonymous former HMC nurse who served at the Liliha hospital for 19 years. She remembers people being shocked, speechless and crying when they got the news. Aside from the income and benefits, a bigger loss was the friendships with patients, co-workers and the HMC community that developed over the years.

In December 28, HMC-West transferred its last five patients to the HMC-East facility, which still accommodated 20 patients, and closed its doors to the public. On January 5, 2012, HMC closed its Liliha facility after transferring the patients to other hospitals and long-term care facilities.

The administration and billing departments, however, presently remain open as the hospitals wind down business operations.

More than 70 specialists and primary care physicians in the east and west campus also continue to operate their business despite the hospital's closure. They are open during regular hours, including the Dialysis Center, Cancer Center, Injury and Rehabilitation Center, the Sleep Lab, the Eye Cen-



Attendees' questions and concerns were answered during the Hawaii Medical Center (HMC) Closure Town Hall Meeting last February 9, 2012 at Kapolei Middle School

ter, Radiation Therapy and the Hospice.

HMC, as an established institution, was "dedicated to providing an excellent practice environment for medical professionals, and the very best medical care for patients." Its areas of excellence were cardiovascular disease, organ transplantation, oncology, and ortho/neurology.

#### Losses for the Community

Being a comprehensive healthcare facility that provided tertiary care, patients who went to HMC-East will miss general medical/surgical services and diagnostic support services such as MRI (magnetic resonance imaging), P.E.T. imaging, radiological services, mammography, CT scan, ultrasound nuclear medicine and angiography. But most importantly, the greatest impact to the community is the closure of the Transplant Center, particularly the Liver Center, which offers up-to-date management and treatment of all liver diseases, especially Hepatitis B and C. The Center is especially significant in the State because Hawaii has the highest incidence of hepatitis in the U.S. with Asians being a high-risk group for hepatitis.

Queen's Medical Center is presently answering this urgent need by setting up its organ transfer program. The Liver Program is now open and currently accepting patients. However, nothing is scheduled for actual transplant yet, says Dr. Linda Wong, Director of the Liver Transplant Program at Queen's.

"We cannot start anything until someone actually dies. How much we do this year is limited to how many donors there are, not on the team or on the hospital," she says. "If they don't get a transplant, they might die."

She urged people to help by

signing a donor card. It will take several months for the transplant program to completely take off despite quick approval from State legislators and a signature from the governor. This means patients needing immediate care and transplant would need to go to the mainland for surgery.

"It's a step by step process," says Deputy Director for Health Resources Dr. David Sakamoto who spoke at a Kapolei town hall meeting last month aimed at answering residents' concerns regarding medical care in light of the HMC closure.

"They do it one organ at a time, first the liver then kidney, pancreas, heart and bone marrow... But definitely, Queen's medical center is going to be the facility from here forward," he says.

The team of surgeons, specialists, nurses and social workers who worked at HMC will be the same team working at Queen's. The nearly 160,000 residents in the Leeward area and the Waianae Coast who go to HMC-West, on the other hand, are anxious with the loss of the 24-hour emergency department. Common concerns are the timely arrival of paramedics and immediate transfers to other hospitals, including the emergency room's capacity to hold patients.

Dr. Sakamoto assured the community that ambulance response times have been maintained at an average of 8.7 minutes despite the HMC closure.

"They were able to maintain services as before. What is a little longer is the actual transport time just because we have lost one facility. They have to go to farther hospitals," he says. "But there were no fatalities and no negative effects on health due to response time."

Hospitals such as Pali Momi, Wahiawa, Tripler, Kapiolani and Queen's have seen

significant increases in the volume of patients in their emergency rooms and have stepped up to deal with the situation.

Pali Momi Medical Center has seen a 28 percent increase in ER volume since the closure of HMC-West, says Chief Operating Officer Jen Chahanovich.

"To ensure patient access and safety, we have increased our staffing and created an overflow area for patients with non-critical conditions," says Chahanovich. "We utilize a 'team triage' approach where an ER physician evaluates patients as soon as they arrive to assess their condition and direct them to the appropriate level of care."

Pali Momi has also absorbed some of HMC's former nurses as additional staff for a total of at least 50 workers.

Wahiawa General Hospital, on the other hand, has seen a 20 percent increase in its ER and has similarly added staff to meet the needs of patient volume. Tripler Army Medical Center has opened its emergency department to civilians.

"As for EMS, we have extra units on. We are committed to this community," says Dr. James Ireland, director of the City's Emergency Services Department. "The long term plan is to have additional ambulances permanently in Ewa Beach hopeful in the next one to two years."

A bill providing \$1.5 million for more emergency ambulance service in the area, introduced by State Sen. Will

Espero, is presently being heard at the State Capitol. Another bill in the House and Senate is a 24/7 ambulance service in the West Oahu area, says Rep. Kimberly Pine, who organized the recent Kapolei town hall meeting.

"We had a meeting because I felt like no one was taking a look at the bigger picture to inform the community about what steps should be taken since the closure of HMC," she says. "The community was very satisfied with the answers. Many said they were relieved because we beefed up ambulance services."

Dr. Dan Ablan, who is one of 70 specialists still at the HMC-West campus, says they are looking into opening an urgent care and x-ray center soon to further service area residents.

#### There is Hope

"There is a high possibility for the hospital to open again," says Rep. Pine. "I strongly believe that the hospital will open up again."

According to Pine, the State Department of Health and the Sisters of St. Francis have entered negotiations for the State to partner with them to take over HMC-East.

"This means an opportunity because what we need is a long term care facility. Bills are going in legislation to partner with the Sisters to open the facility, to lower our healthcare costs, which is one of our biggest expenses," she says.

(continued on page 6)

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## HAWAII-FILIPINO NEWS

## Filipina Author Reads Novel at UH

Cecilia Gaerlan, a Filipina-American novelist from the Bay area, presented a reading of “In Her Mother’s Image” at the University of Hawaii on February 29 at the University of Hawaii-Manoa’s Queen Lili’uokalani Center for Student Services.

Gaerlan was a guest writer/speaker of Dr. Ruth Elynia Mabanglo’s IP363/Eng 375 (Philippine Literature in English) course. “In Her Mother’s Image” is the story of a mother and daughter who are entangled in a web of longing and antipa-



Cecilia Gaerlan

thy set amidst the chaos of World War II in the Philippines and 30 years later in 1971.

The war is seen through the eyes of a headstrong 8-year-old girl named Chiquita, who bears witness to an act of betrayal com-

mitted by her formidable mother, Consuelo. The betrayal is revisited 30 years later when Chiquita returns to the land of her birth to face the source of her lifelong torment—her own mother. Neither time nor space can erase the emotional ravages of war.

Although the book is fictional, Gaerlan was inspired by the experiences of her own parents and relatives during World War II. Her father, Luis, was a soldier of the U.S. Armed Forces of the Far East and a survivor of the Bataan Death March.

Also a playwright, Gaerlan

received an Honorable Mention in the Stage Play Script Category of the Annual Writer’s Digest Writing Competition in 2005 for “The Hand of God” (about St. Francis of Assisi) and in 2010 for “Magnus Laurent” (about Lorenzo de Medici).

She is a recipient of a Theatre Bay Area CASH Award in 2002 for her play “Brilliance within the Darkness” which is about the blind Spanish composer, Joaquin Rodrigo, who composed the guitar masterpiece Concierto de Aranjuez and other great works.

Gaerlan has also authored several other plays on a wide va-

riety of topics, including the United Nations (commissioned by City College of San Francisco for the U.N.’s 50th anniversary), child prostitution and the Chinese Cultural Revolution. She has recently adapted “In Her Mother’s Image” for the stage. Excerpts of various performances can be seen at [www.cecilia-gaerlan.com](http://www.cecilia-gaerlan.com).

The event was free, open to the public and made possible by the University of Hawaii’s Filipino and Philippine Literature Program, the Women’s Center, Center for Philippine Studies and the Filipino American Historical Society of Hawaii.

## HECO Publishes Energy Guides in Ilocano

Hawaiian Electric Company has translated its residential energy conservation guides “Power to Save” and “101 Ways to Save” in Ilocano to better serve the Filipino community.

“We know there are large populations in our communities who speak and read only their native language,” says Ka’iulani de Silva, HECO’s director of education & consumer affairs. “These educational tools were developed to address their needs and provide useful energy conservation and efficiency information that will help them save energy, manage their electricity use and reduce electric bills.”

“Power to Save” is a 16-page resource guide featuring

energy- and money-saving tips, an energy chart of common household appliances and the cost to run them, an appliance buying guide and an overview of how to read and understand your electric bill. The second guide, “101 Ways to Save,” offers 101 useful tips to save energy on home cooling; water heating; lighting; and common household appliances such as refrigerators, dishwashers, clothes washers, dryers and range/ovens; and electronics.

The free publications are available at HECO’s two customer service locations at 820 Ward Avenue and 900 Richards Street, or by calling 543-7511 to have a copy mailed. Online users can download a copy at [www.heco.com](http://www.heco.com).

## Public Urged to Attend Emergency Preparedness Meetings

The National Disaster Preparedness Center is hosting two upcoming meetings for coastal area residents at the Waterfront at Puuloa, located at 5105 Iroquois Avenue in Ewa Beach, from 8:30 am to 5 pm.

The first meeting—“Coastal Community Resilience”—is scheduled for Saturday, March 3, 2012. This one-day awareness level course will provide participants with an understanding of the concept of resilience as it applies to coastal communities

with a focus on traditional wisdom and modern knowledge of resilience as a unifying framework for community-based planning, preparedness, response and recovery. The goal of the course is to enhance the participant’s ability to support preparedness and response efforts by strengthening existing traditional practices with modern knowledge and science.

The second meeting—“Tsunami Awareness”—will be held on Saturday, March 10, 2012. This course will provide a

basic understanding of tsunamis, hazard assessment, warning and dissemination and community response strategies to effectively reduce tsunami risk. The goal of this course is to enhance participants’ abilities to support organizational preparedness and response efforts.

Both courses are free, open to the public and co-sponsored by the Ewa Emergency Preparedness Committee. Prospective attendees are encouraged to apply online at: <https://dms.ndptc.hawaii.edu/training>. Further details on both meetings are available by calling Lydia Morikawa at 956-0609.

### COVER STORY (cont.) (from page 5, HAWAII...)

Queen’s Medical Center and Hawaii Pacific Health have also shown strong interest in purchasing HMC-West and modernizing its facilities and equipment. Or possibly St. Francis Healthcare Systems. The projection of this happening is from within a year to a year and a half.

Dr. Ablan, former chief medical officer of HMC, is also

optimistic the hospitals will be revived in time as better facilities, especially the west campus.

“I still believe that with enough resources, as well as the support of the community, St. Francis will come out as a better facility than the last one,” he says. “I hope all the patients who have been served in the past would come back and most especially the displaced work-

ers. I hope they would be rehired especially those who have been loyal to the institution.”

For loyal patients and employees such as Lamarca, this is good news. “I’m happy to hear that if that’s the case. I’m looking forward to it.”

In the meantime, she goes to the library to study and wait for calls. There is always hope even in the midst of waiting.

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## IMMIGRATION GUIDE

## Is It Safe to Go Home to the Philippines?



By Atty. Emmanuel Samonte Tipon

**O**s an alien who has a criminal conviction but travels abroad anyway and is apprehended at the airport when he/she returns and charged as an inadmissible alien foolhardy, foolish, or stupid? "Foolhardy" means daring but lacking in judgment. "Foolish" means "lacking in consideration of effects and consequences." "Stupid" means "given to unintelligent decisions or acts."

Many aliens with criminal convictions travel abroad without realizing the effect of their conviction on their admissibility when they try to reenter the United States. Others think that there might be some consequence but travel abroad anyway.

In one instance, an alien contacted a lawyer and asked whether it was safe to go to the

Philippines telling the lawyer that he was convicted of domestic violence. The lawyer said yes. The alien went to the Philippines. When returned he was arrested at the airport, detained, and placed in removal proceedings for being inadmissible. His family confronted the lawyer, telling him that because of his advice their relative was now in trouble. The lawyer said that his statement was correct because he was asked whether it was safe to go to the Philippines. He was not asked whether it was safe to return to the U.S. Ask a stupid question, you get a stupid answer. The lawyer reportedly was asking \$20,000 to defend him in the removal proceedings. He asked his folks to give him that amount so he could have some capital to start a new life in the Philippines.

Whenever an alien asks me whether it is safe to go back to the Philippines and says that he has a criminal conviction, I ask him if he plans to come back to the U.S. Of course, says the alien. Then why don't you ask whether it is safe to come back?

That's what I meant. But that's not what you asked, I tell them.

I have not yet told an alien who was convicted of a crime that it is safe to go abroad. All of those who have asked have committed deportable offenses – drugs, domestic violence, sexual assault, firearms offenses, theft, burglary, credit card fraud. Some think that because the amount involved is small, that it is not a deportable offense. That's not the test of deportability. A Filipino was involved in a credit card fraud in Las Vegas involving about \$ 200. He was ordered deported.

Most aliens who ask a lawyer the "is it safe" question do it by phone. They shop around until they find one who will give them the answer that they like. Then they go to the lawyer.

What aliens or their lawyers think is not a deportable offense today could be one tomorrow. If the lawyer you consult with gives you an opinion saying it is safe to go abroad and return and that you will not be placed in removal

proceedings, ask the lawyer to put his opinion in writing.

If the lawyer turns out to be wrong, sorry for you. You cannot even accuse the lawyer of ineffective assistance of counsel to justify why you should not be deported because the rule on ineffective assistance of counsel applies only when the erroneous advice is given during the removal proceedings itself, not before. So what good is the written opinion of the lawyer then if it cannot save you from deportation? You might want to use it as evidence in a malpractice action.

The safest thing to do for an alien with a criminal conviction is not to travel abroad. It is not advisable for an alien with a criminal conviction to apply for naturalization because if it is denied on account of such conviction, USCIS will notify Department of Homeland Security to place the alien in removal proceedings.

The best thing for an alien to do to avoid deportation is to be-

come naturalized before committing any crime. Better still, do not commit any crime. But you'll never know when you will be falsely accused of a crime. The most common are rape, sexual abuse of a minor, domestic violence. These are very difficult – and expensive – to defend. In most cases, judges and jurors tend to believe the alleged "victim". In many cases, your ineffective criminal defense attorney, whether unpaid or paid, will advise you to plead guilty without even reading the police report and interviewing potential witnesses. At least if you are already a citizen, you will not be deported.

(ATTY. TIPON has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. Office: 800 Bethel St., Suite 402, Honolulu, HI 96813. Tel. (808) 225-2645. E-Mail: filamlaw@yahoo.com. Websites: www.MilitaryandCriminalLaw.com, and www.ImmigrationServicesUSA.com. Listen to the most witty, interesting, and informative radio program in Hawaii on KNDI at 1270, AM dial every Thursday at 7:30 a.m., rebroadcast at www.iluko.com.)

## HAWAII-FILIPINO NEWS

## Philippine Consulate Looking for Youth Leaders

The Philippine Consulate General in Honolulu is accepting applications for Outstanding Filipino-American youth to participate in the Fil-Am Youth Leadership Program, scheduled for July 11-16, 2012 in Manila.

Up to three qualified participants will be chosen from Hawaii and American Samoa. Applicants must be between 18-35 years old by July 01, 2012. The deadline for submission is April 15, 2012.

Applicants must also:

- Submit their applications online with supporting documents to: embassy@philippinesusa.org and cc honolulu@hawaii.rr.com.
- Attach at least one letter of recommendation from their school, community or employer.
- Be ready to travel by possessing a valid passport and other required documentation.

Organizers are hoping that the program will tap the leadership and talent of second generation Filipino American achievers, many of whom have an



earnest desire to give back and contribute to the Philippines' further progress. Applicants must demonstrate scholastic achievements, leadership skills, accomplishments, active involvement in school or civic organizations, as well as vision and commitment in helping their communities and the Philippines.

The Fil-Am Youth Leadership Program is a partnership between the Philippine Embassy and Consulates General in the U.S. and the Ayala Foundation. Those who are selected will be notified by May 15, 2012. A final list of selected participants will also be posted online at the Philippine Embassy website at: www.philippineembassy-usa.org.

For further details, please contact the Consulate at 595-6316 ext. 104/105.

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**OPINION (cont.)** *(from page 3, THE PEOPLE'S...)*

do. Otherwise it would be superior to the Impeachment Court. The Justices might as well do the impeachment trials for the specified officials themselves if they have this power or authority since that would mean that they have the final say. This is not what the Constitution intended.

By issuing a TRO against a subpoena order of the Senate Impeachment Court, the majority of Justices show: no respect to the Senate Impeachment Court, no respect to the Senators, no respect to the people and no respect for the Constitution. Again, seven Justices have shown their propensity to engage in judicial abuse and tyranny. Ironically, an eight Judge is an Aquino appointee. Either he has joined the cabal of conspiring Arroyo appointed Justices for whatever reason or genuinely believes that the Supreme Court can order the Impeachment Court on what to do and that it is justified in doing so.

In good faith, Presiding Senator Juan Ponce Enrile and the Senator-Judges have shown respect for the Supreme

Court as an institution. They denied the prosecution's request to subpoena four Justices. They could have if they wanted to – but out of sensitivity and notions of equality of powers principles, they decided not to. Apparently, the Senator-Judges showed respect to the Justices but eight Justices did not show respect to them. Five dissenting Justices did.

The eight Justices are not dumb. They know that if Corona's dollar accounts were exposed, the likelihood is that it might show hundreds of thousands of dollars from unexplained sources including the \$700,000 from one account alone as claimed by the prosecutors.

As Justices, one would think that of any group of people, they should be the ones most concerned about the truth and about having a squeaky clean Chief Justice with unquestionable integrity. They owe this to the people, to themselves and above all – to their Creator.

And if Corona were in good faith, he should have been the first to stop his colleagues



from issuing a TRO. He should have in fact insisted that his dollar accounts be revealed to prove his innocence.

The Impeachment Court should absolutely ignore the orders of the Supreme Court – whether it is the TRO on revealing Corona's dollar accounts, an order to stop the impeachment trial of Corona or any other order. The Senators should not even consider filing a Motion to Reconsider. Doing so means recognizing and accepting that the Supreme Court has authority over the Impeachment Court.

There is no constitutional crisis involved here. These unpalatable orders issued by eight Justices, if obeyed, effectively protects Corona's dollar accounts from exposure concealing high crimes against the

people. The Supreme Court exists primarily to protect the interests of the people – not that of an alleged erring Chief Justice facing impeachment. It is of paramount importance to the nation to have a Chief Justice with unquestionable honesty. He sets the example for all the Justices and judges. Disobeying the eight Justices in this situation is not the same as disrespecting the Supreme Court. It is right to disobey an order when it is immoral. Moreover, the Supreme Court has no legitimate authority over the Senate Impeachment Court.

What will the Supreme Court do if the Impeachment Court disobeys? Hold the Senator-Judges in contempt? Who will arrest the Senators? The bailiffs? The police? The sheriffs? Not any of these will hap-

pen? So much for all of these undefined warnings about Constitutional crisis issued by some alarmists.

Finally, Arroyo and Corona supporters rant that revealing Corona's peso and dollar accounts would cause a bank run. Obviously, by using this fear mongering tactic and playing on public anxiety, they hope to keep Corona's dollars from being revealed. But – why should a depositor be concerned when there is no case against him? Neither the government nor the bank is about to take a depositor's money without a court order.

In the U.S. and other advanced nations, bank secrecy laws are tempered by reason and sound public policy. When criminal activity and/or public interest is involved, reason dictates that bank accounts be revealed. In fact, The Philippine Money Laundering Act of 2001 already provides for revealing questionable deposits. Are the majority of Supreme Court Justices being intentionally ignorant of this law? The Senator-Judges should use this law to effectively force Corona to reveal all of his accounts – dollars or otherwise.

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**PHILIPPINE NEWS**

**MoneyGram Donates School Supplies to Pasig City School**

Christmas may be over, but that hasn't stopped MoneyGram from spreading holiday magic to children in eight countries, including the Philippines.

MoneyGram's "Spreading Holiday Magic" program is a relay-style program in which the company will distribute much-needed money, school supplies and learning tools to 11 schools in eight countries. The relay kicked-off at an elementary school in Dallas, Texas, home to MoneyGram's global headquarters, before stopping at Rizal High School in Pasig City, the Philippines where 500 students received school supplies.

"Our round-the-world relay is intended to spread the magic of the holidays to schools in need, and bring important learning tools to children in the classroom," says Pamela H. Patsley, chairman and chief executive officer of MoneyGram. "We hope that we're able to make this time of year a little brighter for the children at Rizal High School and to encourage learning in the classroom as we firmly believe in the magic of education."

"Spreading Holiday Magic" is an extension of MoneyGram's global holiday marketing campaign in which the company encourages consumers to "enjoy the



magic of the holidays, send money around the world, and watch the happiness grow" in a series of print ads and TV commercials.

This community initiative is a natural extension of MoneyGram's global marketing campaign and Global Giving program. Annually, the company gives approximately \$500,000 to non-profit organizations around the world for essential education needs and disaster recovery programs.

Those interested in learning more about MoneyGram services and locations and its Global Giving program can visit [www.moneygram.com](http://www.moneygram.com).

**Phl Invites Foreign Investors for Gas Exploration**

by AP and Neil Jerome Morales  
 Tuesday, February 28, 2012

The Philippines has invited foreign investors to explore possible fuel deposits in two offshore areas near the West Philippine Sea (South China Sea) despite a protest from China, which also claims the territory.

Energy Secretary Jose Almendras yesterday said the areas northwest of Palawan island are in Philippine territory and are two of 15 areas nationwide being offered to foreign investors for oil and gas exploration.

The Chinese embassy last year protested the plan to invite foreign companies to explore in the two areas, saying they were part of the South China Sea region that falls under its sovereignty.

Almendras said that the government would start awarding exploration contracts to some companies next month, but did not say whether the permits would include the two areas claimed by China.

Companies are allowed to submit pre-qualification documents until tomorrow.

The Department of Energy (DOE) will let the Department of Foreign Affairs (DFA) deal with diplomatic issues.

"I am sure it will have diplomatic complications, which I am sure the DFA



will be able to handle," Almendras said. "As agreed, the DFA takes the lead in all the diplomatic issues."

Exploration of Reed Bank, near the contested territory, is still being conducted by Forum Energy Plc, a UK-based oil and gas firm controlled by Pangilinan-led Philex Petroleum Corp.

"The ongoing explorations will continue. The seismic studies have been finished so they are in the evaluation stage," Almendras said.

**Oil subsidies**

Meanwhile, the government is looking  
*(continued on page 11)*

## PHILIPPINE NEWS

## 'SC Spokesman Violated Court's Internal Rules'

by Jose Rodol Clapano  
Tuesday, February 28, 2012

**M**ANILA, Philippines - Supreme Court (SC) spokesman Midas Marquez violated the internal rules of the High Tribunal for hastily announcing the Nov. 15, 2011 temporary restraining order (TRO) on the travel ban on former President Gloria Macapagal-Arroyo.

This was the statement of Bayan Muna Rep. Neri Colmenares yesterday as the prosecution panel presented video footage taken by television network ABS-CBN Channel 2 showing Marquez's press conference that afternoon.

The video footage was part of the evidence of the prosecution panel in the ongoing impeachment trial against Chief Justice Renato Corona at the Senate.

Colmenares said in the footage, Marquez announced that former President Arroyo and her husband Mike could leave the country provided that they comply with three conditions of the TRO, even before the resolution of the SC was transmitted to the parties involved.

One condition was to post a P2-million cash bond, the other to assign a legal representative who would receive all the subpoenas while they are out of the country, and the last was that the Arroyos should go to a country with a Philippine embassy and inform the consulate.

Initially, Marquez said the TRO was "suspensive" because the Arroyo couple had to first comply with the three conditions of the SC.

(from page 10, PHL INVITES ...)

at handing out more aid to the public transport sector amid continued escalation of oil prices.

Almendras said the government is looking at providing oil subsidies to tricycle drivers.

"There is still a lot of balance in the Malampaya funds. There is still a lot of savings in government also," Almendras said, when asked about fund sources.

Just last week, a new round of oil price increases greeted consumers following continued geopolitical tensions in the Middle East.

Since the start of the year, there have already been seven

However, in the latter part of his press conference, he announced that the TRO was already in effect.

Defense lead counsel Serafin Cuevas said the footage was "irrelevant" to the impeachment case, but the court allowed it to continue.

The prosecution panel also subjected ABS-CBN cameraman Edwin Villasana to direct examination, which Cuevas also questioned, but this was allowed by court presiding officer Senate President Juan Ponce Enrile.

"I don't see any relevance, your honor. The Chief Justice is the accused here in the impeachment trial. We do not know the actual purpose," Cuevas told the court.

"I will allow it. The prosecution wants to prove the respondent's partiality in granting the TRO in favor of former President Arroyo and Mike Arroyo to give them the opportunity to escape. The purpose is to show his (Corona) partiality," Enrile said.

"The video is talking about the TRO being considered by the SC. It was being drafted, the TRO resolution was under consideration with conditions. Let them present their case," he added.

For her part, Sen. Loren Legarda found the video footage somewhat "inaudible," and urged the impeachment chairman to order ABS-CBN to provide them with a transcript instead.

The prosecution panel also presented Arroyo's attending physician at St. Luke's Medical Center, Dr. Juliet Gopez-Cer-

oil price increases as against two price reductions. As of Feb. 14, net increase stood at P3.60 per liter for gasoline and P2.15 per liter for diesel, data from the DOE showed.

Almendras said the first batch of Pantawid Pasada Program reloads has been completed. Public utility jeepneys with plate numbers ending in zero have been given P1,200 worth of credits.

The Pantawid Pasada Program, which started in May last year, is a P120-million government program to cushion the impact of high fuel prices on the public transport sector.

(www.philstar.com)



SC Spokesman Midas Marquez, who authenticated the medical certificates of Arroyo.

"I am the attending physician of the former president every time she went to the St. Luke's from 2006 to December 2011. So, for five years I have been her main attending physician," Cervantes said during direct examination conducted by prosecution lawyer Arthur Lim.

Cervantes said in 2006, Arroyo developed diarrhea and her family decided to bring her to St. Luke's.

"As a specialist in gastroenterology, I attended to her diarrhea. And from then on even when her problem is no longer gastroenteritis and liver, they decided that I would be their attending physician. I attended to GMA July 2011, August 2011, September 2011," Cervantes said.

She said Arroyo was admitted to St. Luke's after complaining of severe pain in 2011.

Cervantes said Arroyo has "metabolic bone disease and osteoporosis due to hypothyroidism imbalance and vitamin C deficiency and her disease needs lifetime treatment."

During the hearing, the Office of the Vice President chief administrative officer, Emma Avador, was also presented by the prosecution to authenticate the documents pertaining to the consultancy work of Corona for

Arroyo during her vice presidency from 2000 to 2001.

#### Joker amazed

Sen. Joker Arroyo expressed "amazement" yesterday over the claim of the prosecution that they were having difficulty in convincing witnesses to testify against Corona in the impeachment trial.

"I am amazed at the statement of the prosecution that they had difficulty because the respondent is the Chief Justice of the Supreme Court. But you have the backing of no less than the President of the Philippines," Arroyo said.

"How can you say that? You should have no problem getting witnesses because of persuasion," he added.

Arroyo cautioned the prosecution for insisting that they are having difficulty in requiring witnesses in a bid to convince the Senate court to reconsider its earlier decision not to issue a subpoena to Associate Justice Maria Lourdes Sereno.

#### Guilt by association

Defense lawyer Tranquil Salvador III reiterated his call for the prosecution to stop associating their client with former President Arroyo to establish Corona's alleged partiality to the former president.

"They want to establish that the Chief Justice's relations with the former president can be traced back since Mrs. Arroyo was still vice president," Salvador said.

"Article 3 of the eight Articles of Impeachment finds Corona culpable for violation of the Constitution and/or betrayal of public trust for lack of proven competence, integrity, probity,

and independence. That's already an established fact," he said.

"There is law that provides guilt by association. It does not mean that if I worked with you, or you worked with me, that your sins will also be my sins. So that would be unfair unless you can establish conspiracy, which is far from this case."

#### Prosecution team wants to recall ruling

Meanwhile, the House prosecution team asked the court yesterday to recall its ruling denying the testimony of Philippine Airlines (PAL) officials on the alleged privileges received by Corona and his wife Cristina while cases against the country's flag-carrier were pending at the SC.

Lead prosecutor Iloilo Rep. Niel Tupas made the request to allow Enrique Javier, PAL vice president for sales, and Ria Carrion-Domingo, PAL vice president for product loyalty marketing, to testify before the impeachment court on the PAL Platinum Cards issued to the couple.

Tupas said the testimonies of the witnesses and the documents, particularly the PAL Certification and Compliance to be presented in the court, would prove "not the crime of bribery but the allegation that Corona has committed culpable violation of the Constitution and betrayed the public trust when he failed to meet stringent standards of competence, independence, probity and integrity."

Senate President Juan Ponce Enrile disallowed testimony on Corona's alleged "perks," including unlimited courtesy travel from PAL, saying the evidence was immaterial and irrelevant to the case, specifically, Article 3 of the complaint. (www.philstar.com)

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## PHILIPPINE NEWS

## Pacman 3-1 Favorite Against Bradley

by Abac Cordero

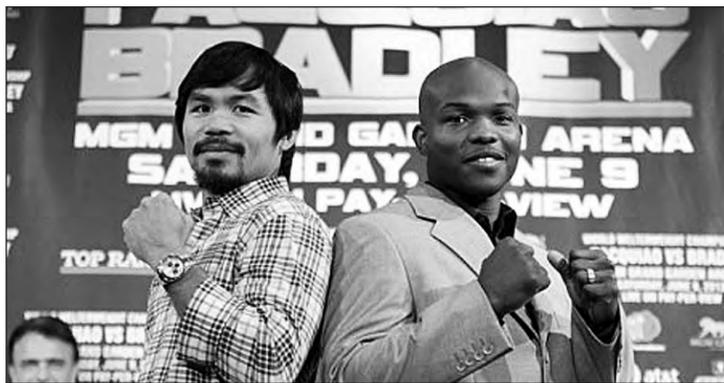
Tuesday, February 28, 2012

**M**ANILA, Philippines — Manny Pacquiao is off to a slow start as far as the betting lines for his June 9 title fight against Timothy Bradley are concerned.

Numbers coming out of Sin City have placed Pacquiao as a 3-1 favorite against the undefeated fighter from the United States.

They are scheduled to fight June 9 at the MGM Grand in Las Vegas. Last week, they went on a two-city press tour in Los Angeles and Vegas.

According to a report that came out of 8countnews.com yesterday, the 33-year-old Filipino stands at -340, meaning \$340 wins a hundred bucks.



Manny Pacquiao and Timothy Bradley

The 28-year-old Bradley, undefeated in 28 fights, is at +280, meaning every \$100 wins \$280.

Pacquiao is tipped to retain his WBO welterweight crown even if jaded observers have raised the possibility that he may be past his prime.

In his recent fights, Pacquiao enjoyed tremendous edge

as far as the oddsmakers are concerned, and against Juan Manuel Marquez he went as high as -1,100.

But Marquez proved the oddsmakers wrong in that Pacquiao, already at home in the welterweight division, would breeze past the aging Mexican counter-puncher.

Marquez exposed Pacquiao

during their Nov. 12 bout, and a lot of people felt that the former did everything that was needed for him to win, except to get the nod of the judges.

Since Pacquiao scored knockout wins over David Diaz, Oscar dela Hoya, Ricky Hatton and Miguel Cotto from June of 2008 until November of 2009, it was never the same again.

Pacquiao had gone the distance against Joshua Clottey, Antonio Margarito, Shane Mosley and Marquez, and failed to finish them off even if he was heavily favored to do so.

Some take it as a sign that Pacquiao, after a total of 59 fights (54-3-2) in a career spanning 17 years, could be past his prime.

But others came to his defense by saying he was too small, one who launched his ca-

reer at 108 lb, to stop somebody like Margarito, whom he fought at 150 lb.

Against Bradley, Pacquiao will enjoy the advantage in height, half an inch against the 5-foot-6 American. It's been a long time since Pacquiao had the advantage in height.

Perhaps the last time it happened was when he fought Marco Antonio Barrera in a rematch in 2008. Barrera did not choose to fight, and Pacquiao settled for a unanimous decision.

Here comes the smaller Bradley, who said he's ready for war, and that he's out to hurt Pacquiao.

Pacquiao fans will be hoping that he knocks Bradley out. Otherwise, they will be left wondering as well. Is Pacquiao a fading star? ([www.philstar.com](http://www.philstar.com))

## MAINLAND NEWS

## Rule Could Leave Child-Support Debtors No Income

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

Tuesday, February 28, 2012

**W**ASHINGTON (AP) — Old child support debts could cost thousands of poor men their only income next year because of a policy aimed at reducing the cost to the government of mailing paper checks to pay federal benefits.

The Treasury Department will start paying benefits electronically next March. It will stop issuing the paper checks that many people rely on to safeguard a portion of their benefits

from states trying to collect back child support.

States can freeze the bank accounts of people who owe child support. A separate Treasury Department rule, in place since last May in a preliminary form, guarantees them the power to freeze Social Security, disability and veterans' benefits that have been deposited into those accounts.

Once paper checks are eliminated, about 275,000 people could lose access to all of their income, advocates say.

"It's kind of Orwellian, what's being set up here for a

segment of the population," says Johnson Tyler, an attorney who represents poor and disabled people collecting federal benefits. "It's going to be a nightmare in about a year unless something changes."

In many cases, the bills are decades old and the children long grown. Much of the money owed is interest and fees that add up when men are unable to pay because they are disabled, institutionalized or imprisoned.

Most of the money will go to governments, not to the children of the men with child support debts, independent analyses show. States are allowed to keep child support money as repayment for welfare previously provided for those children.

In some instances, the grown children are supporting their fathers.

The rule change illustrates how a politically desirable goal like cracking down on so-called deadbeat dads can have complicated, even counterproductive, effects in practice.

"The rule doesn't look at the fact that the money is mostly interest, the money is going to the state, the kids are usually adults, and it's leaving the payer with nothing," says Ashlee Highland, a legal aid attorney who works with the poor of Chicago.

Marcial Herrera, 44, has had his bank account frozen repeatedly since 2009, blocking his access to \$800 a month in government benefits. Unable to

work because of a severe back injury he suffered in 2000, Herrera fell behind on child support. He owes more than \$7,000 — not to his 22-year-old son, but to the state of New York, because his son received welfare years earlier.

Herrera sought help in court and had his son speak on his behalf, but the judge could not erase the thousands he already owed.

"I'm just waiting for them to lock me up," he says. "I don't see no other way of me repaying that debt."

A legal aid attorney suggested Herrera collect his benefits by paper check. It costs him \$15 to cash the check each month, but at least he can be sure that he will have money to pay his bills.

States have had the ability to freeze accounts for years. That's why people like Herrera rely on paper checks to safeguard part of their income.

Starting next March, that option will disappear. The Treasury Department will deposit federal benefits directly into bank accounts or load them onto prepaid debit cards. Either way, state child support agencies will be able to seize all of it.

Electronic payments are expected to save the government \$1 billion over the next 10 years, the Treasury Department says. It costs the government about \$1 to mail a check, compared with about 10 cents for an

electronic transfer.

The Treasury Department understands that forcing people into direct deposit could deprive them of all of their income, say officials who spoke on condition of anonymity because they were not authorized to discuss the rule-writing process.

States can garnish only 65 percent of benefits before the federal government sends them out. But the limit does not apply once the money is in an account and states ask banks to freeze it, according to a Treasury Department memo obtained by The Associated Press.

A Treasury spokesman declined to discuss the policy. The officials who spoke on condition of anonymity say they believe the policy is legally unavoidable. They described a dilemma: Restrain states trying to collect child-support debts or risk depriving thousands of people of their only income.

Treasury's legal justification assumes that receiving a paper check is still an option, says Tyler, the Brooklyn attorney.

Letting state agencies seize the money contradicts the public stance of the Department of Health and Human Services, the federal agency in charge of child support collections. The department does not want states to collect child support so aggressively that poor people lose their only income, spokesman Ken Wolfe says.

"Child support enforcement — getting that money and pass-

(continued on page 13)

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LEGAL NOTES



By Reuben S. Seguritan

# Visa Requirements for Business Travelers

those in visa categories that allow "dual intent" such as H-1B and L-1 visas, nonimmigrant visa applicants are automatically seen as intending to settle permanently in the U.S. To be eligible for a B-1 visa, even business visitors must overcome the presumption of immigrant intent.

There are three basic requirements for a B-1 visa. First, the applicant must give proof of an unabandoned foreign residence. This refers to the principal actual dwelling place of the applicant. It is the principal place of abode to which he/she will return at the end of the temporary visit to the U.S.

Second, the entry must be for a temporary period only, meaning, that the stay is for a

limited time and not indefinite. To prove this, the applicant must give evidence of specific plans for the visit, adequate financial resources, and sufficient business and family ties to his/her home country which would be a strong inducement to leave the U.S. at the end of the visit.

Third, the purpose of the visit must be to engage in permitted business activities. The applicant must be visiting for business and not for the purpose of local employment or labor for hire.

Sometimes, it is hard to distinguish between a permissible business activity and impermissible labor or employment. In such a case, the consular official must look at whether the principal place of business and the actual place where profits accrue are in the foreign country and

not in the U.S.

The consular official may also use the old three-prong test which asks, first, whether the individual would be compensated from a U.S. source. The B-1 nonimmigrant may receive an expense allowance or reimbursement from a U.S. source, but he/she may not receive a salary or remuneration from U.S. sources in connection with activities in the U.S.

The second prong pertains to the nature of the services performed. Attendance at business meetings is allowed, but services, even if uncompensated, for which a U.S. worker would have to be hired, or those services inherently part of the labor market are not and could disqualify the applicant from the visa.

The third prong requires

the officer to determine who benefits the most from the visitor's services in the U.S. If it's a U.S. entity that will benefit the most, chances are the visitor will be denied a B-1 visa. On the other hand, if the foreign national or foreign employer primarily benefits from the services, the visitor may be eligible for a B-1 visa.

Examples of business activities that are allowed under a B-1 visa are the following: engaging in commercial transactions; negotiating contracts; litigating; participating in a convention, conference or seminar; and undertaking independent research.

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

MAINLAND NEWS

## NFL Quarterback to Build Children's Hospital in Mindanao

One of America's hottest new sports heroes is giving back to the Philippines, the country where he was born, by funding the construction of a children's hospital in Mindanao.

Tim Tebow, quarterback of National Football League's Denver Broncos, was born in 1987 in

Manila, where his Baptist parents were serving as missionaries.

The \$3-million, 30-bed facility is scheduled to open in Davao City in mid-2013, according to the U.S.-based charity organization CURE on its website in a video message from Tebow.

"I've always had a special place in my heart for the country in which I was born and I'm very excited about this project," he says. "This hospital will change the lives of thousands of children in the Philippines."

The Tebow CURE Hospital will specialize in bone disease and injuries for children, with



about of a third of the young patients expected to be charity cases. The hospital will house a "Timmy's Playroom" to be used by children who undergo surgery.

The Tim Tebow Foundation,

established in 2010, plans to build playrooms in children's hospitals around the world and the Davao one will be the first. CURE spokesman Matt Shandera said that preparatory work is already under way to build the hospital this year.

A devout Christian, Tebow has known for late-game heroics, leading to seemingly miraculous, come-from-behind victories for the Broncos in the National Football League. (*Good*

*News Pilipinas*)

(from page 12, RULE....)

ing it on to parents and children — is a measure to fight poverty, and it doesn't make sense to accomplish that by impoverishing somebody else," he says.

Wolfe said HHS is developing guidelines for states to "make sure we're not putting someone into deep poverty as a result of an automatic collection." He declined to provide details of those plans.

Lawyers from HHS agreed with Treasury's decision to let states seize benefits, according to the Treasury memo.

An early version of the Treasury department rule protected people from having their federal benefits frozen by debt collectors — including private collection agencies and states seeking back child support.

State child support agencies replied in public comments on the proposed rule that blocking their access to people's benefits would cause great harm to parents and children receiving child

support.

HHS research suggests the policy could deepen the hardship for people who collect benefits as well.

People who owe large amounts of child support are almost universally poor. Among those owing \$30,000 or more, three-fourths had no reported income or income of less than \$10,000, HHS says. Many had their earnings interrupted by disability or jail time and are unlikely to repay the child support debt, the government-sponsored research says.

The usual methods of collecting back child support often don't work with the poor. States typically start by garnishing wages. If that doesn't work, they can suspend driver's licenses, revoke passports and take away professional credentials.

Those measures have little effect on poor people without jobs who rely on federal benefits. They have no wages to garnish and no passports. Many

can't afford a car and do not need a driver's license.

State child support agencies echo the HHS view that child support enforcement should not be so draconian that people end up with nothing.

The Idaho department requires people who owe child support to show good faith by paying a minimum amount and seeking jobs when they are out of work, Shanahan says.

The White House is reviewing the final version of the rule. Its impact so far has been limited, legal-aid lawyers say, because people can still use paper checks. A White House spokeswoman did not respond a request for comment.

The issue has failed to raise alarm in part because most people feel little in common with men labeled deadbeat dads, says John Vail, an attorney with the Center for Constitutional Litigation who provided legal services for the poor for decades. ([www.philstar.com](http://www.philstar.com))

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# Doing Business for Others

By the GO NEGOSYO team  
Tuesday, Feb. 28, 2012

**W**hen Antuza Refalda discovered that coffee processed from the droppings of civet cats – creatures that inhabit her province, Kalinga – was sold at a steep price, she thought, why not develop the business to create a livelihood for local farmers?

With hardly any knowledge about processing coffee and with modest capital to begin her venture, she gathered a group of local farmers to produce civet coffee blends while she dealt with coffee traders. She took educational trips organized by the Department of Trade and Industry (DTI) and other organizations to learn about coffee milling and master the ropes of the business.

Antuza decided to be an entrepreneur, not only so she could help develop the province's coffee industry, but also to protect farmers from unfair trade.

To realize her vision, she needed the help of the DTI, which granted her a P300,000



Antuza Retalda, Elma Arboleras and Lourdes Ragas

loan from its Small Business Guarantee Fund. Antuza used the grant to purchase the technology needed to process civet coffee.

Though she struggled in the first few years, Antuza never wavered in perfecting the coffee roasting process. As her product, which would be called Kalinga Brew, showed more promise, the Department of Science and Technology offered her a P900,000 grant from its small enterprise technology upgrading program to help her obtain new coffee processing equipment.

Antuza's booming business today is a result of her efforts in promoting the welfare and helping develop the skills of local coffee farmers.

Antuza helped farmers train in coffee processing as well as develop entrepreneurial skills with the setting up of

Gawidan Farmers Association, which taught them how to profit from their own coffee produce.

In first quarter of last year, she was sold 1.5 tons of civet coffee for P1.5 million.

Antuza's generosity gave her more blessings. She is now known for building the local civet coffee industry of Kalinga.

Kalinga Brew products are also marketed in several countries and patrons from abroad call it the "best brewed coffee in the world."

Antuza not only improved the lives of farmers while boosting the local coffee industry, she has also made the Philippines one of the premiere sources of this expensive coffee blend.

## Filipina ingenuity

When Elma Arboleras

graduated from college with a degree in Customs Administration, little did she know that 22 years later, she would make Filipinos proud. The young Elma applied for a job just like most fresh graduates and found herself working for companies engaged in customs brokerage and trading.

But in the last eight years, she was also involved in a research project that would earn her and co-inventor Rodel de Guzman a gold medal at the British Invention Show: the iBus.

Elma grew up in Iloilo, but she knows and understands the hassle caused by traffic jams in Metro Manila and other major cities. Many blame it on a disorganized public transport system, with buses and jeepneys picking up and dropping off passengers practically anywhere, ignoring the designated pick up and drop off points.

The iBus, or Intelligent Bus Utility System, programs groups of buses to enforce a more organized public transport system.

The machine-readable tags allow for centralized control where all appointed vehicles are managed digitally or through computers. Thus, buses can be programmed to stop at designated points only. It can also limit bus stop usage.

iBus can likewise distribute groups of buses evenly to prevent congestion at bus stops. Its Real Time Location System makes it convenient for passengers and enforcers to predict when the next bus is arriving.

The iBus impressed many inventors and other innovators at the British Invention show, and some have already offered to buy the patent so it may be used in other countries.

Elma says that it was her desire to help the country in some way that motivated her to complete the iBus. And for others who also wish to come up with their own breakthrough, she shares that it's not about being a genius but about passion and a lot of hard work.

## Proving that Filipinos can

Women start a majority of new businesses. As Lourdes Ragas would prove, women are

capable of growing a small business into a world-class company.

Lourdes started her venture with a vision and a purpose: to prove that Filipinos can compete in the international market.

Starting with only three machines and a few seamstresses, Lourdes ventured into the export of corded lace and trimmings in 1988. This made her company, Asia Embroidery Inc., one of the pioneers in the export of the craft.

Through her leadership and with the help of her highly skilled staff, the company's products caught the attention of the international market, and soon demand for their creations spiked. It also helped that renowned local designer Patis Tesoro became Lourdes' design partner.

Today, Asia Embroidery is one of the main suppliers to some of the biggest names in fashion around the world. What makes her proud, Lourdes says, is that these products are sourced from indigenous raw products and fabricated locally.

The company grew because of Lourdes' faith in the artistic talent of Filipinos. She says she hopes that Asia Embroidery has carved a niche in the international fashion industry, and that it would continue to garner interest in Philippine embroidery.

Antuza, Elma, and Lourdes all went into business with a higher purpose, more than just for their own benefit. They are three of Go Negosyo's 10 Women Starpreneurs who will be awarded at the Women Entrepreneurship Summit at the World Trade Center on March 2.

The Woman Starpreneur Award, a recognition given in partnership with The Philippine STAR, identifies outstanding women entrepreneurs and intrapreneurs who are exemplars to all women.

In an effort to help small and medium enterprises, many of which are run by women, Go Negosyo sheds light on the challenges and issues still faced by women entrepreneurs today through this annual summit. ([www.philstar.com](http://www.philstar.com))

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## GLOBAL NEWS

# DFA Lifts Deployment Ban of Au Pairs to Europe

by Pia Lee-Brago  
Tuesday, February 23, 2012

MANILA, Philippines - The ban on the deployment of au pairs to European countries has been lifted after the ad-hoc Technical Working Group (TWG) issued a new set of guidelines, Foreign Affairs Secretary Albert del Rosario announced yesterday.

The new "Guidelines on the Departure of Au Pairs to Europe" were approved to facilitate the departure of au pairs and provide safety nets and protection.

The ad-hoc TWG is composed of the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Department of Education (DepEd), Bureau of Immigration (BI), Philippine Overseas Employment Administration (POEA) and Commission on Filipinos Overseas (CFO).

Under the new guidelines, proce-

dures for the departure of au pairs have been simplified and the documentary requirements were set to the minimum.

A strict monitoring system shall also be put in place in the Philippine embassies and consulates general in Europe for the protection of au pairs. The DFA will act as the lead agency in formulating policies on the au pair scheme.

Departing au pairs only need to submit the following to the BI at the port of departure: a contract of engagement duly authenticated by the Philippine embassy or consulate general in the area of destination, valid passport with au pair visa, and a CFO certificate/sticker.

The DFA said au pairs need not go through the DOLE or POEA procedures as they are not considered overseas Filipino workers.

Au pair is a term used to describe those between 18 and 30 years of age, unmarried and without any children, placed under a cultural exchange

arrangement with a European host family for a maximum stay of two years, unless otherwise allowed by host countries.

Under the au pair scheme, the au pair is placed in an immersion program in cultural and language learning in the specific European country of destination. He or she shall live with the host family at par (au pair) or on an equal basis with the immediate members of the host family, shall be given pocket money, share in child care, light household chores and responsibilities previously agreed upon in an au pair placement contract between the au pair and the host family.

The ban was imposed in 1998 due to isolated cases of abuse of the system by some unscrupulous elements. In 2010, the ban was lifted for Switzerland, Norway and Denmark.

Del Rosario advised prospective au pairs not to go to third party go-betweens since the procedures have been simplified at the least cost for the Filipino au pairs. ([www.philstar.com](http://www.philstar.com))

# Promoters Want More PBA Games in Dubai

by Nelson Beltran  
Monday, February 27, 2012

MANILA, Philippines - The 2012 PBA Dubai sojourn was such a big hit that league commissioner Chito Salud was deluged with offers for future events even before he and his delegation could return to Manila.

Salud and the rest of the 95-strong PBA group flew back home late last night tired but extremely satisfied they made Filipinos in Dubai happy with their five-day visit.

The promoters were overjoyed seeing the crowd rock and roll at the Al-Shabab Sports Club while watching the two well-fought matches played by Rain of Shine, Barangay Ginebra and Barako Bull.

The venue was filled to the rafters during the Ginebra-Rain or Shine tussle won by the Kings at 89-88.

Leaders of the UAE cage federation witnessed the euphoria, prompting them to make their own offer for



PBA Commissioner Chito Salud opening remarks in PBA Dubai

promotion of a PBA event over at Abu Dhabi.

The Philippine Expats Basketball Club, organizer and promoter of the just-concluded event, hopes to bring back the PBA in December.

"We just can't have enough of the PBA games. We're looking at holidays in late November and early December. We want those days so that our kababayans are free to enjoy the games," said PEBC chairman Edwin Deang, from San Fernando, Pampanga.

"We've yet to get the official accounts. But just to see our kababayans erupt in joy and happiness is more than enough for us," said Tess Sales Al-Ansari, owner of

the Far Eastern Private School who helped finance the event

The lady Ilocos native, who is married to a UAE national who's into several businesses, herself wants the PBA back soon.

"It's up to the commissioner. As for us, we're willing to back up this event for 20 years. I'm very satisfied seeing the Filipinos happy," said Ahmad Al-Ansari.

"Our kababayans really long for entertainment. The PBA is a good event to make them happy. Somehow, they feel at home watching the PBA stars," said Mrs. Al-Ansari, who with her husband, plans to fly to Manila to watch the games in its regular venues. ([www.philstar.com](http://www.philstar.com))

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