

HAWAII



# FILIPINO CHRONICLE

HAWAII'S #1 FILIPINO NEWSPAPER

◆ MARCH 17, 2018 ◆

## PROTECT YOURSELF FROM IDENTITY THEFT

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## EDITORIALS

## Protect Yourself from Identity Theft

**I**magine checking your mail and finding new credit card accounts opened in your name with large outstanding balances. You neither signed up for those new accounts nor made those purchases. You run a credit report and find other anomalies; and realize just then that you've been a victim of identity theft.

Identity theft is a growing, serious crime affecting people all over the globe. With the increasing dependence on electronic data and computer networks as standard business practice, criminals are using technology to steal hard-earned money and identities of millions of people.

Javelin Strategy & Research found \$16 billion was stolen from 15.4 million U.S. consumers in 2016, compared with \$15.3 billion and 13.1 million victims a year earlier. In the past six years alone, identity thieves stole over \$107 billion. In Hawaii there were close to 800 complaints of identity theft in 2016 alone.

Some identity thefts occur in person or phone scams. A criminal would pose as a representative from a company and ascertains personal information to be used to create fraudulent accounts and lines of credit. Obtaining a social security number is the most valuable piece of information to commit fraud. Other identity thefts occur from cyber breaches where the victim is completely unaware that their personal information had been stolen.

Several high-profile cyber breaches show just how prevalent the problem is and how vulnerable personal data can be. The most notorious breach occurred last year when the credit reporting company Equifax fell victim to hackers through the company's website application. Names, date of birth, social security numbers, home addresses, tax IDs and driver's license details were stolen from 145.5 million of people on Equifax's database. Other major cyber breaches: eBay in 2014, Target Stores in 2013, Uber in 2016, JP Morgan Chase in 2014, US Office of Personnel Management in 2012-14, Home Depot in 2014.

Tech experts say a common breach occurs on web platforms. Protective encryptions are hacked and scammers gain access to databases. One solution industry experts are implementing is transitioning to chip technology which permits purchases without ever sending actual credit card numbers across the wire. This is a move towards de-identification, by deleting portions of or entirely replacing the personal identifiers in a database.

With the incidences of identity theft mounting, we must continue to put pressure on data developers and businesses to improve security to protect personal information. Governmental consumer and technology agencies and law enforcement must continue to strengthen regulation and penalties.

We can also do our part in taking preventative measures. Safeguard our personal information such as bank account and social security numbers in a well-hidden place. Don't get tricked into giving personal information out by fraudulent representatives. Secure technological gadgets from computers to mobile phones by using unique passwords. Security experts say one of the worst mistakes is to use the same password across all accounts. For example, do not use the same password for your email, bank account PIN, social media accounts, consumer accounts.

Unsubscribe to marketing lists. Shred mail that contain personal information, especially credit card offers. Keep computers and mobile devices security software up to date by turning on automatic updates. Don't access banking information on Wi-Fi hot spots. Do not click on links or open any attachments or pop-up screens from sources you are not familiar with. Never provide information via phone, text or email.

## FROM THE PUBLISHER



dentity theft is a growing crime that affects people from all walks of life. Victims fall prey to criminals in various ways. Information is stolen in person, on the phone, or through ghost cybercrimes. Many people are not even aware that their identities have been stolen until one day they are denied credit or run a credit check only to discover false charges and fraudulent accounts in their name.

For our cover story this issue, associate editor Edwin Quinabo interviews Mila Julian who was a victim of identity theft. Several Hawaii residents share their methods of protecting themselves from criminal scammers. He also interviewed a representative from the State Attorney General's office who informs us of the criminal penalties of identity theft; and the Hawaii State Chief Information Security Officer who discusses cybersecurity breaches.

A 2017 Identity Fraud Study shows identity theft in Hawaii is not as prevalent as in other states, with Hawaii ranking 50th in reported incidences. However, as our cover story shows, this type of crime is impacting our community. Find out what experts say are the warning signs of identity theft, safeguards to follow, and steps to take should you have your identity stolen.

Also in this issue, we have interesting columns. Read HFC and award-winning journalist Emil Guillermo's piece on one of the most diverse Oscars ever. In addition, he reports on the ICE war on sanctuary cities and California. Jeff Adachi, the San Francisco Public Defender told Guillermo in an interview: "There's a war going on now between ICE and sanctuary cities. It's a scary time for people. Everyone is at risk."

HFC columnist Atty. Emmanuel Tipon contributes an article that many social media users will find informative. It's entitled "Facebook Account: Is It Subject to Full Disclosure in a Litigation?"

In our news section, read about Maui Filipino Chamber of Commerce's upcoming business mixer and the Rizalian Youth Council Essay-writing Contest open to all Hawaii high school students.

Lastly, next week begins Spring. The week after we enter the conclusion of the Lent season with Holy Week, a very special time of the year for many of us. We'd like to wish everyone a very blessed and Happy Easter.

Thank you for your continued support through the years. We hope you enjoy this issue. Until next time, warmest *Aloha* and *Mabuhay*!

*Chona A. Montesines-Sonido*

And perhaps most important, monitor your credit history regularly to look for false charges or fraudulent new accounts.

To avoid money loss and months or even years of hard work to get your credit clear from identity theft, it's worth the time to do basic security measures to ensure your identity is not stolen in the first place. Use caution and common sense when giving important personal information.

## LETTERS TO THE EDITOR ENCOURAGED

- Letters to the editor must be signed. Unsigned letters will not be accepted. However, HFC will, upon request, withhold a contributor's name.
- Letters must be 200 words or less, designated for publication and accompanied by an address and phone number.
- The editor deserves the right to edit articles submitted, or return a letter for revision.
- The editor will select for publication those letters which are in the best interest of the community as a whole. No letters printed elsewhere will be used.
- Letters containing information contrary to the established fact will be followed by an editor's note correcting the error.

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## EDITORIALS

## Proposed Meeting Between Trump and Jong-Un Is A Welcomed Surprise

**T**he world breathed a sigh of relief at the surprising announcement that President Donald Trump accepted an invitation to meet with North Korean leader Kim Jong-un to discuss denuclearization and security in North Korea. After months of dangerous rhetoric and threats between the two world leaders, increased Nuclear missile testing in Pyongyang and increased joint U.S.-South Korean military exercises -- this proposed dialogue expected to take place sometime next month is a sensible step in the right direction. At the very least, a willingness for direct face-to-face talks has eased the tense brinksmanship between the two countries that has been a source of fear throughout communities in the Pacific rim, including Hawaii.

Jong-un's invitation to Trump came through South Korean diplomats after both Koreas met for diplomatic talks following the winter Olympics. The invitation to meet with Trump was hand-delivered to South Korean President Moon Jae-in by Jong-un's sister Kim Yo-jong during the Olympic games held in South Korea. South Koreans said in a statement: "North Korea made it clear that it would have no reason to keep nuclear weapons if the military threat to the North was eliminated and its security guaranteed."

Jong-un agreed to end his nuclear program in exchange for security guarantees. He also told South Korean diplomats he would suspend tests of weapons and missiles during negotiations.

Trump accepted the invitation and tweeted: "Possible progress being made in talks with North Korea. For the first time in many years, a serious effort is being made by all parties concerned. The World is watching and waiting! May be false hope, but the U.S. is ready to go hard in either direction."

While brokering real solu-

tions over the decades-long stalemate over North Korea's nuclear ambition in exchange for security is a long road ahead, the two sides should be encouraged, put cynicism aside, and walk into the meeting with hope that they would have already accomplished something that has never been done -- heads of state of the two countries meeting for a first time. It's probable that forces behind the scenes are not keen on this meeting from taking place, people in high places used to the status quo. Perhaps hardline high-level North Korean military echelon may not be willing to give up the dream of a nuclear-powered N. Korea and see the talks as a betrayal. On the American side, many are criticizing the president for giving a meeting to Jong-un, believing that in so doing, Trump is elevating the rogue North Korean leader. The fact that both Trump and Jong-un are willing to proceed diplomatically and do something entirely different and unconventional deserves credit.

Why now, why the radical shift from tough rhetoric to the possibility of bilateral talks? It could be Trump's insistence that his tactic of "maximum pressure" (exacting tough economic sanctions) could be partly responsible. It could be that N. Korea is rattled by Trump's dramatic war of words; and sees his mental-emotional instability as a real threat. No American president has ever used such dangerously bold language against North Korea. It could be that Jong-un believes he himself has taken things too far with threats of his own against the U.S. and his staging of multiple testing and building up of the country's nuclear program have become too costly.

But perhaps, the real reason could be that Jong-un finally realizes that N. Korea's nuclear program, which he and his family (former N. Korean heads of state) has relied upon for generations as an economic extortion program on the West, is just not working. North



U.S. Pres. Donald Trump

North Korea's Kim Jong-un

Korea remains poor with little progress besides its military; while its neighbors China, Japan, and even most of Southeast Asia, have been experiencing economic growth. But most stark, North Korea sees its neighbor South Korea prospering in every way that North Korea wishes it could also be doing. The bottom line -- North Korea is isolated and behind in the times; and it could be that Jong-un finally wants something better for North Koreans, even if it means giving up its nuclear program.

Of course, optimism needs to be tempered as serious formal talks haven't even begun. Trump, as ill-informed as he is in the way of international politics and negotiations, has a lot of work to do to prepare in the coming weeks.

Jong-un and his family, as well as an entire society built on militarism and nuclear ambition, cannot be that willing to give up power and change so quickly. But the U.S. and West, should also be more open to possibilities than previous administrations. Jong-un's invitation, a total break from what anyone expected,

Jae-in should also be commended for attempting to warm relations with the North and to broker this meeting to take place between Trump and Jong-Un. So far, Jae-in has been making all the right moves to ease tension in the region.

The world, and many leaders who have expressed hope of this latest development, is right to welcome the talks as a good start. Doubters in the West calling this propaganda and a political stunt by Jong-un must put their old cynicism aside. That attitude has shown to accomplish absolutely nothing over multiple U.S. administrations. Diplomacy sure

beats dreadful talks of fire and fury, who has the bigger nuclear buttons, and total destruction of a country.

Russian Foreign Minister Sergi Lavrov said, "It should not just be a meeting, it should open up a way to resuming a fully-fledged diplomatic process."

The last major effort, dubbed the Six Party Talks (that did not include bilateral talks between the two heads of state of the U.S. and North Korea) collapsed in 2008, largely because North Korea did not allow inspectors to verify that it has shut down its nuclear program. Since then, attempts to restart talks have not even taken off the ground.

For the sake of millions, we hope for a better outcome. We hope that neither Trump or Jong-un change their minds and abandon the agreement to meet. It would be a colossal missed opportunity. Trump is right when he said the world is watching. The world deserves better security. The Asia Pacific Rim, Hawaii included, is even more hopeful that a peaceful solution must be reached.



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## COVER STORY

# Stop Criminals from Stealing Your Identity

By Edwin Quinabo

**I**dentity theft is a growing, serious crime. Victims who had their identities stolen report of losing large sums of money and must spend months or even years to clear up their credit record. Victims initially might be arrested for crimes they've never committed and be harassed by debt collectors for purchases they've never made. Before restoring their credit, victims often must pay higher interest rates on new loans or even lose job opportunities as many employers now run credit reports as part of their screening process. The spectrum of identity theft can range from simple inconvenience to devastating loss, largely dependent on the type of information stolen or sophistication of criminal operation.

Mila Julian of Honolulu is among a growing number of Hawaii residents who've reported identity theft. She explained it started with a phone call that eventually led to two credit card accounts opened falsely in her name.

"Someone called me at my home claiming to be from AT&T. He asked me for my social security number. I had just returned from AT&T to talk with a representative about my current bill. So, I gave him my social security number thinking that the person who I was talking to on the phone was from AT&T," said Julian.

A couple months later, Julian received mail from two credit card companies of her opening a new account with them that she had never applied for. There were also charges already made on them.

"I told the credit card companies that it wasn't me who opened those accounts. I filed a police report. After an investigation, I was informed that the accounts were opened from someone in Virginia. My identity was stolen; and it probably was linked to that caller claim-

ing to be an AT&T representative. The credit card companies forgave the fraudulent charges made. The police advised me to run a credit report to look for any other irregularities.

"Luckily, I found none. My finances weren't compromised except for those fraudulent charges. Since that time, I never answer telephone calls from numbers I don't recognize," she said.

Julian's experience is typical of identity theft victims. They receive an unsolicited fraudulent call from a company they are already doing business with -- a phone, electric, or other utilities company or even their bank. Victims give their social security number and soon after, they discover credit anomalies, false charges or fraudulent new accounts. It's a common mistake for people to give out their social security number to scammers because many companies initially require that customers furnish a social security number when starting a new account.

Security experts believe criminals are resorting to open-

ing fraudulent new accounts because using a stolen card is more difficult. With the advancement of microchip technology of credit cards and the difficulty to counterfeit cards, criminals are finding it easier to open new accounts from stolen personal information. More stores also have cameras near cash registers that make it easier for scammers using stolen cards to be identified.

A 2017 Identity Fraud Study by Javelin Strategy & Research shows the breakdown of all identity thefts: employment or tax-related fraud 34%, credit card fraud 32.7% (credit card fraud of new accounts opened fraudulently 25.6%), phone or utilities fraud 13.1%, bank fraud 11.8%, government documents or benefits fraud 6.6%, and others.

The same study found that \$16 billion was stolen from 15.4 million U.S. consumers in 2016, compared with \$15.3 billion and 13.1 million victims a year earlier. Statistics show identity theft is increasing. In the past six years alone, identity thieves stole over \$107 billion.

Hawaii ranked last in the U.S. for identity thefts reported with 789 complaints in 2016, the Javelin Strategy study found. Among the states with the highest complaints: California 54,744, Florida, 34,484, Texas 33,214, and New York 20,205.



## Cybercrime and the Equifax Hack

Identity theft can occur even without scammers making contact with victims. Social Security numbers and personal information have been reported stolen by cybercrimes. Experts believe with the increasing dependence on electronic data and computer networks as standard business practice, cybercrime could be a more common way of identity theft in the future.

In one of the most high-profile and largest security breaches ever, 145.5 million people's identities were stolen from Equifax in 2017. The Equifax cyberattack resulted in Congressional hearings and the forced departure of then Chief Executive Officer of the company Richard Smith. The scope of the breach is still being investigated and customers being informed.

"We continue to take broad measures to identify, inform and protect consumers who may have been affected by this cyberattack," said interim CEO Paulino de Rego Barros Jr. in a statement.

Names, date of birth, social security numbers, home addresses, tax IDs and driver's license details were stolen from millions of people on Equifax's database, according to documents Equifax provided to the Senate Banking Committee.

Criminals have used these same types of sensitive information stolen in the Equifax breach to open bank accounts and lines of credit with credit card companies.

Lauren Saunders, associate director at the National Consumer Law Center, says "The more information scammers have about you, the easier it is for them to impersonate you." She says more information enables criminals to get by the protocols that banks and other businesses require.

What makes the Equifax cyberattack so controversial is the magnitude of data stolen; and more importantly, the quality of sensitive information. As one of the three largest national credit bureaus, Equifax gathers information from multiple sources -- banks, credit card companies, retailers and public records -- that all have highly sensitive information.

Since the cyberattack, numerous lawsuits have been filed, including a class-action suit with the law firm Geragos & Geragos, that seeks \$70 billion in damages, making it the largest class-action suit in U.S. history.

Cyber techs point out that while Equifax's cyberattack was the most damaging be-  
(continued on page 5)

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## COVER STORY

*(from page 4, STOP...)*

cause of the type of sensitive information stolen, it is not the largest cyber breach.

In 2013-14, Yahoo had the biggest data breach in history affecting over 3 billion user accounts. The information compromised were real names, email addresses, dates of birth, telephone numbers and passwords.

Other major cyber breaches: eBay in 2014 (145 million users compromised), Target Stores in 2013 (110 million customers' information compromised), Uber in 2016 (57 million Uber users), JP Morgan Chase in 2014 (76 million households and 7 million small businesses), US Office of Personnel Management in 2012-14 (22 million federal employees), Home Depot in 2014 (56 million customers).

### Cybersecurity Measures

The infamous Equifax breached by hackers was through the company's website application.

Vincent Hoang, Hawaii State Chief Information Security Officer, explained how data breaches can occur. "When looking at several large disclosed data breaches, the incidents occurred even when some encryption was in place. When an application is exploited, encryption won't stop the hack."

He says "as a result, more systems are moving towards de-identification, by deleting portions of or entirely replacing the personal identifiers in a database. An example is with the credit card industry's move to chip technology, which permits purchases without ever sending your actual credit card number across the wire," said Hoang.

### Criminal Penalty for Identity Theft

Given the damaging effect identity theft can have on victims, states have established stiff penalties for this type of crime.

Dana Viola, special assistant to Hawaii's Attorney General, explains the criminal penalty for identity theft. "There are 3 degrees of identity theft - first, second, and third. Identity theft in the first degree

is punishable by 20 years imprisonment. The maximum term of imprisonment for identity theft in the second degree is 10 years and 5 years for identity theft in the third degree. Probation is an option for identity theft in the second and third degrees.

She said complaints are investigated and the investigative reports submitted to the Department of Attorney General, Criminal Justice Division, which reviews the reports for possible prosecution.

The crime of identity theft is defined as the theft or use of another person's personal identifiable information, such as a social security number and birth date, to open credit accounts, access personal records and finances, and commit other illegal acts.

An identity crime can carry multiple charges as in the case of a 58-year-old East Oahu woman who used several stolen cards to make thousands of dollars in fraudulent purchases. She was charged with 23 various counts.

### What to do when your identity is stolen

The first step to take when an identity crime has occurred is to call the police. This establishes a record of the crime or theft report that could be furnished to companies where fraud took place. Filing a report in person is the recommended way.

A victim may also report identity theft with the Federal Trade Commission online reporting system at IdentityTheft.gov. In Hawaii, victims may file complaints with the Hawaii Office of Consumer Protection or the Hawaii Attorney General Department.

Immediately after filing a report, victims should contact their creditors, credit card companies, banks or other lenders to find out if suspicious activities occurred.

The next step is to contact each of the three reporting credit companies (Experian, Equifax, and TransUnion) to place a temporary freeze to prevent a thief from making charges to existing accounts. A credit freeze locks down credit. After a while of monitoring

**"Keep your computer systems updated. Use unique passwords for each site. Be careful when clicking on links. Use a separate computer system when banking."**

— VINCENT HOANG,  
HAWAII STATE CHIEF INFORMATION SECURITY OFFICER

bank statements and accounts without further incidences of fraud, victims must contact the credit companies to lift the freeze.

An alternative to a credit freeze is to notify one of the reporting credit companies to place a fraud alert. This does not block potential new credit but places a comment on a victim's credit history to alert creditors to make contact prior to opening a new account. Only one of the reporting credit companies need to be informed; the other two will be notified.

### Warning signs

In cases where identities have been stolen by cybersecurity breaches, victims are unaware that their identities have been stolen. The Hawaii Department of Commerce and Consumer Affairs recommends some signs to look for: check to see if unauthorized charges have been made on credit cards; it's a red flag if you receive a credit card that you did not apply for; missing credit card bills; calls from debt collectors about merchandise or services you did not authorize; or being denied credit for no apparent reason.

### Protecting Yourself from Identity Theft

As for computer safeguards, Hoang recommends "keeping your computer system updated and using unique

passwords for each site. He says to "be careful when clicking on links and to use a separate computer system when banking."

The Federal Trade Commission (FTC) recommends limiting access to criminals by getting off email lists from unsolicited senders. How to do this? Unsubscribe from unwanted marketing emails and newsletters. Contact the Direct Marketing Associations to get your address removed from marketing lists. Register your home and cell phone numbers with the FTC's "Do not call" registry. Criminals use any means of communication to get victims to divulge personal information.

Keep computers and mobile devices security software up to date by turning on automatic updates. Don't access banking information on Wi-Fi hot spots. Do not click on links or open any attachments or pop-up screens from sources you are not familiar with.

Scammers may call or text asking for personal information. Never provide this information via phone, text or email.

For non-cybersecurity safeguard measures: never give out your social security number or bank account number to someone who calls on the phone or contacts you via email. Shred documents containing personal information. Shred credit offers received in the mail. Do not carry personal

identification numbers (PINs) or social security card in wallet. Use a lockable mailbox to receive bills and send checks; or drop off sensitive material in secured USPS mail boxes.

Lourdes Ramos, a receptionist in Honolulu, says she takes extra precaution to keep her social security card, passport, and checks in a safe place at home. "I only carry my ID, cash, health insurance card with me every time I go out."

When it comes to business dealings, she always checks the reviews on a company with the Better Business Bureau before giving out sensitive personal information.

Ramos says she knows someone who had his social security number stolen and someone filed a fraudulent tax return in his name.

Benjamin Antonio of Waipahu, a retired bank employee, says he takes steps to prevent identification theft by creating strong passwords and update them frequently. "I also use a password for my mobile devices."

Antonio says he limits the number of credit cards he has

to minimize the possibility of his identity being stolen. "One of my friend's credit card information got stolen. Whoever stole it tried to buy a TV at Walmart for more than \$1,000."

Sam Quemado, Waipahu, a part-time realtor and tax pre-

*(continued on page 6)*

## A POPULAR RESTAURANT IS FOR SALE

An authentic Filipino restaurant near the Kahului airport is for sale.

A popular spot for tourists as well as local people.

Owners want to retire.



*(continued on page 6)*

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## OPEN FORUM

# Disappointed by Census Bureau About-Face on Race and Ethnicity Questions

by John C. Yang

**T**he U.S. Census Bureau announced its plans to use race and ethnicity questions from the 2010 Census for the 2018 End-to-End Test rather than updating the questions per recommendations of its staff for a combined question on race and ethnicity that provided detailed checkboxes for all groups and included a new response category for the Middle Eastern or North African (MENA) communities. The U.S. Census provides the most accurate count of

all communities of color and is essential to make sure Asian Americans and Pacific Islanders are not dismissed or rendered invisible.

Advancing Justice | AAJC is extremely disappointed in the U.S. Census Bureau's decision to not modernize the 2018 End-to-End testing, overturning its own career staff's recommendation to include diverse category check boxes for all race and ethnicities on its 2020 Census form and combining race and ethnicity into one question. We view this change of course as a missed opportunity to align the next decennial

census with the way society currently understands race and ethnicity and a missed opportunity to achieve an even better understanding of our country's make-up.

Not providing race and ethnicity check boxes on the census form leads to less detailed results, which will suppress data that could help provide necessary resources to traditionally underserved populations. We are very disturbed by the categorical exclusion of the MENA population who fought hard for inclusion in the 2020 Census for their own checkboxes on the form.

Millions of dollars have been invested in the planning and testing for the centennial census and it should not go to waste. It is not too late to reverse this erroneous decision. We call upon the Office of Management and Budget to issue its revised standards in accordance with the Interagency Working Group recommendations, public comments, and Census Bureau research on race and ethnicity. And, once issued, we ask the Census Bureau to follow the new guidelines and return to its initial proposed question format (combined with MENA response options and check boxes for all groups), which will main-

tain the integrity of the Census and all efforts to have a fair and accurate 2020 Census.

We also call on Congress to investigate how this decision was made to forego many years of extensive research into whether official statistics reflect the full diversity of our rapidly changing population and reverse course from the recommendations of expert Census Bureau staff on the 2020 Census.

**JOHN C. YANG**, president and executive director of Asian Americans Advancing Justice | AAJC. AAJC has a mission to advance the civil and human rights for Asian Americans and to build and promote a fair and equitable society for all.

## HAWAII-FILIPINO NEWS

## 1,900 Jobs Added Over One Month in Hawaii

**H**awaii's unemployment rate is faring better than the U.S. national average. The Hawaii State Department of Labor & Industrial Relations (DLIR) announced that the seasonally adjusted unemployment rate for January was 2.1 percent. Nationally, the seasonally adjusted unemployment rate was 4.1 percent in January.

Statewide, 668,700 were employed and 14,400 unemployed in January for a total seasonally adjusted labor force of 683,050.

Both initial claims and weeks claims decreased by 21 or -1.4 percent and by 209 or -2.4 percent respectively for unemployment benefits compared to one year ago. Over-the-

month both initial claims and weeks claims increased by 18.3 percent and 8.5 percent respectively in January 2018.

In another measure of employment, nonagricultural jobs increased by 1,900 over-the-month. Among the major sectors, job gains occurred in Trade, Transportation, & Utilities (+1,100), Professional & Business Services (+1,000), Leisure & Hospitality (+500), Other Services (+300) and Financial Activities (+100). Within the Trade, Transportation, & Utilities series, most of the rise is attributed to a smaller release of seasonal retail workers, following less seasonal hiring in the industry late last year. Jobs losses were experienced in Construction (-100), Manufacturing (-100), Information (-100) and Educational & Health Services

(-300). Government employment declined by 500 jobs, with most of the drop in the Univer-

sity of Hawaii System. In comparison with one year ago, total nonfarm jobs have expanded by 6,600, or 1.0 percent.

The unemployment rate fig-

ures for the State of Hawaii and the U.S. in this release are seasonally adjusted in accordance with the U.S. Bureau of Labor Statistics (BLS) methodology.

## Maui Filipino Chamber to Hold Business Mixer on Maui's Civil Defense Readiness

**T**he Maui Filipino Chamber of Commerce Foundation will hold a Business Mixer on Maui's Civil Defense Readiness on Friday, March 23, 2018, 5:30-7:30 p.m. at Tante's Island Cuisine. The guest speaker will be the new Administrator for the Maui Emergency Management Agency, Herman Andaya, Jr.

Andaya will discuss Maui County's emergency preparedness operations and speak about ways that citizens can better prepare for various disaster situations.

Maui Federal Credit Union, All Access Entertainment, and Tante's Island Cuisine are sponsoring this event. The business mixer is open to Maui Filipino Chamber of Commerce members at a cost of \$20 per person and to the general public at \$25 per person. Light refreshments will be served.

For more information about the business mixer, call Sharon Zalsos at (808) 359-1616.

As Administrator for the Maui Emergency Management

Agency, Andaya is responsible for planning, preparing, and coordinating Maui County's emergency management operations to mitigate disaster situations and coordinating post-disaster recovery operations. Prior to working with the Maui Emergency Management Agency, Andaya served as Chief of Staff for Mayor Alan Arakawa, Special Assistant to the Chancellor at the University of Hawaii Maui College, and as Deputy Director of Maui County's Department of Housing and Human Concerns.

### COVER STORY (from page 5, STOP...)

parer, says he tries to avoid identify theft by avoiding purchases online or doing banking online. "I also don't leave personal information stored in my computer and phone." Quemado says he takes extra measures by purchasing insurance to cover him from fraud or theft.

He said one of his clients was tricked into giving her bank account number. "She received a notice that she won a sweepstakes. To claim her

prize, she was asked to give her bank account number for direct deposit. In her excitement, she gave it. But instead of receiving money, they took her money," said Quemado.

Anyone can fall victim to identity theft in the data-driven, networking systems age. Criminals are finding new methods to dupe people of money. But as cautious consumers, cautious computer and tech-users, we all can take steps to protect ourselves.

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## WHAT'S UP, ATTORNEY?



**By Atty. Emmanuel Samonte Tipon**

**K**elly sued Mark claiming that when she fell from a horse owned by the defendant, she suffered spinal and traumatic brain injuries resulting in cognitive deficits, memory loss, difficulties with written and oral communication, and social isolation.

Kelly stated that she previously had a Facebook account on which she posted "a lot" of photographs showing her pre-accident active lifestyle but that she deactivated the account about six months after the accident and could not recall whether any post-accident photographs were posted. She maintained that she had become reclusive as a result of her injuries and had difficulty using a computer and composing coherent messages. She represented that she could no longer express herself the way she did before the accident. She contended that a simple email could take hours to write because she had to go over written material several times to make sure it made sense.

Mark sought an unlimited authorization to obtain Kelly's entire "private" Facebook account, contending the photographs and written postings would be material and necessary to his defense of the action. Kelly failed to provide the authorization, and Mark moved to compel, asserting that the Facebook material sought was relevant to the scope of plaintiff's injuries and her credibility.

Kelly opposed the motion arguing that Mark failed to establish a basis for access to the "private" portion of her Facebook account. Mark reiterated that the Facebook material was reasonably likely to provide evidence relevant to plaintiff's credibility.

The trial court granted the

# Facebook Account: Is It Subject to Full Disclosure in a Litigation?

motion to compel to the limited extent of directing Kelly to produce all photographs of herself privately posted on Facebook prior to the accident that she intended to introduce at trial, all photographs of herself privately posted on Facebook after the accident that do not depict nudity or romantic encounters, and an authorization for Facebook records showing each time plaintiff posted a private message after the accident and the number of characters or words in the messages.

The Appellate Division modified the order by limiting disclosure to photographs posted on Facebook that Kelly intended to introduce at trial (whether pre- or post-accident) and eliminating the authorization permitting Mark to obtain data relating to post-accident messages, and otherwise affirmed.

## Disclosure of Evidence Material and Necessary to Litigation Required

The court said that disclosure in civil actions is governed by CPLR 3101(a), which directs: "[t]here shall be full disclosure of all matter material and necessary to the prosecution or defense of an action, regardless of the burden of proof." The "[t]he words 'material and necessary,' . . . are to be interpreted liberally to require disclosure, upon request, of any facts bearing on the controversy which will assist preparation for trial by sharpening the issues and reducing delay and prolixity. The test is one of usefulness and reason".

The "statute embodies the policy determination that liberal discovery encourages fair and effective resolution of disputes on the merits, minimizing the possibility for ambush and unfair surprise". However, the right to disclosure, although broad, is not unlimited. CPLR 3101 itself establishes three categories of protected materials.

The court noted that Facebook is a social networking website "where people can

share information about their personal lives, including posting photographs and sharing information about what they are doing or thinking". Users create unique personal profiles, make connections with new and old "friends" and may "set privacy levels to control with whom they share their information". Portions of an account that are "public" can be accessed by anyone. If portions of an account are "private," this means that items are shared only with "friends" or a subset of "friends" identified by the account holder. The account holder's so-called "privacy" settings do not govern the scope of disclosure of social media materials. However, commencement of a personal injury action does not render a party's entire Facebook account automatically discoverable. Directing disclosure of a party's entire Facebook account is comparable to ordering discovery of every photograph or communication that party shared with any person on any topic prior to or since the incident giving rise to litigation – such an order would be likely to yield far more non-relevant than relevant information.

Furthermore, New York discovery rules do not condition a party's receipt of disclosure on a showing that the items the party seeks actually exist; rather, the request need only be appropriately tailored and reasonably calculated to yield relevant information.

## Court should Tailor its Order to Particular Controversy

Courts addressing disputes over the scope of social media discovery should employ our well-established rules. Courts should first consider the nature of the event giving rise to the litigation and the injuries claimed, as well as any other information specific to the case, to assess whether relevant material is likely to be found on the Facebook account. Second, balancing the potential utility of the information sought

against any specific "privacy" or other concerns raised by the account holder, the court should issue an order tailored to the particular controversy that identifies the types of materials that must be disclosed while avoiding disclosure of nonrelevant materials.

Temporal limitations may also be appropriate – for example, the court should consider whether photographs or messages posted years before an accident are likely to be germane to the litigation. Moreover, to the extent the account may contain sensitive or embarrassing materials of marginal relevance, the account holder can seek protection from the court.

## Private materials may be Subject to Discovery

Some materials on a Facebook account may fairly be

characterized as private. But even private materials may be subject to discovery if they are relevant. For example, medical records enjoy protection in many contexts under the physician-patient privilege. But when a party commences an action, affirmatively placing a mental or physical condition in issue, certain privacy interests relating to relevant medical records – including the physician-patient privilege – are waived. For purposes of disclosure, the threshold inquiry is not whether the materials sought are private but whether they are reasonably calculated to contain relevant information.

The court pointed out that there was a basis to infer that photographs Kelly posted after the accident might be reflective of her post-accident activities and/or limitations. The request for these photographs was reasonably calculated to yield evidence relevant to plaintiff's

(continued on page 10)

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# MALABON ON THREE WHEELS

by Robertson Ramirez

**T**here's an innovative and fun way to discover the treasures of Malabon. The ubiquitous tricycle – basically a motorcycle fitted with a sidecar – can now take visitors on tours around this city on the northern edge of Metro Manila as the local government has launched the Malabon Tricycle Tour.

You may think it's just Pancit Malabon that the city can boast of, but there's much more.

Malabon City, formerly known as Tambobong, was founded by the Augustinians as a vista of Tondo in Manila City on May 21, 1599 and became part of Metro Manila through Presidential Decree No. 824 on Nov. 7, 1975. Through House Bill No. 8868, the Municipality of Malabon was converted into a highly-urbanized city on Dec. 8, 1999.

To showcase its rich history and to show to the next generations the treasures of



The Malabon Tricycle Tour experience.



San Bartolome Parish Church

the city, the local government launched the Malabon Tricycle Tour that offers visits to the city's centuries-old houses, most of which remain as residences today.

The tour runs from 9 a.m. to 4:30 p.m. on weekdays. There are no weekend tours upon the request of the owners of the heritage houses.

At a cost of only P250 per person, visitors meet their tricycle driver-tour guide at the San Bartolome Parish church, the first stop of the tour, which

is located just a few meters from Malabon's City Hall.

The San Bartolome Parish is itself quite an attraction. Built by Padre Diego de Robles in 1622, its towering columns are made of centuries-old adobe bricks. The church was burned in 1898 and was repaired in 1906. It was destroyed during World War II and was rebuilt in 1951.

From the church, your first stop is the Sy Juco mansion, a 149-year-old house made of adobe bricks.

"I wanted to share this with the younger generation to let them know that there is still a house like this if you are capable of preserving it," said Concepcion Sy Juco, one of the children of the Sy Juco clan who actually resides in the heritage mansion.

Next is the Nepomuceno ancestral house, built in 1935 by one of the pioneer patis (fish sauce) makers, Dr. Arcadio Nepomuceno and his wife Pantaleona Suaja.

From there you proceed to the Concepcion market and plaza, one of the city's cleanest markets; Artes de Paseo Art Gallery where works of Malabon artists are featured; El Casa Katipunero, a house built in the late 1800's by Apolinario Marcelo who was a Katipunero; and the Ibaviosa ancestral house, built in the early 1940's.

Visitors will also get a glimpse of the artworks on display at the popular Angel Cacnio Art Gallery, including the designs of the old P100 and P20 bills and some coins

that were circulated in 1982 and 1983.

After the gallery, your tricycle tour goes on to the Rivera ancestral house, a 101-year-old house of the parents of former mayor Maynardo Espiritu. Although the house was renovated in 2006 after it was destroyed by severe flooding, parts of the house retains its old design and some of the original materials.

Last stop for the heritage tour is the Raymundo ancestral house, a 157-year-old house inspired by the walled city of Intramuros, with an etching of an eagle symbolizing royalty.

Following the success of the Tricycle Heritage Tour, the city government launched the Malabon TriP750 cycle Tour: Food Tour, offering tourists the city's well-known cuisines, and a combined food and heritage tour for travelers who want to visit the city's heritage destinations and at the same time sample the city's delicacies.

Just like the heritage tour, those on the food tour start at the San Bartolome Parish. This tour offers food for breakfast, morning snack, lunch, afternoon snack, plus a "take out" at the end of the trip for only per person.

From the San Bartolome Parish, your driver-tour guide will bring you to the Lugaw Experience, where a bowl of arroz caldo, a Filipino rice porridge, is served with toppings of chicken and other choices. Lugaw Experience was first introduced by Nar-

cisa Domondon in 1984 and is being continued by her son Renante. When you finish your lugaw, you will be brought to Hazel's Puto, started in 2000 offering a variety of rice cakes, and to Jamico's restaurant, where the crunchy skin and juicy meat of its famed crispy pata will be served, among other viands including tortang alimasag (crab omelet), fried chicken wrapped in pandan leaves and embutidong hipon (shrimp roll).

Just a few meters away is Dolor's Kakainin, established in the early 1930's, where sapin-sapin, a colorful layered glutinous rice cake, will be served for merienda or afternoon snack.

You then proceed to the Concepcion Market and Plaza and to Nanay's Pancit Malabon and Bety's Cake Center for your "take outs" or food to go.

You can combine the two tours for only P900, and you will get your feel of the city's heritage houses and other destinations and at the same time satiate your hunger with the city's delicacies.

"Malabon is an old city, now 419 years old. You will learn a lot here. Our food is so delicious that you'll surely fall in love with it, babalikbalikan n'yo (you'll surely come back)," Malabon Mayor Lenlen Oreta said as he assured visitors of the tour's safety, since all driver-tour guides are registered at the city's police station and are trained in basic safety measures. ([www.philstar.com](http://www.philstar.com))

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

## PHILIPPINE NEWS

# Resigning 'Easier Option' but Sereno Vows to Fight 'til the End'

by Dana Sioson

Tuesday, March 13, 2018

**I**t will not resign." This is what Chief Justice Ma. Lourdes Sereno said on Monday, March 12, after her colleagues issued a joint manifesto demanding her to step down from her post.

In a speech on Monday at the University of Philippines Diliman, Sereno vowed to fight the impeachment case against her to the end as she refused to give in to calls for her resignation.

"I am determined to wage 'til the logical end of this battle started by those who seek to undermine the Constitution and the judiciary. I am resolute in carrying on the good and noble fight for judicial independence. I will finish the course of this thorny race," she said.

While admitting that "resignation is the easier option," the chief justice stressed that she prefers to do the "right" thing:

to face the impeachment trial.

"I do not doubt that resignation is the easier option, allowing the weight of the Office of the Chief Justice to be immediately lifted off my shoulders, freeing me to pursue and enjoy many things that ordinary citizens do. It will end the unrelenting attacks against my person, my staff and other court officials," she pointed out.

She continued, "But I do not make choices in life on the basis of what is the easier option but what is the right thing to do. And without the slightest doubt, the right thing to do is to fight this impeachment to the end."

Sereno further noted that succumbing to others' demands for her to step down "will only serve to erode the independence of the Supreme Court (SC) and embolden those who demand a subservient judiciary."

"To do so would invite the kind of extra-constitutional adventurism that treats legal rights and procedures as mere



Chief Justice Lourdes Sereno

inconveniences that should be set aside when it suits the powers that be," she added.

Earlier on the same day, groups of judges and employees of the high court issued a joint manifesto urging Sereno to vacate from her post.

During the flag ceremony at the SC, president of Supreme Court Employees Association (SCEA) Erwin Oeson implored Sereno to resign "for her sake and the sake of the Filipino people."

*Kami po ay nananawagan para na rin po sa kapakanan ng buong*

*sambayanang Pilipino na kayo po ay bumaba na sa pwesto at magbitiw bilang punong mahistrado o chief justice (We are calling for you to step down as Chief Justice for the sake of all Filipinos)," Oeson said.*

Among the groups who signed the manifesto include the Philippine Judges' Association (PJA), Philippine Association of Court Employees (PACE), and Sandiganbayan Employees' Association (SBEA). Their members who support the call for Sereno's resignation wore red during the ceremony.

Oeson went on to say, "The impeachment proceedings in recent months have put the Judiciary in dispute, thereby affecting the honor and integrity of each justices, judges, officials, and rank and file personnel."

"Court officials have been pitted against each other, resulting in a distressing atmosphere," he added.

## Have some delicadeza'

In a separate message to

Sereno, lawyer Larry Gadon said the top magistrate should have "delicadeza" and just step down.

Addressing Sereno, Gadon said, "Sana ay magkaroon ka naman ng 'delicadeza' at kahiyian at dignidad sa sarili mo (You should have 'delicadeza' and shame and dignity for herself.)"

He pointed out: "Ikaw ang pinuno ng bahay, pinapalayas ka. Ikaw ang pinuno ng pamilya, pero tinataboy ka. Ano pa bang mukha ang pinapakita mo nun (You are the head of the house but they're asking you to leave. You are the head of the family but they're pushing you away. Do you still have the face to meet them)?"

It was Gadon who filed an impeachment complaint against Sereno. Gadon accused her of culpable of violation of the Constitution, betrayal of public trust, corruption, and other high crimes.

With members of the judiciary calling for the Chief justice's resignation, Gadon recommended Sereno to just resign. (AJPress)

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**HAWAII-FILIPINO NEWS****Hawaii Households Receive Big Tax Savings**

The total reduction in Federal individual income tax is more than \$710 million for tax year 2018 due to the Federal Tax Cut and Jobs Act (TCJA), according to a report by the Department of Business, Economic Development and Tourism (DBEDT).

"We're looking at disposable personal income increasing by \$710 million, where we will see an increase in consumer spending by more than \$600 million," said DBEDT Director Luis P. Salaveria. "This should help to boost our economic growth, if federal spending in Hawaii remains unchanged."

Chief State Economist Dr. Eugene Tian noted that the analysis provides average figures for Hawaii households on their 2018 tax reductions in individual income tax.

"In general, households with adjusted Federal gross income (AGI) less than \$500,000 will see tax reductions and households with AGI above that level will see an increase in individual income tax," said Tian. "However, high-income households will benefit more from business tax reductions since most of their income are from businesses and investment."

This report focuses on in-



dividual income tax only. Following are some of the highlights of the report:

\*On average, the provisions of the TCJA will result in

in the standard deduction will benefit the lower to mid-range income groups.

\*In general, taxpayers filing jointly will benefit more under the TCJA than single filers and head of household filers.

\*The TCJA doubles the child tax credit from \$1,000 to \$2,000, which will benefit Hawaii households with children. Furthermore, there is an increase in the refundable portion up to \$1,400.

Generally, taxpayers in the higher income groups will have a lower tax liability by itemizing deductions and, thus, will not benefit from the increase in standard deductions.

**Hawaii Joins Coalition to Defend Anti-Discrimination Laws**

Acting Attorney General Russell A. Suzuki and Massachusetts Attorney General Maura Healey today led a coalition of 17 attorneys general in filing an amicus brief defending the constitutionality of Minnesota's anti-discrimination law.

The brief was filed with the U.S. Court of Appeals for the Eighth Circuit in the case of *Telescope Media Group v. Lindsey*. The case was brought by the owners of a videography service who do not want to offer their wedding-related services to same-sex couples as required under the Minnesota public accommodations law.

They are challenging the law, claiming it violates their freedom of speech and free exercise of religion.

Acting Attorney General Russell A. Suzuki said, "Dis-

crimination by businesses is counter to Hawaii's spirit of Aloha. All citizens have a right to fair and equal treatment and this filing reinforces our fight to protect that fundamental right."

The attorneys general filed the brief in support of the Minnesota Department of Human Rights, defending the constitutionality of the Minnesota public accommodations law.

In the brief, the attorneys general write that states across the country have enacted laws to prohibit discrimination against LGBTQ people in the commercial marketplace, and that "these laws ensure equal enjoyment of goods and services and combat the severe personal, economic, and social harms caused by discrimination." The attorneys general argue that, under a long line of Supreme Court precedent, requiring businesses to comply with such laws does not violate the Constitution. The attorneys general further argue that the First Amendment exemption to public accommodations laws sought by the business would dramatically undermine anti-discrimination laws.

Joining AG Healey and Acting AG Suzuki in the amicus brief in support of Minnesota are the attorneys general of California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Washington, D.C.

**Hawaii AG Urges Congress to Protect Employees from Sexual Harassment**

Acting Attorney General Russell Suzuki joined a bipartisan coalition of 56 states urging Congress to end secret, forced arbitration in cases of workplace sexual harassment. Too often employees are required to sign employment contracts

containing arbitration agreements mandating that sexual harassment claims be resolved through private arbitration instead of the judicial process. The secrecy surrounding these proceedings can protect serial violators and provide inadequate relief to victims.

The attorneys general letter sent to leaders in the United States House of Representatives and the United States Senate asks Congress to pass appropriately-tailored legislation to ensure that sexual harassment victims have a right to their day in court.

**WHAT'S UP, ATTORNEY? (from page 7, FACEBOOK...)**

assertion that she could no longer engage in the activities she enjoyed before the accident and that she had become reclusive.

The Court of Appeals concluded that the Appellate Division erred in concluding that Mark had not met his threshold burden of showing that the materials from Kelly's Facebook account that were ordered to be disclosed pursuant to the trial court's order were reasonably

calculated to contain evidence "material and necessary" to the litigation.

*Kelly Forman v. Mark Henkin, No. 1, New York Court of Appeals, February 13, 2018.*

<https://www.nycourts.gov/ctapps/Decisions/2018/Feb18/1opn18-Decision.pdf>

**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 specializes in immigr-

ation law and criminal defense. Office: American Savings Bank Tower, 1001 Bishop Street, Suite 2305, Honolulu, HI 96813. Tel. 808 225 2645 E-Mail: [filamlaw@yahoo.com](mailto:filamlaw@yahoo.com). Websites: [www.MilitaryandCriminalLaw.com](http://www.MilitaryandCriminalLaw.com). He is from Laoag City and Magsingal, Ilocos Sur. He served as an Immigration Officer. He is co-author of "Immigration Law Service, 1st ed.," an 8-volume practice guide for immigration officers and lawyers. This article is a general overview of the subject matter discussed and is not intended for United States citizens.

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## CANDID PERSPECTIVES



**By Emil Guillermo**

**H**awaii knows the shape of water. It's all around you.

But if you don't know the movie yet go see it. It may not be in as many screens as "Black Panther."

But its message is as valuable as a Vibranium suit.

See if you identify with the character known as "the asset," the monster, the alien, the other.

Put yourself in its fins. You'll understand the movie. And what needs to happen in American society.

All along I was rooting for the movie "The Shape of Water," the Oscar winner for best picture and best director.

That's even though I pronounce my name, "GILL-yermo."

It's my line in the sand with director Guillermo del Toro.

I've compromised by saying I'm Emil Guillermo not Del Toro.

You see, we disagree on how to say his first name, which is my last name.

That's diversity for you. He pronounces it the Mexican way---the double-L in "Guillermo" as a "y." He says "GEE-yair-mo."

I pronounce the name the Filipino Asian way. Colonized by Spain, Filipinos have always pronounced it proudly their own way: GILL-yermo.

That's "gill" as in the breathing apparatus of a fish or amphibian.

But it provides a way toward some fluid common ground. "The Shape of Water" had me at glub-glub.

Del Toro's movie is a fabulist tale that brings together a mute woman, her gay neighbor, an African American co-worker, and a for-

# Oscar Winner Guillermo del Toro Says Keep Dreaming, as ICE Whips up Fear Among Immigrants



Kristen Anderson-Lopez and Robert Lopez pose in the press room with the Oscar for Original Song during the 90th Annual Academy Awards. Photo: AFP PHOTO / FREDERIC J. BROWN

eigner who happens to be a doctor/spy, in an effort to save an amphibious god tortured in a government lab.

When's the last time you saw an Oscar-winning best film use the word "vivisection" to describe torturous experimentation.

But don't despair. This is really a fantasy date-night movie, with multiple love scenes.

In fact, love is the message.

If you're an "other," no matter what species, this is the movie that will give you hope and speak to your heart.

That's about the best thing a movie can do--help us understand life--in these xenophobic and fear-mongering times.

Among all films, "The Shape of Water" led with 13 nominations and won four awards on Oscar night, including Best Picture, Best Director, as well as Original Score and Production Design.

Del Toro's best movie victory capped a night of Oscar diversity that saw historical precedents like the first African American Oscar winner in original screenplay (Jordan Peele, "Get Out"), or the first film winner in which the main character is a transgender actress ("A Fantastic Woman," featuring Daniela

Vega, winner of Best Foreign Language Film).

The #TimesUp movement also got major play with powerful statements from warrior/victims like Ashley Judd, who uttered my vote for bumper-sticker phrase of the night: "Equality, Diversity, Inclusion, Intersectionality."

But it was Francis McDormand, Best Actress winner for "Three Billboards Outside Ebbing Missouri," who got the crowd roaring when she had all the women winners and nominees stand to be acknowledged to let powers that be know the sheer amount of talent in the room with movies and stories to tell.

But McDormand's call to action was uttering the phrase that pays, "inclusion rider." It was a not so subtle hint to studios and producers to add contract language that would make diversity a requirement for hiring on future projects.

Affirmative action? No, just good business sense in a modern world.

After prior years' complaints that the Oscars were too white, this was an ever evolving and more inclusive Oscars. Comedian Tiffany Haddish even joked, "Are the Oscars too black now?"

Black. Latino. LGBTQ. Women. Even the diverse

Asian American community was visible in the mix with winners (Filipino American Brooklynite Robert Lopez, who with his wife, Kristen Anderson-Lopez, won Best Original Song for "Remember Me" from "Coco") and presenters like "Star Wars" franchise player Kelly Marie Tran and Kumail Nanjani, a nominee for original screenplay for "The Big Sick."

Nanjani, a Pakistani American from Iowa, presented with Lupita Nyong'o, a previous best supporting actress Oscar winner, who is of Kenyan-Mexican descent. They both spoke directly about the impending March 5 DACA deadline hanging over the heads of Dreamers.

"Like everyone in this room and everyone watching at home, we are dreamers," Nyong'o told the worldwide audience. "Dreams are the foundation of Hollywood, and dreams are the foundation of America."

Nanjani added, "To all the Dreamers out there, we stand with you."

## DACA, ICE, and the threat to the Dream

Fortunately, the Supreme

Court has backed lower court rulings that allow DACA (Deferred Action for Childhood Arrivals) to continue while lawsuits to keep it alive are proceeding.

That means in spite of Trump's deadline, if you're eligible to renew or apply for DACA protection, you should act now.

Still, even though Congress and the president remain preoccupied by gun control issues, tariffs, and a White House in turmoil and have done nothing, that hasn't stopped Immigration and Customs Enforcement (ICE) agents.

ICE has raised the Fear Quotient to new heights after conducting immigration crackdowns in Northern California sanctuary cities.

More than 200 arrests were made last week from the San Francisco Bay Area to Sacramento.

And it doesn't impact Dreamers, so much as law-abiding people of all ages, many of whom are undocumented.

"There's a war going on now between ICE and sanctuary cities," Jeff Adachi, the

(continued on page 14)

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# Rizalian Youth Council Announces Essay-writing Contest

**By Raymund Liongson, PhD**

The Rizalian Youth Council-Hawaii announces its 2018 Essay-Writing Contest. Open to all public high school students in Hawaii, the essay competition centers on the topic "Our Voice, Our Future: Rizalian Ideals and Youth's Vision of Tomorrow." The essay must be in English, between 500 – 750 words, and must articulate the youth's voice and vision of the future in the context of Jose Rizal's ideals. Entries must be submitted via email to riza-

lianohana@gmail.com no later than March 30, 2018.

Entries will be judged based on the following criteria: relevance to the theme (25%); support of main point (25%); organization and structure (20%); originality of ideas (10%); language use and style (10%); and mechanics and convention (10%).

Winners will be awarded \$300 for the first place, \$200 for the second place, and \$100 for the third place, together with corresponding winner certificates. Certificates of participation will also be awarded to all

the participants. Prizes will be awarded on April 28 during the MAD (Music, Art, Dance) Fest.

## Rizalian Youth Council

Formed in 2015, the Rizalian Youth Council-Hawaii is also known in its Filipino name as Kabataang Pangarap ni Rizal (KAPARIZ). The charter members were Early College students at Waipahu High School. Its objectives are: to promote among the youth the ideals, principles and virtues of the Philippine national hero, Dr. Jose P. Rizal; to instill among the youth the apprecia-

tion of Philippine history, heritage, culture and arts; to develop leadership, civic mindedness and social responsibility among the youth; and to create avenues for the expression and development of youth creativity, talents and skills.

Members of the organization stand proud of their history and heritage, inspired by a verse from Dr. Jose P. Rizal's poem, "To The Filipino Youth" -- Hold high the brow serene, O youth, where now you stand.

The Rizalian Youth Council-Hawaii has adopted the motto "Non Mihi Solum" -- Not

for Myself Alone. The organization is committed to the promotion of self-respect, social responsibility and empowerment among its members.

The essay contest is in collaboration with the Knights of Rizal-Hawaii Chapter, which is a part of a global, non-profit, not-partisan, civic organization founded in the Philippines on December 30, 1911 under Republic Act 646. For questions and further details about the contest, contact Raymund Liongson (rliongson@gmail.com), (808) 381-4315 or Ashley Mei Balinasay, (808) 383-1268.

## Universal Health Care Discussed at Public Meeting

KIHEI, HAWAII--The Hawaii Health Authority (HHA) held a public meeting in Kihei to discuss Universal Health Care. The Hawaii Health Authority proposes a compromise to achieve much of what the Single Payer system used in other countries does while keeping the medical insurance companies in place. The goal is a universal system covering everyone. The HHA believes its "All Payer" proposal is a compromise allowing multiple payers, but with a single care delivery system; all payers and health plans regulated by the State of Hawaii must offer the

same health plan 'product,' including all commercial plans, all Medicaid plans, and all Medicare Advantage plans."

Under this proposal, everyone has the same benefits, there would be a same provider network; providers are paid the same regardless of the source of funding for any individual patient. It also allows health plans to exist; but strips them of insurance business model.

The United States is the only country in the developed world that does not guarantee access to basic health care for residents. Countries that guarantee health care as a human

right do so through a "single-payer" system, which replaces the thousands of for-profit health insurance companies with a public, universal plan.

Under the single-payer legislation in Congress (H.R.

676): Everyone would receive comprehensive health-care coverage under single-payer; care would be based on need, not on ability to pay; employers would no longer be responsible for health care costs and coverage decisions; single-payer would reduce costs by 24%,

saving \$829 billion in the first year by cutting administrative waste and allowing negotiation of prescription drugs (Friedman, 2013); single-payer would create savings for 95% of the population. Only the top 5% would pay slightly more. (Friedman, 2013)

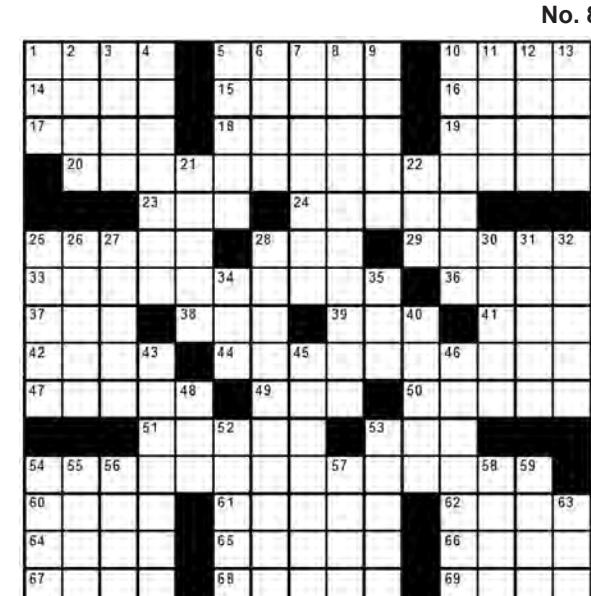
## KROSWORD ni Carlito Lalicon

### PAHALANG

1. Bagsik
5. Nara
10. Bukol
14. Punongkahoy
15. Tawagan ng mga asawa ng magkapatid
16. Pagsukat sa lalim ng tubig
17. Galeria
18. Himaymay na ginagawang lubid, sinamay at tayod
19. Bikas
20. Umid
23. Ingay ng kalapati
24. Isang uri ng punongkahoy
25. Medalya
28. Kung
29. Bitig
33. Kaimutan
36. Taol
37. Kabaligtaran ng ETD
38. Aspile
39. Hepe
41. Naman
42. Balindang
44. Pasaklang
47. Katulong
49. Huwego ng mga kasangkapan kagamitan o iba pa
50. Naririto
51. Palasong may lason
53. At iba (pinaigsi)
54. Isang lalawigan sa CARAGA

### PABABA

1. Panukalang-batas
2. Dagison
3. Ala
4. Mahalumigmig na kaalinsanganan ng klima
5. Ginagamiit ng mga intsik sa pagkuwenta
6. Bagsak
7. Matataas na ulap
8. Kiwit
9. Isang uri ng matigas na punongkahoy
10. Mag-inat
11. Mga barya na ginagamit sa kasalan
12. Birete
13. Yakap,
21. Bukbok na matatagpuan sa bigas
22. Puwang
25. Habol (sa batas)
26. Pagtitig bigla na may ingay
27. "Tunay ba?"
28. Duyo



60. 'Ina ko'
61. Basag na basag
62. Talakitok (halimbawa)
64. Pulo
65. Halamang namumulaklak ng biyuleta
66. Tsok
67. Malalim
68. Kadena sa preso
69. Tapak

30. Balik
31. Dilat
32. Idolatriya
34. Pabuya
35. Dalawa
40. \_\_\_ Papa
43. Kaalinsanganan ng panahon
45. Groseri
46. Batang kambing na babae
48. Api
52. Kisap
53. Mabahong amoy
54. Balat-uloh
55. Bihay
56. Hukot
57. Impo
58. Amo
59. Abenida sa Metro Manila
63. Kanal

(Ang sagot ay ilalabas sa susunod na isyu ng Chronicle)

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## LEGAL NOTES



**By Atty. Reuben S. Seguritan**

**I**t is sometimes difficult to determine if an occupation is a specialty occupation that would qualify for an H-1B visa. It may be clearer for jobs in architecture, engineering, medical or health sciences, accounting, because obviously, to be an architect, you need to have a bachelor's degree in architecture; to be an engineer, you must have a degree in engineering.

It is less clear, though, for jobs such as those in marketing like Market Research Analyst or Market Specialist. Oftentimes, USCIS typically classifies them as administrative positions and not "specialty occupations".

# H-1B Specialty Occupations

However, in one case, the USCIS was found to have abused its discretion when it denied an H-1B petition. This case clarified that H-1B specialty occupations are not limited to those with specifically tailored and titled degrees.

A company based in Yakima, Washington that operates gas stations, convenience stores, and hotels filed a petition for a non-immigrant worker under the H-1B classification. They wanted to hire a Fiji national to become their marketing Analyst and Specialist to assist in assessing market and geographical opportunities for expanding its hotel and convenience store business in the region and all over the US. The Fiji national had a bachelor of science degree and a certificate in business management and marketing.

USCIS denied the H-1B petition despite the company's

submission of documents to support its petition because according to USCIS, it failed to show that the position qualified as a specialty occupation within the meaning of the regulations.

The Immigration and Nationality Act (INA) defines "specialty occupation" as an occupation that requires (1) theoretical and practical application of a body of highly specialized knowledge, and (2) attainment of bachelor's or higher degree in specific specialty (or its equivalent) as a minimum for entry into the occupation in the US.

USCIS further developed a set of four criteria to determine whether an occupation qualifies as a "specialty occupation", one of which must be satisfied: (1) a bachelor's degree normally is the entry-level requirement for the job; (2) the degree is common in the industry among comparable or simi-

lar employers; (3) the employer normally requires a degree for the job, or (4) the job duties "are so specialized and complex" that you typically need to have a bachelor's degree to perform them.

After it is established that a position is indeed a "specialized occupation", the H-1B visa petitioner must provide proof that the beneficiary has one of the qualifying: (1) a US bachelor degree required by the specialty occupation from an accredited college or university; (2) an equivalent foreign degree; (3) an equivalent state license; or (4) an equivalent combination of education, specialized training, and work experience.

The USCIS contended that the position of a Market Research Analyst is an occupation that does not require a baccalaureate level of education in a specific specialty as a normal, minimum for entry in

to the occupation.

In the reversal of the earlier USCIS decision, it was clarified by the court that a market research analyst is "a distinct occupation with a specialized course of study that includes multiple specialized fields". It is wrong to narrow down the plain language of the law to include only those occupations with specially tailored degree programs. Otherwise, it will ignore the language of the law that requires the attainment of the "equivalent" of specialized bachelor's degree as a requirement for entry. In the reversal, the court clarified that "it is clear that Congress and the INA recognized that the needs of a specialty occupation can be met even where a specifically tailored baccalaureate program is not typically available for a given field."

**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

### Calif. Domestic Workers Call for Dignity in the Workplace

**A** day after International Women's Day, dozens of domestic workers and advocates gathered in Los Angeles on Friday, March 9, to launch a statewide campaign pushing for greater compliance with immigrant worker protections.

The campaign was also launched in San Francisco where Assemblymember Phil Ting was in attendance.

"I am so happy to gather with you today to stand in our collective power as immigrant working women, as domestic workers, nannies, caregivers, and house cleaners," said Aquilina Soriano Versoza, executive director of Pilipino Workers Center (PWC).

"And on that note — happy International Working Women's Day," she added. "Today, we celebrate all of us women who are standing up against fear — uniting and making sure that the voices of domestic workers, of immigrant women workers, are heard."

Central to the campaign is the introduction of Assembly Bill 2314, sponsored by Ting, that will include a Domestic Work Enforcement Program within the California Department of Labor Standards Enforcement. The program will focus on promoting fair labor standards by providing tools and resources to both domestic workers and employers.

#### 'Our work, our dignity'

"Dignity" was the key word at the launch as attendees chanted and held up signs reading, "Our work, Our Dignity," in English, Filipino, and Spanish.

Lee Plaza, who has been working as a caregiver since arriving in the U.S. from the Philippines in 2012, spoke on behalf of domestic workers and reiterated the need for dignity in their work spaces.

"We want to provide dignified care and services as caregivers, as nannies, as house cleaners, but we also want to

have dignity for ourselves and to receive what is due to us — fair labor practice, fair wages, and to be able to say that there is dignity with our work," said Plaza in her speech.

Over 300,000 domestic workers work in private homes throughout California, with nearly two million households in the state depending on them to care for their loved ones and homes. Los Angeles alone has the largest concentration of domestic workers in the entire country.

Advocacy and efforts towards basic labor protections of domestic workers — many of who are immigrant women — have been ongoing. Most recently, SB1015 extended the permanent right to overtime pay for domestic workers in 2016.

Yet, domestic workers continue to experience poor working conditions, with many still unaware of labor laws that protect them.

A 2012 national study of the domestic work sector found that one in four workers re-

ported receiving less than minimum wage.

#### Educate employers

Often times, domestic workers themselves are not aware of the labor laws that govern in their own homes.

"I have a lot of friends — not only Filipinos — that work,

especially in board and care, and are receiving like \$1,500 a month because they [employers] justify it by giving them free board and care and lodging. But account the lodging and the food, it won't even amount to the minimum wage that we have," Plaza told the Asian Journal. (Rae Ann Varona / AJPress)



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## MAINLAND NEWS

# State Legislators Rally to Ban Assault Weapons

**F**LORIDA--The Progressive Change Campaign Committee (PCCC) hosted an event calling for the ban on assault weapons and keeping guns away from dangerous people. Florida state legislators and legislators from other states vowed to push bold gun legislation and make this issue a top priority in the 2018 election. Hawaii State Rep. Kaniela Ing was among the out-of-town legislators that included WI State Sen Chris Larson, NC State Rep. Marcia Morey, MI State Rep. Kristy Pagan, VT State Rep. Jill Krowinski, and VA Del. David Reid

The state legislators called for policies, including a ban on assault weapons and high-capacity clips, as well as requiring or expanding background checks for all gun sales to keep guns away from dangerous people and other solutions needed to keep our families, schools and country safe from gun violence.

This call comes days after the Florida state senate passed a dangerous and counterproductive bill that would allow school personnel to carry guns on campus and in the classroom. On a national level, Trump appeared to embrace some common sense gun law reforms, only to be led by the



nose back to NRA talking points after a meeting with the NRA's top lobbyist.

"Legislators across the country are taking action to prevent gun violence -- pushing both legislation in the state

legislature and making it a top issue in the 2018 elections," said Robert Gardner, PCCC senior campaign director. "The horrible tragedy in Florida makes it clear we need to go beyond 'thoughts and

prayers,' and we must offer real solutions to gun violence now. The PCCC and these legislators are making clear: If Congress won't act, progressives in the state house will. Together, we will hold Congress and NRA-backed legislators accountable for their inaction and take back seats at every level of government in 2018."

This is an ongoing part of the PCCC's work on gun reform and pressuring NRA-backed politicians. In October 2017, PCCC members raised over \$125,000 in small-dollar, grassroots donations to 65 politicians willing to take on the NRA.

## CANDID PERSPECTIVES (from page 11, OSCAR WINNER....)

San Francisco Public Defender told me in a phone interview.

He said ICE has come in and created a sense of chaos by "indiscriminately detaining people."

ICE may be looking for criminals, but they end up snaring tax-paying non-criminals. The people are often detained with no right to a lawyer and placed in custody

in detention centers hours from the Bay Area, which make it difficult to get much support from family and friends.

"It's a scary time for people," said Adachi. "Everyone's at risk."

Adachi said there are 1,400 unrepresented people being detained in the San Francisco immigration courts currently. His public defenders

are quickly trying to reduce that number. They know that with a lawyer, a detainee has a three-times better chance of prevailing in one's case.

If it all feels overwhelming, like you're drowning in anxiety, it's a good time to go to the movies--especially after that March 5 deadline.

### Del Toro's Message

When accepting the

Oscar for Best Picture, del Toro proudly said, "I am an immigrant."

"Everyone who is dreaming of a parable, of using genre fantasy to tell their stories about the things that are real in the world today, you can do it," del Toro said. Then he referred to any perceived barriers in the film industry and reached out. "This is a door. Kick it open and

come in."

It was an Oscar-winning invitation to inclusion, to take a deep breath, and to keep dreaming, and not just at the movies.

**EMIL GUILLERMO** is a journalist and commentator. He was the first Filipino to host a national news show when at NPR's "All Things Considered." He formerly was on the editorial board of the Honolulu Advertiser.

(Solution to Crossword No.7 | March 3, 2018)

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**FILIPINO JAYCEES 45TH REUNION** | May 5, 2018 | 6:00 pm | Alohilani Resort Waikiki Beach (formerly known as Pacific Beach Hotel) | Contact Larry Ordonez at (808) 392-4890 or Email: [filipinojaycees45threunion@gmail.com](mailto:filipinojaycees45threunion@gmail.com) for more info

**FILIPINO WOMEN'S CLUB OF HAWAII FOUNDATION ANNUAL TERNO BALL** | May 19, 2018 | 6:00 pm | Ala Moana Hotel Hibiscus Ballroom | For more info contact: Adela Salacup 723-4639, Carlota Ader 797-4381, Cora Baclig-Credo 927-4081, Carmen Cabreros 358-3845, Cherry Reganit 358-3598

**PHILIPPINE NURSES ASSOCIATION OF HAWAII (PNAH) INDUCTION GALA** | May 29, 2018 | 6:00 pm | Ala Moana Hotel Hibiscus Ballroom | For more info contact Ramon Sumibcay 489-7148

## MAINLAND NEWS

# New Lawsuit Challenges Trump's Plan to End Temporary Protected Status

The Trump administration has just been hit with yet another immigration policy-related lawsuit.

On Monday, March 12, a group of immigrants and their children have filed a class-action lawsuit against the U.S. Department of Homeland Security (DHS) over President Donald Trump's bid to terminate the program that allows them to stay in the U.S.

The adult plaintiffs have been allowed in the country through Temporary Protected Status (TPS), a special status that Congress enacted in 1990 that grants temporary residency and work authorization in the U.S. to people from war-torn countries or countries facing natural disasters.

Currently, there are more than 200,000 people living in the U.S. through TPS, and many of them have resided in the U.S. for more than 20 years, according to the American Civil Liberties Union (ACLU) which is representing the plaintiffs.

The Trump administration espoused a narrower version of the federal law that enforces TPS; this new version has been used to terminate TPS status for individuals from El Salvador, Haiti, Nicaragua and Sudan.

"With the stroke of a pen, this administration upended the lives of hundreds of thousands of people lawfully residing in the United States for years and sometimes decades. But in terminating TPS in the way that it did, this administration was exercising authority it did not have," Emi MacLean, staff attorney for the National Day Laborer Organizing Network (NDLN) and one of the attorneys representing the plaintiffs, said in a statement.

In January, Trump received major pushback for allegedly referring to the countries these TPS holders hail from as "shithole countries," suggesting that the U.S. need not accept more individuals from these countries.



U.S. President Donald Trump

That remark partially fuelled this lawsuit, which stated that the new law violates the Fifth Amendment's Due Process Clause because "it was motivated by intentional race- and national-origin-based animus against individuals" from these countries.

"It arises from the Trump Administration's repeatedly-expressed racism toward non-white, non-European people from other countries," the lawsuit reads.

The children plaintiffs — who are U.S. citizens — claim that the termination of the TPS program forces them to choose between leaving the country to be with their parents or stay in the U.S. without them, effectively revoking their rights to remain in their home country to be raised by their parents.

According to the lawsuit, those children hold an "absolute right to remain in the United States" according to the Fourteenth Amendment.

"As with any child, their well-being and future development are tied to nurturing and stable relationships with their parents. Science confirms this common sense understanding," the lawsuit reads. "Children of immigrants acutely suffer when their parents face even the possibility of deportation. The fear of deportation is directly tied to the preva-

lence of stress-related illness in children, including higher levels of anxiety and trauma, depression and family instability."

If the Trump administration's action remains in effect, the deportations would occur next year, which could impact the 200,000 TPS holders as well as tens of thousands of their American-born children. (Klarize Medenilla/AJPress)

### PRAYER TO THE BLESSED VIRGIN

(Never Known to Fail)

*O most beautiful flower of Mt. Carmel,  
fruitful vine, Splendor of Heaven,  
Blessed Mother of the Son of God,  
Immaculate Virgin,  
assist me in my necessity.  
O, Star of the Sea, help me now and  
show me here you are my mother,  
O, Holy Mary Mother of God.  
Queen of Heaven and Earth,  
I humbly beseech you from the bottom  
of my heart to succor me into  
my necessity (make request).  
There are none that can withstand  
your power.  
O, Mary conceived without sin,  
Pray for us who have recourse to thee  
(3 times).*

*Holy Mother, I place this cause to your  
hands (3 times).*

.....EOG.....  
Say this prayer for 3 consecutive days,  
and you must publish it. Then your  
prayer will be granted to you.

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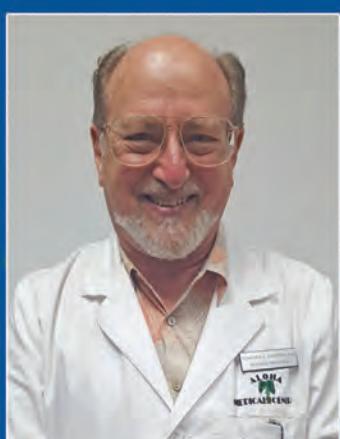


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