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EDITORIALS

U.S. Faces Acute Shortage of Psychiatrists

A shortage of psychiatrists, child and adolescent psychiatrists, and other psychiatric sub-specialists has reached crisis levels in the U.S., particularly in rural areas. The American Psychiatric Association predicts a shortage of about 22,000 child psychiatrists and 2,900 geriatric psychiatrists by 2015. The demand for general psychiatry is expected to rise 19 percent across the nation by 2020, according to the American Academy of Child and Adolescent Psychiatry. Adding to the problem is that about half of practicing psychiatrists are over age 55 and nearing retirement.

The shortage means that those who need mental healthcare are not receiving it. Experts say that children and teens who do not receive treatment for mental illnesses are at a higher risk for school failure, problems at home, substance abuse and entrance into the juvenile justice system. There are several factors for the shortage, including a long period of training which comes with a debt burden and a stigma by some in the medical community who see psychiatry as a "soft science" and psychiatrists as counselors rather than doctors. And with so few child psychiatrists in the country, an even fewer number are in teaching. As a result, some students make it through medical school without ever meeting a child psychologist.

Achievers and role models in the field of psychiatry are sorely-needed—like Dr. Anthony Guerrero, who was recently named as chair of the Psychiatry Department at the University of Hawaii's medical school. With Dr. Guerrero joining a new generation of psychiatry department chairs who have taken over at major universities, and a new generation of students who are choosing to train in psychiatry, some are optimistic that the declining numbers can be addressed. At Yale University where a new curriculum stresses clinical neuroscience, 12 percent of the graduating medical school class chose to go into psychiatry in 2011, compared to the national average of 4 percent.

Innovative solutions such as medical school loan forgiveness plans could help decrease the current shortage particularly for child and adolescent psychiatrists. Another novel initiative is UH's fully accredited Triple Board Residency Training Program which educates and trains physicians who will be qualified pediatricians, general psychiatrists and child and adolescent psychiatrists. Admittedly, there won't be a quick solution to the shortage problem and change will be slow. But for now, mental health patients must simply try to cope as best as they can. Those lucky enough to receive treatment are given the right combination of medicines, which gives them a purpose in life. And that's really all that some people need.

Combating Philippines' Smuggling Problem

Despite Philippine President Benigno Aquino's pledge to rid corruption in the country under his "Good Governance" policy, problems continue to persist. Among the more peskier problems is that of smuggling, which unfortunately has reached new heights under Aquino's watch.

The total value of rice, onions, petroleum and other commodities smuggled into the Philippines averages \$19.6 billion annually. According to the International Monetary Fund, the value of smuggled goods during Aquino's first two years in office was \$39.2 billion, compared to the \$35.6 billion during Gloria Macapagal-Arroyo's nine years in office. Recently, the Philippine Senate began hearings into the smuggling of rice. Last year, some 50,000 tons were smuggled each week through ports in Manila, Cebu, Cagayan de Oro and Davao. The problem has become so widespread that some have referred to the Philippines as "the smuggling capital of Asia." Smuggling cuts deep into government revenues from import duties. Cheap smuggled goods

FROM THE PUBLISHER



Some people are worth melting for," says the snowman Olaf in Disney's hit animated movie "Frozen." Wanting to save his friend Anna from freezing, the snowman lights a fire that causes him to slowly melt, yet he refuses to abandon her. It's in this brief moment that Olaf shows her what true love really is. With Valentine's Day around the corner, we can stand to learn from Olaf about the power of selfless love. I encourage you to see "Frozen" while it's still playing in theatres. You will love every minute!



Our featured cover story for this issue is an exclusive interview with Dr. Anthony Guerrero who was named chair of the Psychiatry Department at the University of Hawaii-Manoa's John A. Burns School of Medicine. Guerrero holds the distinction as the first chair of psychiatry of Filipino ancestry at a U.S. medical school. He finished medical school at the tender age of 22, making him one of the youngest graduates ever at UH to do so. He is also the first graduate of Hawaii's Triple Board Residency Program—pediatrics, psychiatry and child/adolescent psychiatry. We congratulate Dr. Guerrero on his recent appointment and for his numerous accomplishments. Turn to page 4 to find out more about this extraordinary physician.

On page 6, we have a thought-provoking "Open Forum" column submitted by State Rep. Romy Cachola, who represents the community of Kalihi. Cachola urges Gov. Neil Abercrombie and his administration to move forward with efforts to relocate the Oahu Community Correctional Center which sits on prime property close to Downtown Honolulu and the airport. Allowing the facility to remain at its current location, Cachola argues, is certainly not the highest and best use for the 16-acre property. Read his column entitled "Moving OCCC Will Lead to Revitalization of Kalihi" and see whether or not you agree with him.

Lastly, if you know of a Filipino youth who would benefit from attending a special leadership camp organized by the Sariling Gawa Youth Council, please read more on page 12 on how to sign him or her up. The three-day camp, scheduled from March 21-23 at Camp Erdman in Mokuleia, is aimed at instilling self-confidence, ethnic pride and a sense of identity into our Filipino youth. Kudos to Sariling Gawa for hosting this much-needed annual camp!

There are other stories and columns in this issue that we hope you will enjoy reading. As always, we invite our readers to contact us at: filipinochronicle@gmail.com if you have story ideas, tips or concerns regarding Hawaii's dynamic and vibrant Filipino community. Our sincerest thanks to all of you for reading and faithfully supporting the Hawaii Filipino Chronicle—the state's leading Filipino newspaper!

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

Chona A. Montesines-Sonido

also compete against locally-produced farm and fishery products and adversely affect the livelihood and incomes of small farmers, fishermen and rural entrepreneurs.

To address the problem, the government must institute much-needed changes, beginning with modernizing the Bureau of Customs' (BOC) information technology. With an effective IT system in place, human contact and intervention can be minimized. It would also help to strengthen the BOC's intelligence units to fight smuggling. Sadly, last year's budget for BOC intelligence units totaled only P5 million. Another solution would be to frequently reassign port collectors to avoid familiarity with businessmen looking to circumvent the law and smuggle goods into the country.

The bottom line is that the BOC must have Malacanang's support and cooperation from different agencies. To stamp out corruption and smuggling, the entire government must exert a collective effort, not just one agency. Doing so would level the playing field and result in fairer competition for Philippine industries, greater economic activity, and job preservation and creation.

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CANDID PERSPECTIVES



By Emil Guillermo

America's Racist Past: Where Filipinos Fit In

American victim of racial violence when an armed white mob in Watsonville, California gunned him down on January 22, 1930.

It came days after Filipinos leased a dance hall and hired nine white girls.

I was reminded of Tobera's death as I saw the movie "12 Years a Slave," the haunting true story of Solomon Northup, a free black man from New York who was kidnapped and sold into slavery in the South in the 1840s.

The movie has been re-released nationally, to coincide with the King holiday weekend, as well as the film's Golden Globe win for Best Drama, and its 9 Oscar nominations, including Best Picture.



As I watched the movie recently, I kept flinching at the horrible beatings and lashings that make one cringe. If you ever thought slavery was some benign, genteel Southern thing, the movie will beat that notion out of your head. The movie is so graphic one black critic even called it "torture porn."

There is a thin line between historical documenta-

tion and titillation, but it's all in Northup's 1853 memoir.

This is full-blown, no doubt about it, in your face graphic racism. Racism as an American horror story.

It's a wonder they didn't make it in IMAX, 4-D, with flying whips and swollen wounds you could touch.

You'll ask, "Did they really have to show all that? Was it really for historical ef-

fect or some kind of perverse titillation?"

In this era, society is no longer aghast by school shootings, theatre shootings (I was sure to turn my phone off), or news of enslaved females in Ohio and abroad. Our shock threshold is so high we are injured to it all.

Maybe we all need to get beaten up by "12 Years a Slave."

"12 years a Slave" is electroshock for racists.

And what about you non-racists?

Initially I didn't feel compelled to rush out and see the film, thinking I knew what slavery was all about.

But slavery never really did end. It just evolved with

(continued on page 7)

January into February always puts me in a certain mood. Especially after the Martin Luther King Holiday.

If you have a hard time relating to Dr. King, you should remember the Filipino farmworkers. Not just the *sakadas* in Hawaii. But the ones who made it to the mainland—to California. Right after the King holiday on January 20th, I hope you took time to remember Fermin Tobera.

Tobera was a Filipino-

LEGISLATIVE UPDATE

Unmanned Aircraft Systems in Hawaii



By Senator Will Espero

the testing, which will be over the next several years, is to eventually incorporate and safely integrate unmanned aircraft systems in our civilian air space. The state of Alaska through the University of Alaska submitted an application to the FAA which involves a partnership with Hawaii and Oregon. The good news is that the application was approved and Hawaii will be a test site for these UAS.

In preparation for this endeavor to be started and implemented in Hawaii, I introduced two bills to address UAS in Hawaii. Senate Bill 2582 specifically looks at the privacy issue with UAS. Many residents are concerned that unmanned aircraft systems may be used to spy on citizens and monitor their actions. Currently, there are privacy laws in place that address camera use and peeping toms in our society. SB2582 will make it very clear that UAS will not be used to invade our privacy without a person's consent. Warrants must be issued by the courts to gather data on a person for specific reasons only. It would be illegal to do otherwise.

My second bill, Senate Bill 3053, establishes the Hawaii Unmanned Aerial Systems Test Site Chief Operating Officer position within the University of Hawaii School of Engineering. One of the duties of the officer will be to serve on the Pan-Pacific Unmanned Aerial Systems Test Range Complex management team. The bill also establishes an advisory board to oversee and manage UAS test site operations.

Why would the state be interested in unmanned aircraft systems testing in Hawaii? There are many civilian applications of UAS that can benefit businesses and residents. Government can use UAS for emergency preparedness, disaster response, search and rescue, weather research and data collection, invasive species control, wildfire search and monitoring, lava flow monitoring, air quality monitoring, traffic management and watershed management, to name a few. The private sector could utilize UAS in agriculture, fishing, aerial photography, land surveys, archaeological surveys, damage surveys, hazardous spill monitoring and more. Pro-

professionals and engineers could also be involved in designing and building UAS, creating a niche market that is expected to be a billion dollar industry worldwide.

Unmanned aircraft systems are basically flying robots. In recent years, robotics programs have grown and flourished in our public and private schools. UAS provide

another avenue for our students and workforce who have a strong interest in science, technology, engineering and mathematics. As we work to diversify Hawaii's economy and find new opportunities for our workers, unmanned aircraft systems and being selected as an FAA test site will provide new opportunities and a promising future.

In 2012, the State Senate passed Senate Resolution 73 which requested the director of the Hawaii Office of Aerospace Development (OAD) to coordinate an effort to prepare a proposal for the Federal Aviation Administration (FAA) for Hawaii to be selected as a test site for unmanned aircraft systems (UAS). The State Legislature also passed Senate Concurrent Resolution 137 which requested the OAD to develop and promote a partnership in aerospace with the state of Alaska in order to expand and diversify our state's economy and assist the U.S. space program.

Recently, the FAA in Washington, D.C. announced that six sites around the country were chosen to test and conduct research on unmanned aircraft systems. The purpose of



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COVER STORY

UH Names Guerrero to Head Medical School's Psychiatry Dept

By Dennis Galolo

Dr. Anthony Paul Sison Guerrero was recently named as chair of the Psychiatry Department at the University of Hawaii-Manoa's John A. Burns School of Medicine (JABSOM).

With the appointment, Guerrero holds the distinction as the first chair of psychiatry of Filipino ancestry at a U.S. medical school. He is a UH medical school and St. Louis School graduate.

"After more than 14 years with the department, Dr. Guerrero is notably qualified as the next chair," says Jerris Hedges, JABSOM dean.

Guerrero has served as interim chair of the Psychiatry Department since 2012 and also as director of JABSOM's Child and Adolescent Psychiatry Division and Residency Training Program.

Guerrero began his career in 1999 as a psychiatrist on Lanai, where he solidified his commitment to public psychiatry and severely mentally ill patients of all ages. In 2003, he was the founding leader of the Kapiolani Behavioral Health Service, which has grown into

a comprehensive child and adult consultation-liaison program based at Kapiolani Medical Center for Women and Children.

In 2004, he was appointed as Associate Chair of Education and Director of Child & Adolescent Division, where he oversaw the undergraduate, Graduate Medical Education and Continuing Medical Education programs. In 2011, he was named as the Psychiatry Department's executive associate chair.

Guerrero also holds leadership roles among several psychiatry associations worldwide and has also published 27 peer-reviewed journal articles, 15 chapters in major textbooks and edited a seminal textbook on *Problem-Based Behavioral Science and Psychiatry*. In addition, Guerrero is among the youngest graduates ever to finish medical school at UH at age

22 and is the first graduate of Hawaii's Triple Board Residency Program—pediatrics, psychiatry and child/adolescent psychiatry.

To find out more about this extraordinary physician, the Chronicle requested and was granted an exclusive interview. The following responses were edited for space and clarity:

Q: Congratulations on your new appointment! How does it feel to be the first psychiatry department chairman of Filipino ancestry at a U.S. medical school?

A: Thank you very much for the warm congratulations. It doesn't feel hugely different from what I've been doing this past year-and-a-half as the interim Chair of the Department. As the first Filipino psychiatry chair at a U.S. medical school, it's truly an incredible honor to be able to lead a department that has thrived under the leadership of its great emeritus chairs—Drs. Walter Char, Jack McDermott and Naleen Andrade, who was the first native Hawaiian psychiatry department chair. Together, they have done so much to advance the education and health of Filipinos, Native Hawaiians and other underserved and underrepresented people in Hawaii.

Q: Tell us about your parents and your family's background.

A: My parents, Reuben and Celina Guerrero, are both physicians. My dad is a medical oncologist at Straub Clinic and Hospital, where my sisters and I spent a lot of time in the cafeteria as children growing up. My mom is a psychotherapist and a pediatrician in pri-



Dr. Anthony Paul Sison Guerrero

vate practice at the Liliha Medical Building. They were born and raised in Manila, although my dad's family is originally from Ilocos Norte, while my mom's family is originally from Pangasinan (her father) and Masbate (her mother's mother). My oldest sister is a hospital-based creative arts/music therapist. My older middle sister is a faculty member in health communications. My wife is in public health. I'm surrounded by people in health-related specialties!

Q: How did you become interested in medicine?

A: Certainly my parents were my role models, in a supportive, non-coercive way, as I was growing up. I've always been fascinated with how the body works, and how we can use science and knowledge to heal people.

Q: Where did you receive your degrees?

A: I'm proud to say that all of my degrees (college, medical school and residency training) have come from the University of Hawaii, where I'm currently serving as a faculty member.

Q: How did you become interested in the field of psychiatry? What do you find so

interesting about it?

A: My mom, who also did training in pediatrics and child psychiatry, was my role model for the type of practice that I eventually pursued. Early in medical school, I was fascinated by the science of the brain and struck by the fact that many of the things that cause early death or suffering are things that have a strong behavioral or social component and things that could have been addressed in childhood or earlier in life.

Q: When did you join the UH School of Medicine? What events led you to UH?

A: I joined the UH School of Medicine in 1999, fresh out of residency training. Beyond any doubt, I can honestly say that even if I weren't from Hawaii, this would still be the place I'd seek out for an academic career in my specialty, because of the cultural diversity, collegiality and vast opportunities to serve that one finds here.

Q: As chair of the psychiatry department, what are your main responsibilities?

A: I have the privilege of being able to lead a medical school department that provides the following:

(continued on page 5)



Michael A. McMann, M.D.

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COVER STORY

(from page 4, UH...)

- Training for all medical students in our specialty
- Training for resident doctors who are specializing in psychiatry or one of its subspecialties such as child and adolescent psychiatry, geriatric psychiatry, or addiction psychiatry
- Clinical services for community hospitals that need full-service psychiatric coverage and access to the multiple subspecialties that we provide
- Discoveries that improve health and mental health.

I also recruit, mentor and coordinate the efforts of other faculty members who care for patients, teach and do research; build relationships with hospitals and healthcare organizations; manage budgets and work within the overall mission and structure of the medical school and university.

Q: What goals and/or visions do you have for the dept?

A: My goals and/or visions pretty much encompass the goals and visions of the department and ultimately UH-JABSOM—all formulated and updated through a business-like strategic planning process. Our departmental vision is to be an excellent provider, employer, training program and research center in Hawaii and the Asia/Pacific Region and to contribute to the overall JABSOM vision—as an integrated, academic mental healthcare model comprised of education, training, and workforce development; quality, accessible, and sustainable psychiatric care; development of mental health policy; mental health research and program evaluation that inform and improve all of the other components; professional development, engagement, and

mentorship of faculty, residents, and staff; and administration and business management.

Q: Do you think Hawaii has enough psychiatrists and/or child and adolescent psychiatrists?

A: There is an acute shortage of psychiatrists, child and adolescent psychiatrists, and other psychiatric sub-specialists. The nation needs approximately 30,000 child and adolescent psychiatrists, but we only have less than 7,000. Approximately 1 in 5 children has a psychiatric illness at any given time, yet only a fraction of this 1 in 5 will get help of any sort. The statistics are comparable in Hawaii, where we're challenged by the reality of our geography. This shortage means that we're extremely challenged in making mental healthcare accessible to people who need it. Keep in mind that in the U.S., the top three leading causes of death among youth ages 1-19 years are accidents, homicide and suicide—all of which may be directly or indirectly related to psychiatric illness in the individual or in the family. While we've successfully eliminated major causes of child death from 100 years ago, we still have a long way to go when it comes to social and behavioral issues that are literally killing our children.

Q: What inspires or motivates you to do the best possible job each and every day?

A: In line with what I tell my medical students and residents, I'm motivated by the reality that someone's life and well-being depends on me doing my best.

Q: As a chair of the department, what's the most challenging task you face?

A: In line with my earlier

answer, it's recruiting enough faculty members in a specialty that's already in significant shortage and in high demand.

Q: To whom or to what do you owe your success to and why?

A: I have a wonderful team of colleagues, including faculty, staff and trainees who are fully responsible for our successes and for upholding our mission as a school and as a department. On a personal level, I have a very loving and supportive family that I'm fully grateful for.

Q: For young Filipinos out there who aspire to be doctors, what advice would you give them?

A: Give it your best. Accept that you'll have to make sacrifices and delay gratification. Work hard and keep in mind that you're learning and doing things that could benefit future patients and even save lives. Keep an open mind to and appreciate other health disciplines. And if you get into medical school, always remember how grateful you were when you first found out that you were one in that small fraction of people lucky enough to even get a chance at being a physician.

Becoming a physician is a long journey, usually spanning between 7-13 years beyond a college degree. It's easy to get jaded by other people's cynicism or to feel

burdened by the high cost of a medical education or the long and grueling hours of training. But if you keep remembering why you chose this profession in the first place, you're more likely to do the right thing and to find the career that will keep you feeling fulfilled. Oh, and also, if you do get into medical school, please consider psychiatry!

Q: What has been your involvement with the Filipino community?

A: I've been a member of the Philippine Medical Association of Hawaii for most of my career as a physician and I've worked on initiatives to more closely involve Filipino medical students and resident physicians. My research at UH-JABSOM includes investigations into factors that improve or worsen outcomes for Filipino and other Asian/Pacific Islander youth in Hawaii. I'm currently very interested in building more collaboration among the Filipino faculty at UH-JABSOM and within the larger UH system.

Q: Why should Filipinos be more involved in civic affairs and be active participants in community-wide events?

A: Good question! I think there are amazing things we can accomplish if we all work together as a community. We can be effective advocates not just for ourselves but also for everyone who faces disparities in healthcare, education and other benefits and opportunities. We should think about the well-being of our children and our children's children.

Q: What are your future plans?

A: I suppose these are more goals than plans, but in my professional life, I would say to grow the workforce of psychiatrists and other physicians who can meet the needs of the community; to mentor the next generation of leaders in my specialty; and to discover new knowledge and start new programs that will benefit Filipinos and other underserved people in Hawaii.

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CITY HIGHLIGHTS

2014—A Year of Challenges and Opportunities



By Councilmember
Ron Menor

Looking back at my first year on the City Council, I can say that it was quite memorable. I was able to address several key issues facing Oahu residents, including the resurfacing of roads, restoring cuts in City bus service and passing legislation to audit the Board of Water Supply to ensure that the agency is being run efficiently—just to name a few.

For the coming year, one of my priorities will be to address the lack of affordable housing, which remains elusive for many individuals and families on Oahu. I introduced Resolution 13-168 and Resolution 13-202 which tighten the City's affordable housing rules by requiring developers to build less expensive units, mandating affordable housing rentals, and lengthening the time that an affordable for-sale or rental unit stays in the affordable category. Both of these resolutions will be heard by the Zoning & Planning Committee on February 6, 2014 at 9 am here at Honolulu

Hale. The time is now for the Council to carefully review this issue, especially since new major residential developments are being proposed, such as the Kamehameha Drive In site and Ho'opili.

Another priority is improving and restoring City bus service, particularly the full restoration of the original Country Express Route E, which is used by many West Oahu residents to get to work in town and Waikiki. I have met with Mayor Kirk Caldwell and other City officials and urged him to release the funds that were included in the current year budget for the full restoration of Express Route E. The Council will be reviewing Bill 69 (2013) which authorizes the City to sell advertising space on the exterior of City buses and handi-vans. Revenues generated could help to fund these efforts. I informed the mayor that I would support the bill only if all revenues are used exclusively for the bus and handi-van system. He made a commitment to restore the original Route E if Bill 69 is passed.

The Council will also be hearing Resolution 14-9 which urges the Honolulu Fire Department to extend for another calendar year the expiration

date for unused fireworks permits originally issued for use on December 31, 2013 and January 1, 2014. The resolution addresses complaints by those who purchased fireworks permits but were unable to obtain them due to a shortage reported by many stores and vendors.

In the coming months, the Council will review the City's budget for Fiscal Year 2014-2015. The mayor is expected to submit his proposed budget to the Council in early March and the Council must approve a balanced budget by mid-June. Although I am not a member of the Budget Committee, I will see to it that your hard-earned taxpayer dollars are wisely-spent.

Lastly, I attended the



Councilmember Menor with former Gov. George and Mrs. Jean Ariyoshi at the opening of the 2014 Hawaii State Legislature held on January 15th.

opening day festivities at the 2014 Hawaii State Legislature last January 15. The event also celebrated the 55th Anniversary of Statehood and honored former state legislators who served from 1959 to 2012. I was among several former senators and representatives who were recognized. I was a member of the Legislature

from 1982 to 2008, where I served as a representative and senator representing Mililani, Waipio, Waipahu and Village Park. I also chaired the Committee on Commerce, Consumer Protection & Housing.

If you have concerns or would like to provide input on these measures, please contact my office at 768-5009.

OPEN FORUM

Moving OCCC Will Lead to Revitalization of Kalihi

By Romy Cachola

In his State of the State Address, Gov. Neil Abercrombie indicated that his administration issued a Request for Information (RFI) for the rehabilitation of correctional facilities statewide. The RFI sought proposals to relocate the Oahu Community Correctional Center (OCCC). Formerly Oahu Prison, OCCC has been a fixture in Kalihi since 1916 and has outlived its current location.

Whenever the topic of building new prisons come up, the "Not In My Backyard" (NIMBY) opposition begins, which is to be expected. However, OCCC is not simply in the backyard of Kalihi, it is literally located in the middle of its living room.

Puuhale Elementary and St. Anthony School are located on opposite ends of OCCC. The prison is sur-

rounded by residential homes, small businesses and other commercial establishments. Anticipated rezoning from Transit Oriented Development as a result of Honolulu's fixed rail project is expected to breathe new commercial and residential life into the area and result in a reinvented community center where people can live, work and play.

OCCC's current site is inappropriate for a 16 acre prison that is nearly a century old, has experienced numerous escapes and contains an inadequate amount of beds and facilities. OCCC was originally designed to house 628 detainees but was expanded to house 950 detainees. It has had head counts of over 1,200 detainees and as many as three detainees assigned to a single cell. Overcrowding has become truly problematic.

OCCC accommodates pre-trial detainees that must be within a 30 minute drive time to Circuit Court in Downtown. To satisfy this requirement, the

most prudent solution in my opinion would be to expand the Halawa Correctional Facility on land already owned by the State.

The cost of upgrading the prison will be the same, if not more, than the cost of building a new one in another location. The sale or lease of the land could be used to offset the cost of a new facility, and if zoned appropriately, could be turned into a major center of economic activity that generates tax revenue for the State and the City.

The Kalihi-Palama Action Plan has proposed alternative facilities for the site such as a marketplace, health and senior services, multi-purpose rooms, office space, and other venues that could provide a one-stop community center for residents. The development of land under OCCC will function as a magnet for future development. With its proximity to Downtown and the airport, Kalihi can become a more

(continued on page 11)

Joseph M. Zobian, M.D.



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LEGAL GUIDE



By Atty. Emmanuel Samonte Tipon

Obtaining Relief from Prejudicial Admissions of Lawyer

tions of the NTA and conceded that they are removable. The courts have generally held that concessions of removability are binding as judicial admissions and the Immigration Judge may properly sustain the removal charges on that basis. 8 C.F.R. Section 1240.10(c). See also *Pagayon v. Holder*, 675 F.3d 1182 (9th Cir. 2011).

How does the second lawyer obtain relief from such prejudicial admissions? There are two ways. One way is to accuse the first lawyer of ineffective assistance of counsel and send such lawyer a letter of accusation, file a complaint with the state Supreme Court or lawyer disciplinary counsel, and show that the client suffered prejudice. This is known as the Lozada doctrine. Most lawyers are reluctant to do so because they do not want to declare war on a fellow lawyer who will fight back. But one lawyer remarked: “you have to do what you have to do even if you have to fight another lawyer since your first loyalty is to your client.”

The second way of obtaining relief is to ask the court to relieve the client of the binding effect of the first lawyer’s admissions by showing “egregious circumstances” as enunciated in a case decided last

month. *Hanna v. Holder*, No. 12-4271, January 17, 2014, CA6. You do not have to file a bar complaint against the lawyer. So what are “egregious circumstances” sufficient to relieve a client of the binding effect of judicial admissions. The term “egregious” is defined as conspicuous or flagrant. See Merriam-Webster Dictionary On Line. In the ultimate analysis, “egregious” is in the eye of the beholder, like beauty.”

As a threshold matter, the alien’s second attorney must argue that the factual admissions or concessions of removability were untrue or inaccurate. Furthermore, the second attorney’s argument that the first attorney’s concessions were incorrect must be supported by record evidence.

Where the alien’s second attorney has established that the first attorney’s concessions were incorrect and is supported by record evidence, there are two types of egregious circumstances that will justify relieving the alien of the first attorney’s prejudicial admissions, namely (1) the admissions were the result of unreasonable professional judgment, or (2) binding the alien to the admission would produce an unjust result.

In the case of *Hanna v*

Holder, the alien was convicted of felonious assault under a state statute and his first attorney conceded removability. The Court of Appeals relieved the alien of his first attorney’s concession of removability, because (a) the alien satisfied the threshold requirement for challenging the binding effect of the first lawyer’s admission, and (b) the alien’s argument that his crime did not involve moral turpitude was supported by record evidence. The court concluded that because the Board of Immigration Appeals’ determination that the alien was removable was predicated on the first attorney’s concession, it was reversing the finding that the alien was removable.

Moral of Story

The moral of this story is that aliens should be very careful in hiring an attorney. Before hiring one, discuss with the attorney you plan to hire his/her strategy for de-

fending you. If the attorney says that he/she will concede removability and ask for waiver or cancellation of removal, you better ask another attorney for an opinion. It is extremely difficult and expensive to appeal and get another attorney to relieve you of your first attorney’s prejudicial admissions.

.....
ATTY. TIPON has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. He is originally from Laoag City and Magsingal, Ilocos Sur. Atty. Tipon specializes in immigration law and criminal defense. He served as an immigration officer and co-authored “Immigration Law Service, 1st ed.,” an 8-volume practice guide for immigration officers and lawyers. His radio program airs Thursdays at 7:30 am on KNDI 1270 AM. He can be reached via mail at: 800 Bethel St., Suite 402, Honolulu, HI 96813, by telephone at (808) 225-2645 or by e-mail: filamlaw@yahoo.com. For more on Atty. Tipon, go online to: www.MilitaryandCriminalLaw.com. This article is a general overview of the subject matter discussed and is not intended as legal advice.

Thousands of lawyers make admissions in and out of court that are prejudicial to their clients and which should not have been made at all. Stupidity, laziness in not conducting research, or failure to realize the adverse consequences of such admissions are the possible reasons for making such admissions. This is especially true in the field of immigration where, during removal proceedings, many lawyers admit the allegations of the Notice to Appear and concede the removability of the their alien client, even though they should not have made such admissions. By doing so, the lawyers relieve the government of their burden of proving the removability of the alien. The burden then shifts to the alien to prove that such alien is not removable.

We have a number of cases now pending on appeal in which we are representing the aliens who were ordered removed because their first lawyer admitted the allega-

CANDID PERSPECTIVES (from page 3, AMERICA’S...)

different systems and different “exploitees.”

Soon after slavery, America simply turned to an imperial notion of itself and assumed a “master” role in the Philippines as colonizer and overseer of their “Little Brown Brothers.”

It was under that rubric that many non-wealthy Filipinos from the provinces were allowed to come to America in the 1920s.

They were the early Filipinos to the U.S., like my dad—and Fermin Tobera.

Filipino men were supposedly here to seek an education. Instead, it seems that their numbers (around 15,000) were

more useful to fill in the labor force in the fields of California.

Filipinos may not have been enslaved, but their rights were certainly restricted. They couldn’t own property. They couldn’t marry. They couldn’t marry outside their race. Such were the benefits of colonization. With so few Filipinas in the U.S., the men were here to work, not raise families.

The numbers of Jim Crow southerners who moved from Louisiana and Texas and headed to California after slavery also had an impact on the race environment. Intolerance levels were high. Stockton became known for signs that said

“No Filipinos Allowed.”

The violence by white mobs against Filipinos reached a peak in the fall and winter of 1929-1930.

Vigilantes killed Tobera on the coast in Watsonville in 1930. By August, the local Filipino papers were reporting news of “two Filipinos hanging from a tree.”

Filipino-Americans know the kind of racism that was at the root of Dr. King’s fight.

That first generation of *manongs* will always be our reminder that we too have come a long way and are part of Dr. King’s dream.

.....
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Glimpses of Visayan History

By Serafin Colmenares Jr., Ph.D.

The region known as the Visayas has played and continues to play an important role in Philippine history. The following is a brief overview of the Visayan region and its people, and the place it occupies in the story of the Philippines.

The Region and Its People

The Visayas, composed of what are known as the Visayan Islands, occupy the central region of the Philippines. This region includes the islands of Panay, Guimaras, Negros, Cebu, Bohol, Siquijor, Leyte, Biliran and Samar. Romblon and Masbate are sometimes considered part of the Visayas because most of its people speak a Visayan language. Administratively, the Visayas is divided into three regions: Western Visayas (the provinces of Aklan, Antique, Capiz, Iloilo, Guimaras and Negros Occidental, and the cities therein), Central Visayas (the provinces of Negros Oriental, Cebu, Siquijor and Bohol, and the cities within the region), and Eastern Visayas (the provinces of Leyte, Southern Leyte, Biliran, Samar, Northern Samar, and Eastern Samar, and the cities therein).

The term Visayan is a generic term that refers to the people inhabiting these islands and the languages they speak. Visaya (or Bisaya) is a group of related languages belonging to the Malayo-Polynesian family. It is comprised of roughly 25 languages or dialects, and includes the three major Visayan languages of Cebuano (or Sugbuanon), Hiligaynon or Ilonggo, and Waray-Waray. Ilonggo is mostly spoken in the western part of the Visayas, Cebuano is spoken in central Visayas, while Waray-Waray is spoken in the eastern Visayan region. Other dialects are Aklanon, Capiznon, Kinaray-a, Bantobanon, Boholano, Romblomanon, Cuyonon, Surigaonon, Butuanon, Tausog, Samarnon, etc. The Bisayans



(or Kabisay-an) is the largest ethno-linguistic group in the Philippines with more than 33 million speakers in 2010, or about 36% of the Philippine population. Cebuano alone makes up more than 20 million.

The origin of the term Visayan is unclear. A common belief is that it comes from Shri Vijaya, the ancient island Southeast Asian empire which the original Visayans may have belonged to, or were tributary to, or traded with. Visayans are considered as the descendants of the ten Bornean datus who came from Borneo and settled in Panay and elsewhere after the collapse of the empire. It is interesting to note that in Borneo today, there is still an ethnic group called Bisaya who are reportedly directly descended from the same people who settled the Visayas centuries ago.

Pre-Spanish Period

Visayan historical folklore tells of the arrival of the ten Bornean datus and their followers from Borneo in what is now Panay Island in western Visayas. They arrived in boats known as “balanghai,” a term from which the present-day “barangay” (the smallest political unit in the Philippines) come from. From Panay, they spread to other parts of the Visayan islands and even as far as Taal in Luzon. Those in Panay formed what came to be called as the Confederation of Madjaas, regarded as one of the pre-Hispanic states in the Philippines (the others being the Sultanates of Sulu and



Maguindanao, the Rajahnate of Butuan, and the Kingdom of Manila and Tondo). It was from here also that the first known (though disputed) codified set of law (the Code of Kalantiyaw) and one of the oldest and longest epic poems in the Philippines (the Hinilawod) come from.

The Visayans were already engaged in international trade before the Spaniards came. Pigafetta, Magellan’s chronicler, mentioned the presence of Chinese and other foreign ships when they landed in Cebu in 1521. The Spaniards also noted well-established settlements and a well-developed society as they moved from one island to another in the Visayan region.

Spanish Period

The islands that were “discovered” by Magellan in 1521 and later named by Villalobos “Las Islas Felipinas” in 1565 were actually the Visayan Islands. Thus, it could be claimed by Visayans that they were the first Filipinos! It is of interest though, that during the early period of Spanish rule, the Spaniards used the term Visayans to refer to people living in the Panay and Negros areas only and called those liv-

ing in the Cebu, Bohol and Leyte areas as Pintados (painted ones – from the full-body tattoos of people living in those places).

It was in the Visayas (in Mactan, Cebu) where the natives under Lapu-Lapu repelled the first Western aggression, setting back Spanish colonization by almost 50 years. Visayas is also the cradle of Christianity in the Philippines, with the oldest church (the Basilica of the Santo Nino in Cebu) and the first Spanish settlements in the Philippines (Cebu and Iloilo). Fort San Pedro, the oldest and smallest Spanish fort in the Philippines, still exists in Cebu. From Cebu, the Spaniards moved its headquarters to Iloilo in 1569 due to the threat of Portuguese attacks, and it was from Iloilo that Legazpi planned and launched the conquest of Luzon in 1570. Cebu was established by the Spaniards as the first city in the Philippines and it is here that the oldest street in the Philippines can be found (Colon Street). It is also in Cebu that the oldest school in the Philippines is claimed to be located (the University of San Carlos, purportedly established in 1595, but disputed by the University of Santo

Tomas).

The Visayas figured prominently in the struggle against Spanish rule. This was exemplified by several revolts: the Dayami revolt in Mactan, the Tamblot uprising in Bohol, the Bancao rebellion in Leyte, the Sumuroy rebellion in Samar, and the Dagohoy revolt in Bohol (the longest in Philippine history).

Revolutionary Period

Visayans were involved in the Propaganda Movement and in the subsequent armed struggle against Spain. The founder and editor of the *La Solidaridad*, the publication of the reform movement, was the Ilonggo Graciano Lopez Jaena. The region actively supported the Katipunan and the Philippine revolution against Spain as shown by the uprisings in Iloilo (led by Delgado and Araneta), in Aklan (Castillo), in Negros Occidental (Lacson), in Negros Oriental (de la Viña), in Capiz (Contreras), in Antique (Locsin Fullon), and in Cebu (Leon Kilat).

The Negros revolt of 1898 and the subsequent establishment of the Republic of Negros is an interesting tidbit of Philippine history. November 5 is celebrated in Negros Occidental not so much in honor of the revolt as the day the Negrenses fooled the Spaniards into surrendering. As the story goes, the Spanish garrison in Bacolod surrendered after seeing two columns of “fully armed” Filipino soldiers marching from the north and the south. In reality, the Filipinos were marching with guns cut out of nipa stems and cannons made from rolled mats (amakan) that were painted black. The Negros Republic was established on November 27, 1898; it came under U.S. protection in 1899, but was dissolved by the U.S. in 1901.

Visayans also fought against the Americans during the Filipino-American War, supporting the efforts of the newly-established Philippine republic in Luzon. Generals

(continued on page 10)

SOCIETY PAGE



PMAH'S INAUGURATION AND 36TH ANNIVERSARY CELEBRATION

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Martin Delgado, Teresa Magbanua (the Visayan Joan of Arc) and Leandro Locsin Fullon of Iloilo, together with General Pedro Samson of Bohol and General Arcadio Maxilom of Cebu, come to mind. Generals Vicente Lukban and Claro Guevara of Samar were among the last Filipino leaders to surrender. It is interesting to note that, in addition to the Republic of Negros, a Provisional Revolutionary Government of the Visayas was also established in Iloilo and a Republic of Bohol was likewise organized by the Visayan revolutionaries. These merged later to form the short-lived Federated Republic of the Visayas headed by General Delgado.

In addition, there were widespread uprisings by quasi-religious armed groups in Cebu, Samar, Leyte and Panay against U.S. rule. A popular figure was Papa Isio of Negros, who led the pulajanes in a guerilla war with the Americans, surrendering in 1907. In the 1920s, similar uprisings took place – part of the colorum movement – in Samar and Leyte as well as in central and western Visayas.

A grim episode of the war in the Visayas was the Balangiga massacre in Samar where, as a result of the killing of several U.S. servicemen by disguised Filipino soldiers, Samar was turned into “a howling wilderness” by the U.S. army who were given orders to kill all Samareños above the age of ten. The return of the bells of Balangiga church which the American soldiers confiscated and brought to the U.S. as spoils of war is still an ongoing issue between the Philippines and the United States.

American Period

Visayan leaders became actively involved in politics and the Philippine independence movement during the American period. Sergio Osmeña Sr. and Manuel Roxas were the foremost Visayan faces during this period. Both leaders shepherded legislations that eventually granted independence to the Philippines.

Sergio Osmeña Sr. of Cebu served as speaker of the first Philippine National Assembly from 1907 to 1916, then became the speaker of the House of Representatives from 1916 to 1922, was elected Vice President of the Philippine Commonwealth in 1935, and became President upon the death of Manuel Quezon in 1944. He lost to another Visayan, Manuel Roxas in the presidential elections of 1945.

Manuel Roxas of Iloilo served as speaker of the House of Representatives from 1922 to 1934, and was Senate President during the Philippine Commonwealth. Being an army colonel, he was sent to Mindanao to organize the guerilla movement against the Japanese but was captured and imprisoned. He was elected

as the last president of the Commonwealth government in 1945 and continued as the first president of the 3rd Philippine republic in 1946.

The island of Leyte played a prominent role in the re-conquest of the Philippines in World War II. It was the scene of the Battle of Leyte Gulf, considered as the largest naval battle in history. It was also the scene of General Douglas MacArthur's return and the subsequent liberation of the country from Japanese rule.

Post-American Period

The Visayas' involvement in Philippine national events continued after the American regime and up to the present.

The grant of Philippine independence in 1946 saw, at its helm, a Visayan president, Manuel Roxas. He initiated the rehabilitation and rebuilding of the Philippines from the ravages of war but only served for less than two years owing to his untimely death in 1948. He was succeeded by President Quirino whose vice president was another Visayan, Fernando Lopez of Iloilo.

Carlos Garcia of Bohol replaced Lopez as vice president in 1953. He served as president of the Philippines from 1957 to 1961, succeeding President Magsaysay when the latter was killed in an airplane crash in Mt. Manunggal in Cebu. Garcia is remembered for his “Filipino First Policy” as well as his “Austerity Program.” He was later elected president of the 1971 Constitutional Convention but suddenly died after taking office.

Another Visayan who featured prominently in post-independence Philippines was the above-mentioned Fernando Lopez of Iloilo. He had a long-storied political career, serving as senator for fourteen years and as vice president of the Philippines for three terms: under President Quirino (1949-53) and under President Marcos (1965-69 and 1969-72). Head of one of the richest families in the country, he lost control of his businesses after his break with Marcos in 1972; his family regained it after Marcos was deposed in 1986.

But perhaps the most political of Visayan families – known for their long-time opposition to the Marcos regime – were the Osmeñas of Cebu. President Sergio Osmeña's son, Sergio Jr., was a congressman, ran for vice president as an independent in 1961 but lost, became a senator in 1965, ran for president against Ferdinand Marcos in 1969 but lost, went on self-exile in the U.S. after the Plaza Miranda bombing of 1971 and died in the U.S. Sergio Jr.'s son, Sergio III was imprisoned in 1972 (charged as a co-conspirator of a plot against Marcos) but managed to

(continued on page 11)

PHILIPPINE NEWS

De Niro's Nobu Hotel to Open in Manila

by Neil Jerome Morales
Tuesday, January 28, 2014

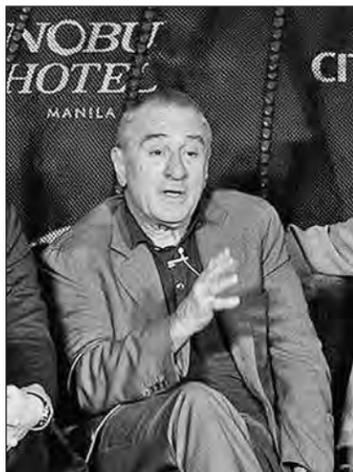
MANILA, Philippines - The luxury hotel chain Nobu of Hollywood actor Robert De Niro and Japanese chef Nobu Matsuhisa is expanding to Southeast Asia, and its first property is in the Philippines.

The upscale, 321-room Nobu Hotel will be the second of three hotels that will operate in the \$1.3-billion City of Dreams Manila integrated casino in Entertainment City.

De Niro made a surprise appearance at the Nobu Hotel announcement launch at the National Museum in Manila yesterday.

"The proposition we have in City of Dreams Manila, especially with the introduction of the Nobu brand, is so compelling," said Lawrence Ho, chief executive officer of Macau casino giant Melco Crown Entertainment Ltd.

"In partnership with Melco Crown Philippines, we will be creating a unique five-star destination for Asian and international style-makers and trendsetters, with a stylish new experience of luxury and hospitality created on a bespoke basis for City of Dreams Manila's target markets,"



Robert De Niro

Nobu Hospitality CEO Trevor Horwell added.

Inspired by world-renowned culinary genius Matsuhisa and championed by Academy award-winning actor De Niro and Hollywood producer Meir Teper, the 321-room Nobu Hotel will open middle of this year.

Offering a fusion of laid-back luxury, high-energy nightlife and exclusive guest room retreats and spa services, Nobu Hotel will be a playground for a Philippine, Asian and international client base, Melco Crown said.

The hotel will feature a Nobu Restaurant, including an outdoor cabana-style dining terrace situated on an exclusive platform deck with views of Manila Bay.

Guests will also enjoy the Nobu Tea Lounge in the lobby, and the Nobu Spa and fitness room on the raised platform deck.

In 2012, Nobu Hotel opened its first branch at Caesars Palace. Branches in Riyadh, London, Bahrain and the Caribbean are underway.

Nobu Hotel followed in the footsteps of Australian billionaire James Packer's Crown Towers brand that will operate a six-star, 260-room hotel in City of Dreams Manila.

3rd Upscale Hotel

Belle Corp. vice-chairman Willy Ocier told reporters that the third upscale hotel would be announced in two months' time, completing the portfolio of 900 rooms in the casino project.

"All six hotel towers will meaningfully enhance Manila's tourism diversity and elevate the hospitality service excellence in the city," said Melco Crown Philippines chairman Clarence Chung.

Belle, the gaming arm and upscale leisure developer of the mall and banking conglomerate SM Group of the Sy family, is the builder of the casino and hotel complex in

the Manila Bay reclamation area.

When it opens in the third quarter, City of Dreams Manila will offer 365 gaming tables, 1,680 slot machines and 1,680 electronic table games.

It will be the second casino complex to open at the Philippine Amusement and Gaming Corp.'s 120-hectare Entertainment City, which is groomed to become the Philippines' version of the Las Vegas

strip.

Last March, port mogul Enrique Razon opened the \$1.2-billion Solaire Resort and Casino.

The integrated casino project is Melco Crown's first gaming foray outside Macau where it operates the City of Dreams and Altira Macau casinos. City of Dreams Macau is famous for its world-class gaming and entertainment offerings, including The House of Dancing Water Show and party place Club Cubic. (www.philstar.com)

OPEN FORUM (from page 6, MOVING OCCC...)

vital and vibrant neighborhood in the future.

Kalihi is one of the oldest communities on Oahu and also a neighborhood characterized by homeless shelters, halfway houses, a sewage treatment plant, and of course, a prison. But the same neighborhood has also produced many prominent business people and community leaders who went on to be elected as governor—George Ariyoshi, John Waihee and Ben Cayetano. All three supported moving OCCC to a more appropriate location.

Civic groups such as the Kalihi Palama Community Council, past and present elected officials, yours truly and many others have lobbied for decades to relocate OCCC, but our collective pleas have fallen upon deaf ears.

The time is now to begin looking for a more appropriate location for OCCC. The people of Kalihi support the position of the governor and the State Department of Public Safety to relocate the facility. Kalihi has waited decades and the time for action is long overdue. I urge my fellow legislators to join the people of Kalihi in their quest to find a more suitable place for OCCC. This time around, let's make it happen.

ROMY CACHOLA is a State House Representative for District 30, which includes Sand Island, Mokauea, Kapalama and Kalihi Kai.

HISTORY (from page 10, GLIMPSES...)

escape from prison (together with fellow prisoner Eugenio Lopez Jr.) and fled to the U.S. in 1977. He became the director of the Movement for a Free Philippines and the founding director of the Justice for Aquino Justice for All (JAJA) Movement. He returned to the Philippines after the fall of Marcos and was elected as a senator, a position he continues to hold today. John "Sonny" Osmeña, his nephew, served as congressman from 1969 to 1971 and senator from 1971 to 1972, went on self-exile to the U.S. after losing both legs during the 1971 Plaza Miranda bombing, came back and served as a senator from 1987 to 1995 and from 1998 to 2004. The family continues to play a role in Cebu and in

national politics to this day.

Visayans in Hawaii

Here in Hawaii, Visayans have also been able to contribute to the islands' historical and political life despite their being a minority. Aside from providing labor to the Hawaiian plantations (they came in 1909, three years after the first Filipino laborers arrived), they were involved in the labor movement, in the military, in politics, and in various other fields, both past and present. But this would be an altogether different story.

Closing Thoughts

The preceding is just a sampling of the role played by the Visayas, and Visayans, in Philippine history and politics. There is much more to be

learned; not mentioned here are Visayan contributions to Philippine arts and culture, economy, industry, the professions, and so on. I would like to close this brief essay by pointing out an interesting observation – the Visayas appears to be a favorite landing place of peoples: it was the site where the Bornean datu and their followers landed during the pre-colonial era, contributing to the subsequent peopling of the Philippines; it was the place where the Spaniards landed and from where the colonization and Christianization of the Philippines began; and finally, it was the area where Gen. Douglas MacArthur landed during the Second World War to start the road to the re-conquest, liberation, and eventual independence of the Philippines.



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HAWAII-FILIPINO NEWS

Sariling Gawa Youth Council to Host 34th Annual Leadership Conference

Local non-profit group Sariling Gawa Youth Council will hold its 34th Annual Statewide Leadership Conference from March 21-23, 2014 at the YMCA Camp Harold Erdman in Mokuleia.

All youth and young adults in Hawaii are invited to participate in this enriching experience. Led by college students and young professionals over the course of three-days, camp participants will explore Filipino culture and heritage, leadership development and personal empowerment.

This year's theme is grounded in "R.O.O.T.S. – Realizing Our Opportunities Towards Success." By recognizing the accomplishments, milestones and struggles of our ancestors, Sariling Gawa believes the youth of today can strengthen the bridge be-

tween the past and future, and take advantage every opportunity presented to them.

Established in 1980, this statewide conference is designed to help youth and young adults develop their leadership skills, gain self-confidence, foster ethnic pride and a sense of identity through team building, self-exploration and educational and cultural activities. The conference has allowed thousands of young Filipinos over the past 30 years to experience hands-on training and skills building, and to network with Filipino youth and other community-based organizations throughout Hawaii. In turn, they become empowered community leaders, mentors, organizers, administrators and role models.

More information and registration forms for Sariling

Gawa's 34th Annual Leadership Conference are available online at www.sarilinggawa.org. Camp Registration is \$140 per student. For additional conference details and ways to support the Sariling Gawa Youth Council, please contact Board President Rouel Velasco at 218-0833 or via email at: rouel.velasco@sarilinggawa.org.

Questions can also be directed to program coordinator Eric Saniatan at eric.saniatan@sarilinggawa.org. Completed applications and payments can be mailed to P.O. Box 971225, Waipahu, HI 96797.

Sariling Gawa Youth Council is a 501(c)(3) non-

profit organization that fosters cultural awareness, nurtures ethnic pride and empowers youth to develop leadership skills. The grass roots organization began with a group of college students who reflected on their experiences as immigrant and local-born Filipinos in Hawaii.

In addition to organizing an annual leadership conference, Sariling Gawa also participates in various community and cultural events.

Consulate Accepting Bids for Parking Lot Repaving

The Philippine Consulate General of Honolulu is accepting bids for the re-asphalting of the property's front parking lot fronting the Pali Highway.

Bids should contain a description of the work to be done, method, drawings, layout, plan and specifications for the repair, materials, project duration, warranty and cost.



Cost should include labor, materials and fees for any per-

mits. Interested bidders are invited to visit the Consulate for surveys or measurements.

Sealed bids should be submitted to: Philippine Consulate General, 2433 Pali Highway, Honolulu, HI 96817, Attn: Parking Lot Re-Asphalting Project. The deadline to submit bids is Monday, March 3, 2014 at 4 pm. For additional information, call the Consulate at 595-6316 ext. 103.

PHILIPPINE NEWS

'50,000 Tons of Rice Smuggled Weekly'

by Christina Mendez
Wednesday, January 29, 2014

MANILA, Philippines - As much as 50,000 tons of rice were smuggled every week last year, a ranking Customs official revealed yesterday.

Responding to a question of Minority Leader Juan Ponce Enrile at a Senate hearing, Customs Deputy Commissioner Agaton Teodoro Uvero said, "At its height they were bringing in 2,000 containers a week."

Uvero said that would translate to 50,000 tons a week at 25 tons per 20-foot shipping container.



Dissatisfied with Uvero's answers, Enrile said the Bureau of Customs (BOC) must strengthen its intelligence units to fight smuggling.

"We give you money for intelligence, what do you use it for?" Enrile asked.

Uvero said BOC operations were limited since its intelligence funds amounted to only P5 million last year.

He also lamented that BOC collectors who are tasked to collect P25 million are paid a "low" P60,000 a month.

Enrile said the BOC must have Malacañang's backing and the cooperation of different agencies to wipe out smuggling.

"I'm not trying to embarrass you," he said. "But I'm raising this question by way of triggering an effort because this is happening. We know



Customs Deputy Commissioner Agaton Teodoro Uvero

it... This is a government effort, not just a BOC effort, to arrest the entry of untaxed products into the country. You cannot stop smuggling without the participation of Malacañang, and I'm talking from experience."

Enrile said when he was Customs commissioner during the Marcos administration, he had the full backing of Malacañang to stamp out smuggling.

"I'm sure the President is interested, he must be giving you full backing," he said. "What I'm saying is the entire government must exert effort,

not just one agency."

Sen. Juan Edgardo Angara, Senate committee ways and means chairman, agreed with Enrile that any effort to crush smuggling needs the support of the administration.

"I think the signals from Malacañang had been clear that it has the backing, and I agree with Senator Enrile's assessment that without the backing of the Palace any campaign against smuggling will not succeed."

Modernization

Customs Commissioner John Philip Sevilla said computerization will maximize efficiency at the BOC and sought the private audit of Customs operations to ensure transparency.

Sevilla told the committee that the BOC must maximize information technology (IT) systems to allow it to minimize exemptions in their transactions.

(continued on page 15)

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LEGAL NOTES

Visas for Crime Victims Reach Annual Cap for Four Straight Years



By Reuben S. Seguritan

Each year, 10,000 U nonimmigrant visas are available to victims of crime who suffered substantial mental or physical abuse and are willing to help law enforcement in the investigation and prosecution of the crime. For the past four years, including fiscal year 2013, the statutory limit was reached.

Since the U-visa program started in 2008, over 76,000 U visas have been issued to victims and their families. Congress created the program to “strengthen the law enforcement community’s ability to investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes, while also offering protection to victims.”

The visa is available to

crime victims who are in the United States or abroad. Filipino teachers and domestic workers who have been victims of trafficking have applied for this visa.

To request U nonimmigrant status, the crime victim must file with the Vermont Service Center Form I-918 and Form I-918 Supplement B which is a certification from a U.S. law enforcement agency.

The principal applicant for U visa may petition a qualifying family member for a nonimmigrant derivative visa. If the principal applicant is under 21, he may petition his spouse, children, parents and unmarried siblings under 18. If the principal applicant is 21 years old or older, only the spouse and children under 21 may be included. The principal applicant will have to file Form I-918 Supplement A for the qualifying family member.

USCIS continues to accept U-visa petitions for fiscal year

2014 and will process them in the order they are received. It will start issuing U visas on October 1, 2013, the first day of fiscal year 2014. Petition for U visa requires a certification of assistance from law enforcement on Form I-918B.

Holders of U nonimmigrant visas may apply for permanent residence. To be eligible, the applicant must have been physically present in the U.S. for a continuous period of at least three years since the first date of admission as a U nonimmigrant and must continue to hold that status at the time of the application for adjustment of status.

Also, the applicant must not have unreasonably refused to provide assistance to the investigation and prosecution of the crime, is not inadmissible under section 212(a)(3)(E) of the Immigration and Nationality Act, and must establish that his presence in the U.S. is justified on humanitarian grounds,

to ensure family unity or in the public’s best interest. To adjust status, the applicant must file Form I-485 and concurrently file Form I-693 Report of Medical Examination and Vaccination Record.

Family members of a U nonimmigrant may also apply for a green card; however, the benefit only extends to spouse, children and parents of the U nonimmigrant but not to siblings. If the family member already holds a derivative U nonimmigrant status and meets the basic requirements for eligibility, the qualifying family member must file Form I-485 to adjust status. Qualifying family members who never held a derivative U nonimmigrant status may also apply for a green card. To be eligible, the qualifying family member must not have been admitted to the U.S. on a U nonimmigrant status and that either the family member of the U principal applicant

would suffer extreme hardship if the family member is not allowed to remain or enter the U.S.

The U principal applicant must file an immigrant petition on Form I-929 for the qualifying family member. He may file petition concurrently with or after he files his adjustment of status application. The I-485 application of the U principal applicant must be approved first before Form I-929 petition can be approved.

Once Form I-929 is approved, the qualifying family member who is already in the U.S. may file Form I-485. Form I-485 application of family member cannot be filed concurrently with Form I-929. If living abroad, qualifying family member may apply for visa through consular processing.

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

PHILIPPINE NEWS

Miriam: Senators, Even School Dropouts, Could Earn P1.4M Monthly

MANILA, Philippines - Senator Miriam Defensor-Santiago has dared Malacañang to reveal public officials' sources of income as some senators, even school dropouts, are supposedly earning way beyond their monthly salary.

During the Senate hearing on the Freedom of Information bill, Santiago challenged her colleagues to support a legal provision that will require the government to publish in a website the basic salary, allowances and other sources of income of all elected and appointed public officials.

"It is urgent to stop corporate greed in the state bureaucracy. Those people help themselves to outrageous allowances and bonuses as if the government is an enterprise for profit. That is a sclerotic

view of public service," Santiago said.

In the Senate, Santiago claimed that lawmakers could earn over a million pesos based on the computations of the finance and administrative services department.

"The basic monthly salary of a senator is P90,000. But if you add all other legitimate sources of income such as allowances and honoraria, the total monthly income of a senator could be placed at some P1.4 million," she said.

The feisty senator said a public website should allow Filipinos to access every senator's sources of income, including maintenance and other operating expenses, chairmanship of certain committees, membership in the Commission on Appointments, or in the oversight committees.

If proper information on



senators' income is published in a government website, Santiago said voters would know

during election period if they want to pay that much for the services of a person who might not even be a high school graduate.

"There are some senators who did not finish high school or college. Do we really want to pay them this high a salary? That is a valid concern that voters might want to address, if they have access to information," Santiago said.

The senator also wants the public to compare President Aquino's monthly income with the income of the lowest paid janitor in the bureaucracy.

"In the corporate world, there is an algorithm for determining how much should be the salary of the highest ranking officer, because it cannot be more than the salary of the lowest employee, when multiplied by a certain factor. That should also be the practice in the public sector," Santiago said. (www.philstar.com)

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ILOKO
By Amado I. Yoro

Dakayo Ti Balligi Kas Imbunga ti Naurnos a Panagtittinnulong

Island a pakaangayan AARP/OFCC Family Fun Walk iti naannad a panagmaneho iti kapardas iti 60-65 a milia kada oras iti freeway nga addaan 55 speed limit.

Alas kuatro y singkuenta iti apagsipap nga aglawag iti dumtengkami iti parke sanga-pulo a minutos sakbay ti nagtutulagan a kaaddami iti grupo. Inawagak ni Jun Abinsay nga addaakon iti parke.

Apagisu a makapark-inkami, isu a sumangpet ni Angie Dytioco Santiago iti abay ti luganko. Ni Angie ti lvp OFCC ken isu ti maysa a matalekmi unay kas Co-Chair iti OFCC Special Projects, aktibo a lider iti Bulacan Circle of Hawaii.

Sumagmamano a minutos simmangpet da Rev Alex Vergara ken Marianne nga asawana a nagparking met iti sangok. Ni Reb. Vergara ti maysa kadagiti direktor ti OFCC ken isu ti nakagun-od ti kangatuan a botos idi OFCC kombension idi Hunio 2013 a naangay iti Philippine Consulate General. Aktibo a lider



iti Cagayan Valley Association.

Simmaruno a simmangpet dagiti agassawa a Larry ken Connie Ramirez[INCAT]. Nain-inuten a nagsangpet dagiti dadduma pay nga opisial a pakaibilangan da Jun Abinsay, Loida Yamamoto, Jean Jeremiah, Baybee Ablan, Luz Peirson, Cesar Caoili, Rossi Patton, Jesse Pascual, Hermie Pagaduan, Charlene Cuaresma, Gus Concepcion, Bill ken Hermie Gaspar, Antonio Ipalari, Paul ken Estrella Taong, Salvador Obaldo, Josefine Takemoto, Jenny Quezon,

Dr. Julius Soria, kdpv.

Adda met ti volleyball nga inturong da Reb. Alex, Conrad, Ben, Jun ken Faatea iti John Burns Youth Development ken toy nagsurat.

Tay pagsasao a nalag-an ti aramid no pagtittinnulongan ken pagbibingayan iti agdadangay nga im-ima ken agsisinnurot a pampanunot.

You gave your time, you gave life to our organization because of your invaluable contributions such as this particular family fun walk.

Saantayo a perpekto, amin nga aramid ket saantayo a maperpekto. No ania ti pagkuran, isu ti intayo punnuan. No ania met ti nalabes, isu ti intayo kerrasan.

Ti aramid a makita, isu ti bunga ti sao.

Kas kadagiti amin a proyekto ti OFCC a nakipartisiparanmi, maibilang daytoy

a maysa kadagiti kaballigian babaen iti liderato ni Jean Jeremiah, nupay adda latta met dagiti agkuna a 'kastoy koma' ngem agpatinggada laeng iti koma. Dillaw dita ti adda.

Nasapa a paset ti Agosto no saankami nga agriro isu pay a rinugiantayo ti pannakaangay ti tunggal Mierkoles a miting iti St. Anthony Parish Hall babaen iti akomodasion dagiti agas-sawa a Ben ken Carmen Cabrerros.

Iti biangmi, saanmi a masbaalan ti ragsak gapu kadagiti ayatyo a nakidangay itoy umuna a gannuat. Kuna ni Jun Abinsay, maysa kadagiti kapingetan a lider itoy a proyekto, Walk For Fun, ket saan a panangbagkat ti ubet, ngem isu ti nagkuna a medio nainaig a nakaangayan daytoy iti proyekto ti Annak Ti Sinait ken Sinait tunggal umuna a Sabado iti bulan. Ar-aramiden metten ti Vigan Association fun walk iti tunggal maikadua a Sabado.

Kas bungana, kas ragup nga aramid, ragup a panangted tiempo, gapu iti adu nga ayatyo, saannatayo a pinaay ti panawen. Saannatayo a pinaay dayta gannuat.

Saluduanmi amin dagiti partisipante ken dagiti nangi-daulo itoy a pasken a pakairamanan ti OFCC, AARP, dadduma pay.

Dakayo dayta a panawen, dakayo dayta a gannuat. Dakayo dayta a balligi. As an action taker, as a doer and result producer, you are that success.

MAINLAND NEWS

Obama: US Intelligence Programs Need Public Trust

WASHINGTON — President Barack Obama says U.S. intelligence systems depend on the public's confidence that privacy rights are not being violated either at home or abroad.

Obama only briefly mentioned one of the biggest controversies that has gripped his administration over the past year in his annual State of the Union speech Tuesday.

He repeated his pledge to overhaul U.S. surveillance programs in cooperation with Congress.

Lawmakers are divided over how far to roll back the National Security Agency programs that collect billions of telephone and Internet records from across the U.S. and the rest of the world every day.

The spy programs were revealed last summer by former NSA contractor Edward Snowden. (www.philstar.com)

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SANTANIANS ASSOCIATION OF HAWAII-USA INSTALLATION OF OFFICERS AND BOARD OF DIRECTORS • SATURDAY • May 24, 2014 • Ala Moana Hotel, 6:00 PM • Contact: Julius Soria @ 722-9958

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MAINLAND NEWS

US Senator 'Cautiously Optimistic' About Bangsamoro Deal

United States Senator John McCain hailed the Philippines' move to curb the conflict in Mindanao through the Bangsamoro peace agreement with the Moro Islamic Liberation Front (MILF).



U.S. Sen. John McCain

"I am cautiously optimistic that, if implemented, it will help to curtail a century of conflict in the Philippines," McCain said in a statement, adding that the peace agreement is "very encouraging" in the face of the years-long struggle.

McCain hailed President Benigno Aquino III, under whose watch the negotiations between government and the insurgents prospered.

He also said the US, an old Philippine ally, should be prepared to support the Philippines in what has been said to be a challenging process of the accord's implementation.

"Much work has yet to be done to ensure that this vital agreement translates into both passable legis-

lation and a peaceful transition of authority and security on Mindanao," McCain said.

The senator, which last visited the Philippines in 2012 to discuss regional maritime disputes and the Mindanao peace process, maintained the the Filipino people deserve to live in a society free from hostilities.

"The Philippine people have high expectations for peace – expectations they deserve to have met – and it is my hope that this agreement will at last deliver on those aspirations," he said.

Presidential Peace Adviser Teresita Deles had said that the MILF can already start dismantling

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their armed strength as early as May this year, citing the normalization annex of the peace accord. (www.philstar.com)

GLOBAL NEWS

UK's 'The Guardian' Names 3 Best Books on Philippines

MANILA, Philippines - Top British newspaper The Guardian on Wednesday listed the three "best books" ever written about the Philippines highlighting periods of history

and a dash of mystery. Global development writer Pushpinder Khaneka cited two books authored by Filipinos--a literary giant and a brilliant up-and-comer--and one from a foreigner's perspective. (www.philstar.com)



Dusk by F. Sionil Jose
 "José's engaging and sympathetic storytelling puts the reader right alongside the protagonists as they struggle for a better life."

Illustrado by Miguel Syjuco
 "The sprawling structure and style is sometimes overwhelming, but those who persevere will find the trip worthwhile."

America's Boy by James Hamilton-Paterson
 "The author elicits information from Marcos's friends, foes and family (including Imelda), and his mix of personalities and politics delivers an entertaining and insightful history."

PHILIPPINE NEWS (from page 12, 50,000 TONS...)

With an effective IT system in place, human contact and human intervention will be minimized to curb corruption, he added.

Angara said he supports calls to modernize the BOC to stamp out corruption and smuggling.

"Although enforcement is largely a fight of the executive branch, we are prioritizing these anti-smuggling measures so Congress can aid the government in the fight and we want to ensure that they have the weapons to do so and are not unduly hampered," he said.

Angara said the BOC needs a "shake-up" or reshuffle of port collectors to avoid



Sen. Sonny Angara

too much familiarization with anomalous businessmen, who try to go around the laws and smuggle goods to the country. He was quite satisfied with the answers of BOC officials, particularly since they had just been appointed, he added.

The committee will be requiring more thorough data and figures in future hearings,

Angara said. The Senate committee tackled the Customs and Tariff Modernization Bill and different versions of anti-smuggling bills, including S. No. 168 – Customs and Tariff Modernization Act of 2013; S. Nos. 442, 456, 741 & 882 – Anti-Smuggling Act; P.S. Res. No. 444 – Inquiry on the study conducted by the Federation of Philippine Industries which found that the government lost more than P1.33 trillion in revenue from 2002 to 2011 due to technical smuggling through the country's ports.

Conducting the hearing was the Senate ways and means committee chaired by Angara. (www.philstar.com)

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