

# HAWAII FILIPINO CHRONICLE

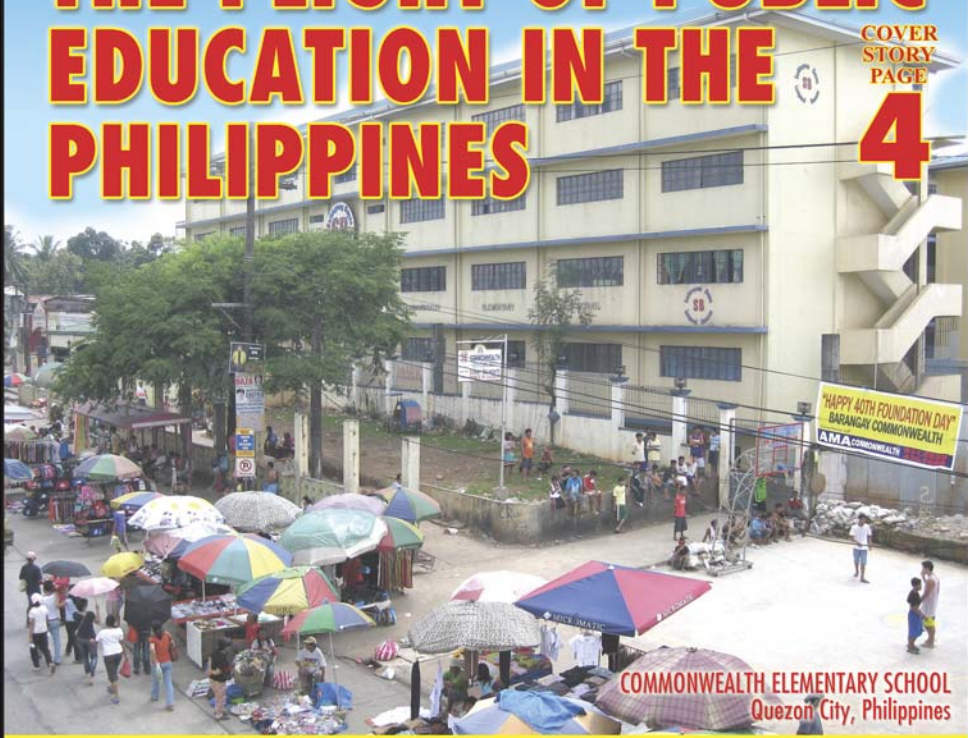
HAWAII'S #1 FILIPINO NEWSPAPER

◆ WEEKLY ◆ JULY 25, 2009 ◆

## THE PLIGHT OF PUBLIC EDUCATION IN THE PHILIPPINES

COVER STORY PAGE

4



COMMONWEALTH ELEMENTARY SCHOOL  
Quezon City, Philippines



**BUSINESS FEATURE**

**FILIPINA BUSINESS WOMAN KNOWS SWEET SUCCESS**

**6**



**PHILIPPINE NEWS**

**OFWS IN AFGHANISTAN CRASH DEFIED BAN**

**12**



**LEGAL NOTES**

**BIA LIMITS BENEFITS FOR AGED-OUT CHILDREN**

**13**

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94-356 WAIPAHU DEPOT RD., 2ND FLR.  
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## EDITORIAL

## Fixing the Philippines' Public Education System

**I**f you think Hawaii's public education system is bad, then you haven't taken a good look at a typical classroom in the Philippines, where up to 65 students are crammed into a room meant for only 30. Facilities are often poor and learning resources scarce. Air conditioning is a luxury reserved for only the most prestigious private schools.

One of the most glaring problems is that the government is simply not spending enough on education. An annual budget of Php 167 billion (or \$348 billion in U.S. dollars) won't cut it. While it makes sense to increase the education budget, simply throwing money at the problem won't necessarily mean an improved school system—especially with widespread corruption in government. Heads of education are respectable officials but they can still be tempted—hence the need for a greater system of accountability for the fair and equitable disbursement of school funds.

Another initiative that would help immensely is double or even triple the current salaries for educators. Increased pay would attract more of the nation's best and brightest students to consider a career in teaching. Many Philippine educators feel that the quality of education depends primarily on the excellence of the teaching force.

Yet another recommendation would be to add at least one more year to the education cycle. The Philippines requires only 10 years of basic education and four years of undergraduate education for a total of 14 years—which is among the shortest education cycles in the world. Officials are contemplating a fifth year of undergraduate education, especially for medicine, nursing, engineering, education and other professional fields. The reason is that in order to work and/or practice overseas, many foreign countries require at least 16 years of education, which means that Philippine college graduates must often take additional training or pass certification exams.

These recommendations won't fix the problems overnight, but would serve as a good start for a public education system that has suffered for years. With the Arroyo administration set to ride off in the sunset within a year, not many new policies can be implemented. We can only hope that the new administration will place a greater priority on education and institute new policies that can at least begin to right the ship.

## Handling the Homeless Situation at City Parks

**T**he homeless who call a Moiliili park home recently complained that the police used excess tactics to remove them from the premises. The police responded that they were only requiring them to vacate temporarily so the park could be cleaned.

This incident is the latest involving the City and the homeless. The problem has been on-going since perhaps the days of the homeless tent city at Aala Park in the mid-1980s. Current homeless numbers continue to grow, in part because of the bad economy. To the City's credit, it has launched major clean-up efforts at Kapiolani, Ala Moana and other major City-owned parks and prohibited loitering overnight in such facilities. Homeless advocates cried foul, but most park users supported the efforts and said that such measures were long overdue.

Those who say that the City is being heartless don't realize that every courtesy and assistance possible have already extended to them. Our homeless live in luxury, when compared to the homeless in the Philippines or Third World countries who are left to fend for themselves. While we must continue to show the homeless compassion as human beings and ensure that their rights are not taken away, they should also be part of the solution. The State and charitable organizations have programs to help the homeless get back on their feet. But they cannot be forced to do so, if they are unwilling to accept the assistance.

## FROM THE PUBLISHER

**A**

loha and welcome to this issue of the Hawaii Filipino Chronicle—the leading and only weekly Filipino community newspaper in the fabulous state of Hawaii! We hope that you are enjoying your summer vacation.

If you are on break, enjoy it while you still can because for most public school students, classes resume in about a week! If you are a parent, we hope you have already gotten a head start on back-to-school shopping for your children's school supplies.

Speaking of school, our cover story for this issue is written by Gregory Bren Garcia, who takes an in-depth look at the public education system in the Philippines, which is rife with problems. One of the more pressing problems is the rather paltry annual budget of Php 167 billion (US\$348 million) that the government has allocated for the Philippines' entire public school system. That amount pales in comparison to the Hawaii State Department of Education's annual budget of \$1.8 billion! Bear in mind that Hawaii is a small state with only 1 million residents. Philippine officials simply MUST start allocating more funds for textbooks, instructional materials and better classroom facilities. Another acute problem plaguing the Philippines' school system is the low wages that educators are paid. Consequently, fewer college students are choosing teaching as a career and are instead opting for more lucrative careers. Despite the bad news, Gregory lists several measures that the government is undertaking to alleviate the problems. We hope you will enjoy reading his article which begins on page 4.

On page 6, we have a Business Feature submitted by contributing writer Caroline Julian, who interviewed Christina Patino—a truly self-made businesswoman. She launched her business after high school and began by selling her wares from the trunk of her car. Through sheer hard work, determination and the support of her family, she has established Ikandy, an "urbanmix" style of clothing and accessories for Hawaii's young women. Christina has survived the down economy with an eye-catching website, a busy location at the Pearlridge Center and a willingness to participate in craft fairs, expos and other events around town. The next event she will be participating in is the Made in Hawaii Festival, scheduled for August 21-23, 2009 at the Blaisdell Exhibition Hall. If you are interested in her items, please look for her booth, which will be among the many dozens on display.

On page 8, we have a brief article on an upcoming event you may be interested in called the "Cane Haul Run." If you are an athlete, or love the great outdoors, please make plans to participate in this inaugural 5K run/walk through historic Waipahu Town, which benefits the Waipahu Community Coalition. The run/walk concludes with a free community festival at the Hawaii Plantation Village.

In closing, we hope that you will enjoy reading these and other articles and columns of interest in this issue, particularly Sen. Will Espero's "Legislative Connection" on page 3, "Immigration Guide" on page 7, "Legal Notes" on page 13 and "Philippine Language" on page 14.

On behalf of our staff, thank you for your faithful support of our paper. Until next time...*aloha and mabuhay!*

*Chona A. Montesines-Sonido*



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The Hawaii Filipino Chronicle is published weekly by The Hawaii Filipino Chronicle, Inc. It is mailed directly to subscribers and distributed at various outlets around Oahu and the neighbor islands. Editorial and advertising deadlines are three weeks prior to publication date. Subscriptions are available at \$75 per year for Oahu and the neighbor islands, continental U.S. \$80, foreign country \$90. Copyright 2006. The Hawaii Filipino Chronicle is located at 94-356 Waipahu Depot, Waipahu, HI 96797. Telephone (808) 678-9646; Facsimile (808) 678-1929; E-mail: filipinochronicle@gmail.com. Website: www.thehawaiiipho.com. Opinions expressed by the columnists and contributors do not necessarily reflect those of the Hawaii Filipino Chronicle management. Reproduction of the contents in whole or in part is prohibited without written permission from the management. All rights reserved. Printed in the U.S.A.

### HAWAII LOVES BARBIE MUSEUM

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LEGISLATIVE CONNECTION

# The USS HAWAII Comes Home



By Senator Will Espero

**W**ith the motto, Kupale 'Aina – "defending the land"— the USS Hawaii is coming home, to be welcomed

just in time for our state's 50th anniversary. Governor Linda Lingle, who sponsored the submarine as the representative of the people of Hawaii, christened the USS Hawaii on June 17, 2006. Commissioned on May 5, 2007, the USS Hawaii (SSN-776) is the first commissioned warship of the United States Navy to be named for the 50th State. Its homeport as of this year will be Pearl Harbor, a major United States military port in the Pacific Rim arena.

The USS Hawaii was named in recognition of the tremendous support the Navy has enjoyed from the people and state of Hawaii and in honor of the rich heritage of submarines in the Pacific Ocean. Joining the USS Virginia and North Carolina, the USS Hawaii is the third Virginia class submarine in the U.S. Navy. It was completed ahead of schedule, in late December, 2006. In January 2008, the submarine embarked on its maiden voyage from its first tour of duty station in Groton, Connecticut.

Many people are excited about this line of naval craft for maritime peacekeeping around the globe. The Virginia class submarine is the newest in the United States Navy's front line of defense, becoming the latest cornerstone of United States coastal and national defense in helping to ensure peace in the world's waters. The cutting edge design, most advanced armament, and sonar capabilities make the USS Hawaii one of the most technically sophisticated submarines in the world. Years of planning by highly qualified individuals, using the most advanced and often secret technologies available, go into the design of new military craft. The biggest and most powerful

weapon on the block, in proud military vernacular, the Virginia class is functional, cost efficient, and geared for longevity as well. In building the submarine for its mission to defend, come lifesaving advances in technology, as well as more effective tactics and weaponry. The USS Hawaii's nuclear reactor gives the submarine a virtually inexhaustible fuel source.

The first USS Hawaii, launched but never commissioned and named after the Territory of Hawaii, was a battle cruiser destined for service in World War II. This USS Hawaii, a submarine, is an amazing work of engineering, even apart from tactical, speed, navigational and weaponry aspects. Submerging a vehicle underwater without implosion is a marvel in itself. A vessel underwater receives the force of the immensely heavy weight of the whole ocean over it. Submarines are designed to withstand the effect of high pressure within the ocean without imploding from that pressure. Add to that the fact that over a hundred humans onboard need water, air, food, sanitation, and other necessities of life, and you can see how incredible these vessels are. Taking care of the USS Hawaii in the Pearl Harbor homeport will give Hawaii the benefit of employment opportunities for those individuals with high skills and education.

Commander Edward Herrington has chronicled the journey to the new homeport from its first tour of duty station in Connecticut. The submarine has a speed of 25 knots (28 miles an hour). The nine-hour trip through the Panama Canal traversed three challenging sets of locks and a six hour drive through a large lake with about 12 different turns. Maneuvering a 7800 ton, 370 foot submarine through a 110 foot wide canal, wrote Cmdr Herrington, "is to say the least interesting." Housing 132 crew members underwater, in close quarters, for the lengthy journey from the northeast Atlantic across the North America-South America junction clear to the middle of the Pacific Ocean is a tribute to the human spirit. I'll take the liberty



of sharing some portions of Commander Herrington's blog:

"Monday, June 22, 2009....The ceremony [for the arrival] looks to be a festive event. I hope it will set the tone for the relationship that we desire to maintain with the local community over the next thirty years. Most of our families have left Groton, CT and are now arriving in Hawaii. Moving can be quite stressful for families, especially ones with small children. We have worked hard over the past year to make the transition for each family as smooth as possible. The families have been sharing stories about how well they have felt and of course how wonderful the weather and scenery has been. Having our families waiting on the pier for us when we arrive will make the homecoming that

much more special."

"Thursday, May 28, 2009....We had some extra free time prior to mooring so we conducted a swim call with the crew. Everyone had a great time until a shark showed up. The crew got out of the water, a little slow for my taste, but everyone including the shark seemed to enjoy the swim....Every night underway the crew watches a movie together. During the week two of the movies had scenes filmed in Hawaii. Everyone was really excited about the scenes and how breathtaking everything is.

"Thursday, June 4, 2009....We also had the pleasure of hosting several groups of astronauts and engineers working on the replacement for the space shuttle. They were very interested in some of the systems we use onboard for atmosphere con-

trol and how they might be applied for use in space....The astronauts were generous enough afterwards to offer the crew a behind the scenes tour of the Crew Petty Officers and I were also able to get away for a little golf. Something I look forward to doing more often once we get to Hawaii. The sailors that have served in Hawaii rave about how nice all of the golf courses are. Things continue to go smooth on the boat and the anticipation continues to build. I have the weather in Hawaii saved on my iphone and check it frequently to remind myself of how nice it is going to be once we arrive home."

"Friday, July 10, 2009. USS Hawaii is now in the Pacific...The cribbage tournament is also underway. I won my first match and I am on my way to what I hope will be the championship. The crew always hopes they get the luck of the draw and play against me. First, they all think they can beat me and second they enjoy the bragging rights. The excitement continues to build with the crew, especially now that we are sailing the waters of the Pacific Ocean. We are counting down the days until our arrival."



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--Your Connection to Hawaii's Filipino Community!

# The Plight of Public Education in the Philippines

By Gregory Bren Garcia

It's Friday, the last day of the school week, and parents of Commonwealth Elementary School's grade school pupils stand cramped in front of the school's gates, waiting for the time their children will be dismissed from class. Located at Litex in Quezon City, one of Metro Manila's poorest quarters, pandemonium always breaks loose during rush hour in this school.

Parents and children try to find one another in a sea of increasingly agitated people, already stressed out by the pollution caused by jeepneys and tricycles and by the congestion brought about by the open-air market set up on the road just in front of the school.

"It's something that happens every school day, it's frustrating. I'm glad when it's the weekend so we'll have a breather," says Joy, a laundrywoman from Litex whose sons attend Commonwealth Elementary.

"In my daughter's class, around 65 students share the

small room. Ideally, there should only be 30 pupils," says Joy's friend, Vangie, whose child attends kindergarten at the same school.

All around the country, overcrowding in government-run educational institutions has become a perennial problem. But in light of the worsening figures of quality indicators such as government funding for schools, general access to basic education and student achievement levels among others, discomfort may be the least of what Filipinos have to worry about.



The Commonwealth Elementary School in Quezon City, like many other public educational institutions in Metro Manila, experience problems like overcrowding, lack in school facilities and a poor student-teacher ratio.

## Not enough to spend

The 2009 budget for the Department of Education (DepEd), set at Php 167 billion (US\$ 3.48 million), is only half of what the department proposed in order to address the mounting challenges faced by the Philippine public school

system. As a result, there is now a dearth of funding for some 1,500 classrooms, seats for 3 million students, 33 million new textbooks and instruction items and 36,500 new teachers and principals.

In September of 2008, Education Secretary Jesli Lapus admitted in an interview with Philippine TV station GMA that the department's budget for 2009 falls below international standards.

"It's got the biggest budget [but] it's still not adequate and it's still not at norm with international standards," Lapus said.

The DepEd budget makes up about 2 percent of the Philippines' gross domestic product (GDP). On the other hand, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has set the standard that countries allot at least 6 percent of their GDP to education expenditures.

According to Antonio Tinio, national chairman of the organization Alliance of Concerned Teachers-Philippines (ACT Philippines), President Gloria Macapagal Arroyo's administration has been spending less and less on education since she took office.

"The average annual growth rate of the DepEd's budget in real terms from 2001 to 2006 has been negative 3.5 percent," he says, citing a statement by the Congressional

Budget and Planning Committee. "The underspending has had a dire impact on the delivery of basic education."

Tinio says that the existing law that mandates all Filipinos to receive free education is not being fully implemented. "Unfortunately, a quarter century after the 1987 Constitution decreed compulsory elementary and free high school education, not all Filipinos complete elementary school and the majority don't get to finish high school. Out of every 100 children who enroll in first grade, only 42 will complete high school," he says.

## Underpaid Workforce

Another challenge that the Philippine public school system is facing is the deterioration of the teaching workforce due to underinvestment in the educators' salaries.

A report by ACT-Philippines notes that the government has established a six-year moratorium on salary increases even though the cost of living increased continuously. It notes that teachers in Metro Manila had to "contend with a 'living salary gap' of Php 7,943 (US\$ 165) monthly, based on the entry-level salary of Php 10,933 (US\$ 228) and a living salary of Php 18,876 (US\$ 393) as determined by the National Wages and Productivity Commission."

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COVER STORY

Grace Duka-Pante, a former teacher at the University of the Philippines Integrated School (UPIS) who now works for the University of the Philippines (UP) College of Education, says that the quality of education depends primarily on the excellence of the teaching force.

"Generally, public school teachers remain underpaid. This is the reason why less and less of our high school graduates are choosing education as a career. Furthermore, pre-service and on-service training of teachers are insufficiently carried out due to lack of funds," she says.

**Declining enrollments and achievement levels**

The report by ACT-Philippines also notes that between 1995-2002, basic education enrollment grew at a rate of 1.98 percent, only slightly behind the population growth rate of 2.3 percent. But between 2003-2006, enrollment slowed to an average of 0.97 percent. Consequently, there was a dramatic increase in the number of dropouts and out-of-school children.

In 2002, there were approximately 1.86 million out-of-school children between ages six and 15. In 2007, the figure rose to 3.33 million, meaning within the span of five years, the number of out-of-school youth increased by 1.46 million or 78.5 percent.

Average achievement rates of elementary and secondary students in the National Achievement Tests (NATs) are also falling below the 75 percent rate set by the Department of Education. According to a report by National Statistics Coordination Board published in 2007, the average achievement levels of students based on NATs mean percentage scores is 54.5 percent for sixth graders



The lack of textbooks creates a scenario, as seen here, for students to share a book.

and 44.3 percent for senior high school students.

Duka-Pante notes that the poor condition of schools keep the students away. "Among the usual reasons for falling out is the unhealthy environment brought about by overcrowded classrooms, poor facilities and lack of learning resources," she says.

**Widening the Rich-Poor divide**

The situation can't be more different in private institutions of higher learning like the Jesuit-run Ateneo de Manila University in Quezon City, where students drive their own cars, order latte from an on-campus outlet of a fancy coffee shop and study inside polished edifices. But even at the University of the Philippines-Diliman, the country's premiere public university, the student body is now slowly leaning towards the upper middle-class instead of the traditional lower to middle-class demographics.

The two universities are the top Philippine schools based on the 2008 edition of The Times Higher Education - QS World University Rankings. Ateneo ranked 254th, while UP ranked 276th.

"Education as a 'great leveller' is largely a myth in our society where wealth is concentrated in the hands of small elite and the public school system has always been grossly underfunded," says Tinio. He notes that class segregation is not only evident in the divide between the private and public schools but also within the public school system.

"In the public schools, for instance, the scarcity of resources pushes school administrators to adopt a kind of 'educational triage.' Students who excel academically are assigned to so-called 'star sections' or 'special sections' that are given access to more school resources while the rest must cope with the general scarcity. It so happens that those in the privileged 'star sections' tend to be the better-off economically while those in the lower sections tend to come from the poorest families," he explains.

**Stemming the Tide**

Despite the dire situation, it is worthy to note the things that the DepEd under Secretary Lapus is doing to alleviate the state of the Philippine public school system.



The Ateneo de Manila University (left), a private institution of higher learning, and the University of the Philippines-Diliman (right), the country's premiere public university, are the top two schools in the Philippines, based on The Times Higher Education - QS World University Rankings 2008.



During the September 2008 joint general membership meeting of the Makati Business Club held in Makati City, Lapus revealed that teachers, especially those who teach science and math but did not major in those subject areas, are being sent to certification programs to improve their skills. He also said that an additional 100,000 teachers have been educated for digital literacy.

In the same meeting, Lapus also shared that the department is trying to curb overcrowding in public schools by affording assistance to private institutions so that the latter can take in over 600,000 students.

Lapus also disclosed the reforms he instituted in the procurement of textbooks, which resulted in the lowering of textbook prices to just about half of their 1998 costs.

On top of these, the government has also been training school administrators to better handle school affairs. For instance, in December 2008, the official Philippine government internet portal reported that more than 100 DepEd managers were able to finish the Management Leadership De-

velopment Training conducted under the auspices of the Australian Agency for International Development (AusAID).

**Hope From Within**

But perhaps the greatest sources of hope for Filipinos are nothing other than their desire for a better future for their families and the love that they have for their country.

"I'll never give up on my children's schooling," says Joy, "not even if I have to wash a hundred thousand tubs of dirty laundry," adds the laundry woman, who, like most of the people in the Philippines living

in poverty, wash clothes the old-fashioned way—by hand.

For Duka-Pante, she remains committed to teaching at the UP's College of Education.

"The idealism that UP instilled in me will always be a driving force in my passion to teach in the Philippines. I have faith in the Filipino people and I will never lose hope in this country. As long as there are young minds that need nurturing, guidance and inspiration, and as long as there are those who share my dream of building a better Philippines, I will always be proud to serve my fellow Filipinos," she says.

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## BUSINESS FEATURE

# Twenty Something Finds Success in Unique Style

By Caroline Julian

**B**udding business woman knows sweet success. That description fits Christina Patino as a "tee."

Patino has built her iKandy line from the trunk of her Honda hatchback to a permanent spot at Pearlridge Center.

It took her a little over 5 years to get there and she continues to work hard to gain more admirers of her unique graphic tees and accessories. She now employs two people and has been able to run her kiosk at Pearlridge with them and the helping hand of her family. She says her shirts are for women, young at heart. A baby line and men's line are available seasonally.

Patino launched her iKandy line on a website and would hand deliver her product to Oahu customers who ordered them through her website.

Six years have passed since she sold her first item, a moment she'll never forget.

"I was ecstatic!! My first sale totaled \$200 the first day and she (the customer) placed another order. The next day, she bought another \$200 worth (of products) for friends and family. I was very grateful and humbled by this experience," says the 2003 Pearl City High

School alum.

Along with marketing through an iKandy website, she has gained exposure by participating in major craft fairs and expos islandwide. She continues to participate in them, even though her business has taken off.

"It has been an exciting journey that I will never forget all the new friends I've made and seeing them every year at craft fairs and expos," says Patino who is Spanish, Hawaiian, Filipino, German and Chinese mix. Her maternal grandmother's family has roots in Tarlac, Philippines.

Her products are truly a labor of love.

"It starts off with a creative design in my head, to paper, to computer, to silk screen, to printer, then the design comes to life. I print them at a local silk screen print shop where I used to work. After the shirts are made, I sew on the tags myself and my whole family (and fiancé) pitch in to help me fold the shirts and get them ready for the fair or store," she says.

Patino conceived the idea of designing her own shirts as a senior in high school, after finding that a lot of the shirts that stores sold didn't have the unique style she was looking for.

"All the graphic tees back then were surf or commercial



driven. Nothing my style—which is 'urbanmix.' So I created something I love to wear."

The shirts have a small run, keeping them exclusive.

"All of the shirts we print are limited to about 40 to 50 pieces per design. I use custom mixed colors and specialty inks to make them unique," she explains. "I'm happy when other people find joy in my clothing just as much as I enjoy creating it."

Creating the shirts has allowed Patino to be her own boss, which she knew she wanted to early on.

"I was always intrigued how a business runs and operates but the absolute satisfaction of the customer being happy and finding something she loves makes my day. The best part about owning your own business is doing what you love and never having to work a day in your life. The reward is meet-

ing people and customers and making new friends with those who like or share the same interest as you," she says.

At 23 of age, one might wonder where she found her secret to success.

"First and foremost is always putting God first," she simply states. "Another secret to success is something my dad taught me at a very young age. He said, 'Sweetheart, if you do what you love, you'll never work a day.'

Her father's tidbit of wisdom drove Patino to find something she was passionate about.

"Happiness is the key to life and I'm a true believer of this which is why our company's motto is 'Do what you love and love what you do.'"

"A lot of passion goes into everything I do for iKandy," she says. "I'm just happy I get to do something I love."

And if you're interested in Patino's urban mix t-shirts, they can be found at her kiosk at Pearlridge Center Uptown or at the upcoming Made in Hawaii Festival from August 21-23 at the Blaisdell Exhibition Hall and Arena. The shirts cost \$18-\$34.

## SBA CALENDAR

U.S. Small Business Administration



### TALK STORY with SBA

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IMMIGRATION GUIDE

# Cohabiting with Illegal Alien – Sin, Crime, or Fun?



By Atty. Emmanuel Samonte Tipon

“Is it a sin? Is it a crime? Loving you dear like I do. If it's a crime then I'm guilty. Guilty of loving you.”

—from the song “Guilty” by Richard Whiting, Harry Akst, and Donald Kahn. Sung by Ella Fitzgerald.

knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; . . . shall be punished as provided in subparagraph B.” INA § 274(a)(1)(A)(iii), 8 U.S.C. § 1324(a)(1)(A)(iii).

“Any person who . . . engages in any conspiracy to commit any of the preceding acts, or . . . aids or abets the commission of any of the preceding acts, shall be punished as provided in subparagraph (B).” INA § 274(a)(1)(A)(v), 8 U.S.C. § 1324(a)(1)(A)(v).

The penalty is a fine not exceeding \$2,000 or imprisonment for not exceeding five years, or both.

**ELEMENTS OF OFFENSE**

To convict an alien of a concealing, harboring, or shielding an illegal alien, the government must prove: (1) the alien entered or remained in the United States in violation of law, (2) the defendant concealed, harbored, or sheltered the alien in the United States, (3) the defendant knew, or recklessly disregarded the fact that the alien entered or remained in the United States in violation of the law.

Some courts have added a fourth element: (4) the defendant's conduct tended to substantially facilitate the alien remaining in the United States. See United States v. DeJesus-Batres, 410 F.3d 154, 160 (5th Cir. 2005). See also United



States v. Ozcelik, 527 F.3d 88, 97-101 (3rd Cir. 2008). As the dissenting justice noted in U.S. v. Cuevas-Reyes, No. 08-3059 (3rd Cir. 7/10/2009), the fourth element is not in the statutory language. We agree. Adding a fourth element is an example of legislating from the bench, which is inappropriate for judges. They should interpret the law as it is written, not what they think it should be written. Adding a fourth element makes it more difficult for the government to meet its burden of proof.

**WHAT DOES “HARBOR” MEAN**

The term “harbor,” means “affording shelter to aliens not entitled to enter or reside within the United States, and is not limited to clandestine sheltering only.” It does not mean “harbor so as to prevent detection by law enforcement agents.” “Standard definitions of ‘harbor’ include both concealment and simple sheltering, although the latter appears to be the primary meaning.” United States v. Acosta de Evans, 531 F.2d 428 (9th Cir. 1976).

Thus, evidence that an unauthorized alien had been living in defendant's apartment for two months and that defendant knew that the alien was in this country illegally was sufficient to support defendant's conviction for harboring an unauthorized alien. United States v. Acosta de Evans, 531 F.2d 428 (9th Cir. 1976).

Merely providing shelter to an alien with knowledge of his illegal presence in the United States was sufficient to constitute “harboring,” United States v. Lopez, 521 F.2d 437 (2nd Cir. 1975).

**COHABITATION AND HARBORING**

But in a Virgin Islands case, a female cohabitant challenged the sufficiency of the evidence to support her conviction for harboring her boyfriend at their apartment. She won.

The only evidence was testimony from a government agent that when he went to their apartment, the female shut the door, and when he asked the female who spoke from the window if the boyfriend was there she said that he was not, and when the agent asked if anybody had run out of the apartment, she said that she did not know.

The government did not dispute that cohabitation with her illegal alien boyfriend, taken alone, does not constitute “harboring.” United States v. Silveus, 542 F.3d 993 (3rd Cir. 2008).

**COMMENT**

Unless one lives in the Virgin Islands, readers are cautioned not to rely on this case and rush to look for illegal aliens with whom to cohabit and have fun. This case does not appear to have been effectively prosecuted. The female and her boyfriend were well known to immigration authorities. They knew that they had a romantic relationship and lived together. They would appear at immigration offices filing asylum papers for other aliens. Why did not the government present direct evidence that defendant was sheltering her boyfriend? And why did the government concede that cohabitation, taken alone, does not constitute “harboring”?

(ATTY. TIPON has won all deportation cases he handled and obtained approval of all visa petitions he filed. He is from Laaog City. He has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. He served as an Immigration Officer. He is co-author of “Immigration Law Service,” an 8-volume practice and procedure guide for immigration officers and lawyers. He specializes in immigration and criminal defense. Office at 905 Uni St., corner N. King, Suite 201, Honolulu, HI 96819. Tel. (808) 847 1601. Fax (808) 847 1624. E-Mail: filamintw@yahoo.com. Website: www.ImmigrationServiceUSA.com. Listen to the most interesting and humorous radio program on Hawaii radio KNDI 1270 every Friday 7:30-8:00 AM. This article is a general overview of the subject matter discussed and is not intended as legal advice for any specific person or situation. Neither the writer nor publisher warrant the completeness or accuracy of the information provided.

Today, being Sunday, I looked at the Bible, my favorite book, and the Immigration Act, my second favorite book. What do they say about cohabiting with an illegal alien of the opposite sex?

**COHABITATION AND THE BIBLE**

The Good Book is replete with “adultery” and “fornication” but I found no mention of “cohabiting” or “cohabitation.” Even with the aid of a high powered microscope, one will search in vain for “cohabiting” or “cohabitation.” One cannot extend the meaning of “adultery” and “fornication” to cover “cohabiting” or “cohabitation.” That would be legislation, not interpretation. Penal laws should be strictly construed. Halleluiah, cohabitators are safe from God's wrath.

**COHABITATION AND THE IMMIGRATION ACT**

But are cohabitators safe from immigration's wrath? The Immigration and Nationality Act (INA) provides: “Any person who . . . (iii)

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## BBB Advice: Research Before Buying Used Car

By HFC Staff  
Tuesday, July 21, 2009

More families are buying used cars, rather than new, in order to stretch their hard-earned dollars.

Unfortunately, law enforcement officials say that vehicle identification number (VIN) cloning—which targets used car buyers—is on the rise. The Better Business Bureau advises car buyers to do their research or they could unknowingly purchase a stolen car.

"VIN cloning has two victims," says Dwight Kealoha,

chief executive officer of Hawaii's BBB. "The first is the victim who had their car stolen, and the second is the unsuspecting buyer because, when the police track down the stolen car, they're going to give it back to the rightful owner and the new owner will suddenly have no car or a way to get his or her money back."

A car's VIN is a unique number that serves as a way to recognize a specific car. The number is used by law enforcement to track down and flag stolen cars. Sometimes the

thieves will punch out a new VIN and replace the stolen vehicle's dash VIN with the new one or they use computer technology to print out authentic looking documents with phony VINs. The last step is selling the vehicle, usually through classified ads or other informal methods. Some altered vehicles end up in auctions, sold through classifieds or on unsuspecting used car lots.

When police are able to track down stolen cars, they will seize the car from the buyer. There is usually little recourse

for the unsuspecting buyer to get his or her money back.

BBB recommends taking the following steps to avoid becoming a victim of VIN cloning:

- Be extremely cautious if you see a late model luxury car or SUV selling significantly under normal market price.
- Do not fall for the "we need cash quickly" excuse.
- Check the VIN on the dashboard, inside the doorjamb and under the hood against the car's title documents for

discrepancies.  
• Examine the car's title, registration and other documents. Fake documents sometimes contain misspelled words.

• If you question the validity of the vehicle's VIN, obtain a comprehensive vehicle history report.

• If you believe your car has been cloned—one giveaway according to the FBI is if you receive a notice for unpaid parking tickets—contact your local law enforcement.

For more advice on shopping for a new or used car, visit [www.bbb.org](http://www.bbb.org).

## Cane Haul Run to Raise Funds for Waipahu Community

By HFC Staff  
Tuesday, July 21, 2009

Walkers, runners or anyone just looking for some great entertainment, food and fun, should mark their calendars for the 1st Annual Waipahu Cane Haul 5K Run/Walk on Sunday, August 23, 2009.

This fun-filled, two-part

event will take runners and walkers on a scenic route through Waipahu town from 7 a.m.-10 a.m. The run concludes the Hawaii Plantation Village with a free community festival from 10 a.m.-2 p.m.

"We are supporting this event so that everyone can get to know the real Waipahu," says HPD Sgt. Shellie Paiva of the Weed & Seed-Waipahu

group. "Waipahu is a gathering place for people of all races and ages, a place full of history and a place many call home."

The festival at Hawaii Plantation Village is open to the public. Those who participate in the 5K run must register and will receive a free t-shirt. Visit [www.canehaulrun.blogspot.com](http://www.canehaulrun.blogspot.com) to download a registration form.

For those who register by August 3, entry fees will be \$15

for individual runners/walkers and \$10 per entry for a group of more than 25 participants. The fee for registrations between August 4-17 will pay \$20 per individual entry. Those registering on the day of the event will pay \$25 per individual entry.

"Proceeds from this event will be used to support the Waipahu Community Coalition in providing drug free events for residents in Waipahu," says Barbara Tom, Waipahu Community Coalition Chair.

The course begins on Waipahu Street and heads

north towards Manager's Drive. From there, participants will travel along Hiapo Street and end their run above the entrance to the Hawaii Plantation Village.

This drug-free event is sponsored by the Waipahu Community Association, Waipahu Community Coalition, Waipahu Weed & Seed, Hawaiian Electric Company Inc., Hawaii's Plantation Village, First Hawaiian Bank and Target. For more information about the Waipahu Cane Haul Run, please call 354-3663.

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PHILIPPINE NEWS

# US Allots \$480,000 for RP Peace-Building Projects

By Jose Rodel Clapano  
Wednesday, July 22, 2009

**M**ANILA, Philippines - The United States has allocated a \$480,000 grant to the Philippine government for its peace building projects, Presidential Adviser on the Peace Process Avelino Razon Jr. said yesterday.

Razon said he was informed by the United Nations Development Program that the US extended a grant of \$480,000 to the Philippine government to support the construction of 31 development projects in conflict-affected areas in Luzon and the Visayas.

He said the grant would greatly enhance the peace-building program of the government in tandem with UNDP.

"The project is a joint effort of the UNDP's Conflict Prevention and Peace Building Program (CPPBP) and the Office of the Presidential Adviser on the Peace Process

(OPAPP). Completion of these projects will be in 2011," Razon said.

Razon said the projects are anchored on components such as policy and program development, capacity building and community empowerment.

He said these includes studies on peace building efforts, a peace journalism workshop for media practitioners, healing and reconciliation seminars for social workers dealing with former rebels, training on sustainable agriculture for farmers in Samar, and construction of high school buildings in Iloilo.

The CPPBP is one of four of the government's collaborative programs with the UNDP and is being implemented by OPAPP.

"It operates on a policy framework based on strategic partnerships with key government agencies, local government units (LGUs), civil society organizations, the academe and community-based peace builders," Razon said.

Razon said the CPPBP hopes to mainstream peace building, conflict prevention, and human security in development processes; capacitate key actors to enable them to prevent, manage and resolve conflicts and to build peace and human security; and ensure that affected communities have improved access to basic services, increased income and increasingly participate in governance.

He said 19 project partners have been cooperating in the CPPBP composed of eight civil society organizations, three academic institutions, and eight OPAPP units working with various LGUs which includes the Assisi Foundation, Concerned Citizens of Abra for Good Governance, Center for Public Resource Management, GZO Peace Institute, ILAWAN, Inc., Paghilusua sa Paghidaat Negros (PsPN), Sulong CARHRIHL, Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC), Third World Studies Center, UP Visayas Foundation, Inc., and the Institute for Strategic and Development Studies. ([www.philstar.com](http://www.philstar.com))

# Obama Cautioned on Talks with GMA

By Jose Rodel Clapano  
Wednesday, July 22, 2009



Dr. Walter Lohman

**M**ANILA, Philippines - While President Arroyo's meeting at the White House next week will be an opportunity for US President Barack Obama to reaffirm RP-US ties, a US think tank urged Obama to be "clear" about what he will say to his counterpart so it will not be interpreted as support for unconstitutional extension of her term or a change in the Constitution to allow her continued leadership.

Walter Lohman, director of the Asian Studies Center at The Heritage Foundation, said in his analysis "Time for the Administration to Turn to Substance in Southeast Asia" that Thailand and the Philippines are democracies whose people have the freedom to change their governments through the ballot box.

Lohman said a continued leadership of Arroyo, who is savaged in the press on a daily basis and every year she is put through the paces of an impeachment vote, will have

destabilizing impact on the Philippines.

He said several factors tie the US more closely to the Philippines than any other country in Southeast Asia: a long, shared history of struggle, the 1951 Mutual Defense Treaty, current cooperation against terrorists in Mindanao, and even extensive family connections.

"President Arroyo's meeting at the White House will be an opportunity for President Obama to reaffirm these ties. He should also be clear, however, that his respect for President Arroyo is grounded in the constitutional order of the Philippines and the office she holds," Lohman said. ([www.philstar.com](http://www.philstar.com))

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PHILIPPINE NEWS



Pasig River Clean-Up Unites  
Top Business Leaders

The Philippines' top business leaders recently met for a key meeting to lead efforts to save Pasig River through the Kapit Bisig para sa Ilog Pasig (KBPIP) project.

The movers and shakers in the Philippine business community make up the Advisory Board of Kapit Bisig para sa Ilog Pasig, the newest project of ABS-CBN Foundation in partnership with the Department of Environment and Natural Resources through the Pasig River Rehabilitation Commission.

Those who attended the meeting were Ayala Corp. president and chief operating officer Fernando Zobel, San Miguel Corp. president and COO Ramon Ang, Aboitiz Transport System president and CEO Endika Aboitiz, ABS-CBN president and COO Charo Santos-Concio, SM Investments vice chairman Tessie Coson-Sy represented by SM Foundation executive director Debbie Sy, Philippine Daily Inquirer president and CEO Sandy Prieto-Romualdez, Philippine STAR editor-in-chief Isaac Belmonte, Globe Asiatique president Delfin Lee, Herma Group of Co. president and CEO Hermie Esguerra, Manila Water president Rene Almandraz, and Maynilad president Babes Singson.

The Pasig River is 15.5 miles long and divides Metro Manila into two. The river used to be an important transport route in Spanish Manila, but due to negligence and industrial development, it has become very polluted and unable to sustain life. The KBPIP project aims to rehabilitate the Pasig River and its tributaries, and for its initial salvo will focus its efforts on Estero de Paco this year.

"Cleaning of Estero de Paco is very important," says Gina Lopez, managing director of ABS-CBN Foundation. "If we do it in Paco, we will show it can be done. That success will snowball and pave the way for other possibilities."

KBPIP officials have already begun the voluntary relocation of squatters along the banks of Estero de Paco. The families have been moved to "Bayanijuan sa Calauan," the official resettlement site of KBPIP in Laguna.

The National Housing Authority and ABS-CBN Foundation signed a memorandum of agreement to co-manage the 107-hectare Calauan site.

"I am glad that ABS-CBN Foundation has invaluable partners," Lopez says. "Working together really renders significant results. With such strong backing from the private sector and media, I have no doubt that we will be able to clean this river." (Good News Pilipinas)

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PHILIPPINE NEWS

# Budget Deficit Soars to P153.4 Billion

By Iris C. Gonzales/  
Tuesday, July 21, 2009

**M**etro MANILA, Philippines - The country incurred a budget deficit of P153.4 billion during the first six months of this year, a sharp 752.2 percent increase from the P18 billion deficit recorded in the same period last year on the back of declining tax collections and accelerated spending amidst the slowing economy.

Despite the increase in the deficit for the six-month period, Finance Secretary Margarito Teves said the budget gap was still P1.7-billion below the P155.1-billion deficit target for

the period.

The government posted the deficit as revenue agencies failed to meet their collection targets which officials attributed to the impact of the worldwide economic crisis.

Total revenues from January to June amounted to P545.7 billion or P35.7 billion lower than the P581.4 billion target while expenditures amounted to P699.1 billion, also P37.4 billion lower than the target for the period.

Of the total revenues, the Bureau of Internal Revenue (BIR) collected P375.6 billion during the period, P12.8 billion lower than the programmed

amount due mainly to a slower than projected economic growth.

The Bureau of Customs, for its part, generated P104.8 billion or lower than the target by P20.1 billion, mostly because of the significant 35 percent drop in imports.

Other offices collected P35.2 billion in revenues, also lower than the target by P3.8 billion. Only the Bureau of the Treasury surpassed its target with an income of P30.1 billion, higher than program by P1 billion, Teves said.

With the P153.4-billion deficit for the first half of the year, Teves said the 2009 deficit ceiling remains achievable.

from a year ago level.

Of the total revenues, the BIR collected P60.4 billion, up by 11.7 percent from last year while BOC collections reached P20.3 billion or down by 18.5 percent compared to last year.

The income of the BTR, meanwhile, was also down by 46.8 percent to P2.2 billion while other offices posted an increase in income of almost 50 percent to P6.6 billion in June.

Teves said both the BIR and the BOC are vigorously pursuing their action plans to improve revenue collection. "These administrative measures by our revenue agencies are expected to raise additional collection of as much as P30 billion this year," he said. ([www.philstar.com](http://www.philstar.com))

# DA Seeks More Access for RP Mangoes to Canada, Europe

By Marianne V. Go/  
Tuesday, July 21, 2009

**M**ANILA, Philippines - The Department of Agriculture (DA) is planning to negotiate for more market access of Philippine mangoes to Canada and Europe. Agriculture Secretary

Arthur Yap said they would continue to engage in bilateral and multilateral negotiations, and undertake aggressive marketing campaigns through agricultural attachés to further expand exports to traditional markets and open up new ones, including Canada and Europe, where thou-

sands of Filipino expatriates now reside.

According to Yap, Canada and Europe would be welcome additions to the country's list of new export markets that include the Netherlands, South Korea, the Middle East, Hawaii and Guam.

"We should also keep in mind that in negotiating for market access, it is a must that we remain vigilant in protecting and safeguarding our mango farms from mango seed and pulp weevil infestation," Yap said.

Philippine mangoes are mostly sold in Asia, the US and Hong Kong (which is the gateway to the mainland China market) absorbing nearly 90 percent of the current export volume.

The world export market for

mangoes is expected to grow by 10% annually over the next two years.

Yap noted that the Philippines already scored significant breakthroughs in surveys sponsored by the US Department of Agriculture and the Australian Agency for International Development (AusAid), which all proved the absence of mango pulp weevil (MPW) and mango seed weevil (MSW) in selected areas in Luzon and Mindanao.

In the Australian-funded survey in Davao del Sur, which was conducted from September 2006 through June 2007 using 181,000 fruit samples, experts found the province to be free from mango pulp and seed weevils.

Because of sanitary and phytosanitary issues, Philippine mangoes and fruits continue to

face difficulty in gaining access to the Australian market.

The Philippines, Yap said, is now awaiting formal recognition from BioSecurity Australia to pave the way for mango exports to that country.

Aside from engaging in bilateral and multilateral talks to gain more market access for Philippine mangoes, Yap said the government would continue to help reduce the costs of shipping goods to markets overseas.

The DA, likewise, would help mango exporters conduct pesticide residue analysis.

The Philippines exported 20,824 metric tons (MT) of fresh mangoes in 2008 worth \$19.539 million.

Dried mango exports reached 1,028 MT valued at \$7.475 million, while processed mango exports totaled 11,334 MT valued at \$13.684 million last year. ([www.philstar.com](http://www.philstar.com))

# Fil-Am Activist Back in RP to Pursue Case vs Military

By Dennis Carcamo/  
Tuesday, July 21, 2009

**M**ANILA, Philippines -- The Filipino-American activist allegedly abducted and tortured by the military in the country to pursue the case against her captors.

Melissa Roxas, a member of militant Bayan-US, arrived last night at the Ninoy Aquino International Airport. She was accompanied by a 10-person delegation from the California-Nevada Conference of the United Methodist Church.

The group flew in for a human rights fact-finding mission.

Roxas said that she was returning to pursue her case, not just for herself but for other victims of human rights abuses.

Commission on Human Rights (CHR) chairman Leila de Lima and other legislators, party-list representatives and human rights advocacy organi-

zations met Roxas and her group upon their arrival.

Bayan secretary general Renato Reyes Jr. said Roxas briefly answered questions from the media before she was taken under the protective custody of the CHR. Roxas will testify before the CHR on July 23.

The Fil-Am activist will also appear before the Court of Appeals on July 30 for her petition for a writ of amparo.

The US chapter of the Bagong Alyansang Makabayan, meanwhile, is readying protest actions urging the US government to withdraw aid for the Arroyo administration in light of the alleged human rights abuses.

Roxas claimed she and two other activists were abducted last May in La Paz, Tarlac, allegedly by the military. She said she was blindfolded and brought to a detention facility -- a place she believed was inside a military camp -- where she was tortured.

Roxas was released six days later. ([www.philstar.com](http://www.philstar.com))

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## PHILIPPINE NEWS

# God Called Me to Run for President – Panlilio

By Dennis Garcamo/  
Tuesday, July 21, 2009

**M**ANILA, Philippines -- Pampanga Gov. Ed Panlilio said God has called him to run in the 2010 presidential race.

Panlilio, a suspended priest, said he has been praying for guidance and "felt" that God wants him to go for the presidency.

"Noong nagpasya po ako na i-offer ang akong sarili, I felt at peace. I'm doing this not for me, not for myself. I felt God wanted me to go on a higher service...After a period of dis-

cernment, I said 'God is calling to run for the presidency,'" Panlilio said during a forum in Manila today.

Panlilio said he will definitely file his certificate of candidacy (COC) on or before Nov. 30, the deadline for the filing of COC set by the Commission on Elections.

"I'm ready for all the consequences, including dispensation from priesthood," the Pampanga governor said.

Panlilio believes that the so-called civil society and Catholic bishops will support a candidate with moral values, a good platform of government,

and "someone who is competent and who surrounds himself with good people."

He, however, stressed that he does not expect the bishops or the Catholic Bishops' Conference of the Philippines to support his candidacy.

"I don't expect the Catholic bishops to campaign for me because they will not do that," Panlilio said.

The CBCP hierarchy has earlier opposed any of its members or clerics to go into politics as it violates the laws of the Catholic Church.

Panlilio reiterated that he is willing to go back to priesthood if he loses the presidential race.

Once elected as president, Panlilio said his administration would focus on the areas of livelihood, health, food security, and would address the problem of insurgency and corruption.

Among those who will be appointed in the Panlilio Cabinet will be former Department of Social Welfare and Development Secretary Dinky Soliman and lawyer Tony Lavinia



Gov. Ed "Among Ed" Panlilio

of Ateneo College of Law, the Pampanga governor said. ([www.philstar.com](http://www.philstar.com))

## OFWs in Afghanistan Crash Defied Ban - OWWA

By Mayen Jaymalin/  
Wednesday, July 22, 2009

**M**ANILA, Philippines - The 10 overseas Filipino workers (OFWs) killed in a helicopter crash in Afghanistan had defied the government ban on deployment to war-torn countries, the Overseas Workers' Welfare Administration (OWWA) said yesterday.

OWWA chief Carmelita Dimzon said the 10 OFWs were deployed to work in the Middle East in 2004 but apparently slipped into Afghanistan as illegal workers.

"Based on our records, they had already returned (to the Philippines) after working in Saudi Arabia, the United Arab Emirates and Iraq, but left again as tourists first week of July," Dimzon said.

The 10 workers had entered Dubai as tourists, she added.

Dimzon said the OWWA is still trying to determine how the workers ended up in Afghanistan from Dubai.

The Philippines has banned its workers from Afghanistan, but many still find employment at military bases there.

In March, a Filipino carpenter at Kandahar Air Base was reportedly killed in a rocket attack.

The 10 Filipinos killed Sunday had been working at the North Atlantic Treaty Organization (NATO) base for several years. They did not return to the Philippines because the government had imposed a ban on travel to Afghanistan, according to Dimzon.

Labor Secretary Mariano Roque said their initial investigation showed the 10 Filipino workers were hired by a US firm

to work at the NATO base in Afghanistan.

Reports said 16 out of 21 people aboard the Russian-owned civilian Mi-8 helicopter were killed when it slammed into the tarmac at Kandahar Air Base shortly after takeoff.

Roque said he has instructed the Philippine Overseas Labor Office (POLO) in Washington to make the necessary arrangements for the immediate return of the remains.

According to Roque, all the Filipino fatalities have been identified.

Among those killed was Marvin Najera of San Fernando, Pampanga, whose father Eduardo is also working in Afghanistan.

The other fatalities included Ely Cariño of Cabusao, Camarines Sur; Manolito Hornilla of Taysan, Batangas; Mark Joseph Mariano of Floridablanca, Pampanga; Celso Caralde of Butuan City; Rene D. Taboclaon (Cagayan de Oro City), Ricardo E. Vallejos (Bislig, Surigao del Sur) and Noli M. Visda, of Lubao, Pampanga.

Although it was apparent that the 10 Filipinos were illegally deployed, Roque said the Philippine government would still provide the necessary assistance.

President Arroyo ordered the Department of Foreign Affairs (DFA) to extend all possible assistance to the families of the victims.

Press Secretary Cerge Remonde said that the directive was given to DFA undersecretary for migrant workers affairs Esteban Conejos who attended yesterday's Cabinet meeting in Surigao.

Conejos said Philippine

diplomatic officials from neighboring Pakistan have arrived in the Afghan capital, Kabul, to help identify the bodies and repatriate them.

He said the victims' next of kin were informed yesterday.

"Our priority now is to work closely with the employer and the relevant authorities to identify the remains and cause their repatriation and ensure that all benefits due the workers are paid to their families," Conejos said.

He said the DFA will help the Department of Labor and Employment (DOLE) and the Philippine Overseas Employment Administration (POEA) to find out how the 10 Filipinos ended up working in Afghanistan, notwithstanding the deployment ban.

### Assurances

It was initially reported that Fluor Co., a US-based company, hired the 10 Filipinos despite the existing ban on deployment to Afghanistan.

Roque, however, said they are still confirming if Fluor Corp. was the real employer of the 10 Filipinos.

Fluor Corp., on the other hand, denied having employed the 10 Filipino fatalities, describing initial reports as "erroneous."

Fluor spokesman Keith Stephens clarified the 10 Filipino workers were employed by subcontractor AIM Group Inc., a US-based construction firm.

According to Stephens, the accident occurred inside Kandahar Air Force Base's secured perimeter in southern Afghanistan but no military and Fluor employees were on-board the helicopter. ([www.philstar.com](http://www.philstar.com))

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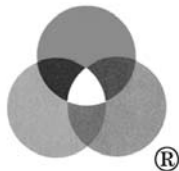
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## LEGAL NOTES



By Reuben S. Seguritan

## BIA Limits Benefits for Aged-Out Children

after reaching 21.

It also occurs when a permanent resident parent is the beneficiary of a visa petition or files a visa petition for his/her child under 21. The number of days between the filing of the petition and the approval is subtracted from the child's age on the date that the priority date of the child or the parent becomes current. If the difference is less than 21 years, the child benefits from the CSPA.

An additional requirement to avail of the CSPA benefit is that he/she must have sought to acquire the status of a lawful permanent resident within one (1) year of the visa number availability.

What happens if the child

cannot meet the requirement for freezing his/her age at below 21?

The CSPA provides that if the age of the alien is determined to be 21 or older, the alien's petition shall be automatically converted to the appropriate category and he/she shall retain the priority date issued upon receipt of the original petition.

This automatic conversion provision was favorably interpreted by the Board of Immigration Appeals (BIA) in the non-precedent decision of *Matter of Garcia*. In that case, Garcia was the derivative beneficiary of a family-based 4th preference petition filed on January 13, 1983 for her mother by her mother's sister when Garcia was just 9 years old. When a visa number became available for her mother, she

was already 22 and had aged out.

Her mother obtained an immigrant visa in 1996 and filed a petition for her in 1997. The issue was which priority date should be assigned to her petition – January 13, 1983 or 1997? The BIA said that it was January 13, 1983 because the 1983 petition automatically converted to a second preference petition.

But last June 16, the BIA reached a different conclusion in the precedent case of *Matter of Wang*.

In that case, the father of Wang was the beneficiary of a 4th preference petition filed by his sister on December 28, 1992 when Wang was still 10 years old. In 2005, the father's priority date became current and he became a permanent resident.

Wang was 22 years old and had aged out.

Wang's father filed a second preference petition for her and he requested that Wang be assigned a priority date of December 28, 1992. The BIA ruled that the automatic conversion provision of the CSPA did not apply because there was no available category to which the petition could be converted, as no category existed for the niece of a U.S. citizen. And the priority date retention did not apply because the 4th preference and the 2nd preference petitions were filed by different petitioners.

*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)

**U**nder the Child Status Protection Act (CSPA), a child who has turned 21 may under certain circumstances be still considered as under 21 for immigration purposes. Freezing the child's age will reduce the green card wait by many years.

This occurs, for instance, when a U.S. citizen parent petitions an unmarried child before he/she turns 21 but his/her adjustment of status or admission as an immigrant takes place

## GLOBAL NEWS

## Philippine Embassy in Madrid Welcomes Filipino Nurses



The Philippine Embassy in Madrid welcomed the first group of Filipino nurses deployed in the northern Basque area of Spain.

The Embassy held a briefing for the nurses on 19 July and also extended consular services to Filipino residents in the nearby Getxo-Bilbao area. The group was briefed on local Basque culture, as well as Spanish labor laws and conditions. Fifteen of the 27 nurses are from the province of Nueva Vizcaya in the Philippines, while the remaining 12 are from other provinces.

The deployment of Filipino health workers in Spain is part of the RP-Spain Memorandum of Understanding on Migration Flows signed in June 2006. Under the agreement, Spain opened its doors to Filipino health care workers.

The Filipino nurses will initially work as nursing assistants and caregivers in four homes for the elderly. They have a one-year renewable contract.

The Spanish Ministry of Education will evaluate, for accreditation purposes, the nurses' college degrees within a period of six to nine months. After receiving the official accreditation, they will be able to practice their profession and will earn the same salary as regular Spanish nurses.

The demand in Spain for foreign nurses remains high. To date, there are about 190 Filipino nurses working in the Madrid area. The Philippine Embassy is talking with prospective Spanish employers on the employment of more Filipinos in the health sector.

(DFA)

## Philippines Participates in the 2009 South African National Arts Festival

The Philippines was a participant for the first time at the 2009 National Arts Festival in Grahamstown, South Africa, which was held from July 2-11 2009.

Now in its 35th year, the South African National Arts Festival is one of the most important events on the country's cultural calendar and the biggest annual celebration of the arts on the African continent.

Seven Philippine films were shown at the Olive Shreiner Hall of the Monument as part of the Main Film Programme of the National Arts Festival. "Maynila sa Kuko ng Liwanag" was the opening film shown on July 3.



The Filipino movies screened included "Manila in the Claws of Darkness" (Maynila sa Kuko ng Liwanag); "Baler" by Mark Meily; "Peeping" (Silip) by Elwood Perez; "Third World Hero" by Mike De Leon; the comedy "Crying Ladies" by Mark Meily; "Santa Santita" by Laurie Guillen; and "Manoro" by Brillante Mendoza.

Despite the fact that Philippine films are not popular in South Africa, "Crying Ladies" surprisingly captured the interest of the audience.

The Philippines also participated in the Main Music Program of the Festival as Grahamstown-based Filipina pianist Maricel Ilusorio performed with Chilean violinist Juan Luis Muñoz and three South African vocalists. Ilusorio presented a program of works for solo piano, voice and violin introducing Philippine culture and classical music.

After the concert, the audience expressed their appreciation of Philippine music and praised the artists for their outstanding performance. (DFA)

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## PHILIPPINE LANGUAGE

## ILOKO



ni Amado Yoro

## Panagtitipon Dagiti Agila Hunio 1959

Ni Leticia Quintal ti umuna a Miss Hawaii Filipina 1959.

*Kangrunaan a panggep ti pannakabuangay ti UFCH: "To unite all Filipino organizations in Hawaii. To preserve Filipino culture and to enrich Filipino tradition. To appreciate the Filipino beauty by Filipino pageant. To strengthen camaraderie, to get more organized and get more involved in all aspects of social, political, economic, agricultural, education, science, arts, medicine, and others. To make more visible in all aspects of endeavor, to unify forces, to be heard and achieve common goals"*

Nanipud idin, simmaruno pay dagiti tinawan a kombensan a nakapilian dagiti nagsisinnubal/sukat a maraem a lallaki a dauo.

Iti historia ti UFCH, ni laeng businesswoman a community leader Maggie Domingo ti immuna ken kakaisuna pay la a nagpresidente [1990-1992 ken 1996-1998]. Isuna pay laeng [ditoy Oahu] ti kaakibuan a nagUFCH president iti agdama kaaduan kadagiti aktibidad, PCFHI, PCCCCH, OFCC, FCC, iti negosio, radio, media, gimong dagiti babbai ken adu pay.

Umuna a Mrs. Hawaii Filipina Contest idi panawen ni Bert Ugolino. Kas ito nanna-maen ni Ugolino: Kanyan a makurkuran ti pondo ti scholarship fund para kadagiti deserving student, masapul nga aramidantayo daytoy ta dak-dakkel ti 'petaka' ti misis, aglalo

no balsaan ni mister! Kangrunaan a nangidaulo da Annie Lopez, Maggie Domingo ken Joe Cruz ken dadduma pay. Ni Acela Garcia ti umuna a Mrs. Hawaii Filipina 1988. Daytoy ti namatadun ti dakkel a pondo para iti Scholarship Program.

NI JEMA GERONIMO 'Jem' ti agdama a Mrs. Hawaii Filipina 2009. "To connect back with my roots and my hometown that I left when I came to Hawaii when I was at 3rd grade," kinuna ni Jem no apay a nakalisip iti kina-Mrs. Hawaii Filipina.

Tubo iti Bacarra, Ilocos Norte ti amana ken Vintar, Ilocos Norte met ti inana. Dua ti annakda ken ni Mel Geronimo. Real Estate and Certified Residential Specialist ni Jem. Panggepna ti agsubli nga ag-basa tapno gun-odenna iti MBA ken panggepna nga ipataray ti bukodna a real estate business. Maysa a Reserve US Army, 100th Battalion. Kameng iti Aiea Lioness Club, Toastmaster Club, Kapolei Chamber of Commerce.

Paggaayatna iti craftmaking, stamping ken reading.

NI Atty. Tony Ramil nangilingalong ti umuna a panakapadayag dagiti Sakada [Sacada Award] ken UFCH Progress Award, 1988-1990

=====000000=====

- No saankami nga agriro, adda metten dagiti kakabsat a babbai a nagbise presidente ti UFCH: AGRIFINA C A B E E . A U R E A TAGORDA, ANGIE BORROMEO

=====000000=====

- Umuna a UFCH Convention a naangay iti ruar ti Hawaii idi Hulo 2008 idiaiy Las Vegas, Nevada. Ditoy a nabatosan a presidente ni Eddie Agas, Sr. kaduana da Angie Borromeo, bise presidente, ken dadduma pay.

=====000000=====

### Saludo ken pananglungad kadagiti nagpaay a Presidente ti UFCH

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Justo Dela Cruz\* 1961-1962  
Nicanor Domingo\* 1962-1963  
Diosdado Avevilla\* 1963-1965  
Gelacio Daonga\* 1965-1966  
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Jose Sanidad 1967-1969  
Manuel Guillermo\* 1969-1970  
Mario Bautista 1970-1971  
Flaviano Leomo\* 1971-1972  
Dave Paco\* 1972-1973  
Henry Manayan 1973-1975  
Gene Albano 1975-1976  
Jake Managedg 1976-1977  
Pat Esclito, Jr. 1977-1978

Jake Managedg 1978-1979  
Pete Ramos\* 1979-1981  
Dave Paco\* 1981-1982  
Virgilio Agcolico 1982-1984  
Francisco Ugale 1984-1986  
Bert Ugolino 1986-1988  
Tony Ramil 1988-1990  
Maggie Domingo 1990-1992  
Zachary Labez 1992-1994  
Rick Manayan 1994-1995  
Oscar Portugal 1995-1996  
Maggie Domingo 1996-1998  
Don Alvarez 1998-2000  
Greg Peros 2000-2001  
Dwayne Bueno 2001-2003  
Don Guzman 2003-2004  
Don Alvarez 2004-2006  
Bryan Andaya 2006-2008  
Eddie Agas, Sr. 2008 present  
(\* = Deceased)

ITI KOMBENSAN iti Molokai ita a 2009, kas tapogantayo ti sabali a limapulo a tawen ti UFCH, isaganaantayo ti nawadwada, nalawlakay ken naballigti a masakbayan. Daya ti gun-oden ti mapang-gadan a UFCH Centennial Celebration 2009.

=====000000=====

### Kablaaw met kadagiti appo a Cabugenios ito maika-5 a Reunioden ita a Hulo 17,18,19, 2009.

Sangaili ni Gobernador DV Savellano iti Ilocos Sur.

Kablaaw pay ken ni Mrs. Rose Sabangan a Mrs. Cabugenios 2009.

## GLOBAL NEWS

## RP Embassy in Hanoi Warns on Use of Filipinas in Drug Trafficking

The Philippine Embassy in Hanoi reports the use of Filipinas as "mules" in the drug trade by a Nigerian syndicate has increased significantly.

Embassy officials say that contacts in China have offered unsuspecting Filipinas a job that involves traveling from the Philippines to China via Ho Chi Minh City in Vietnam. The contact buys the plane ticket and upon her arrival will ask the Filipina to bring along a present with her to China. The unsuspecting Filipina, now a "mule," agrees and proceeds via bus to China.

The Embassy learned of the drug trade from a Filipina who was stranded in Vietnam after a miscommunication with her contact.

The Philippine Embassy in Beijing also warned Filipinos to not allow themselves to be used as drug couriers by drug syndicates. China and other countries strictly impose harsh penalties against persons caught in possession of or trafficking of prohibited or dangerous drugs. In China, trafficking of 50 grams or more of prohibited drugs may be punishable by 15 years in prison, life imprisonment or even the death penalty.

In 2008 alone, 111 Filipinos—almost all of whom are women—were arrested for drug-related offenses in China,



RP Embassy in Hanoi

Hong Kong and Macau. This was a 594 percent increase compared to the 16 Filipinos arrested in 2007. Of those arrested in 2007 and 2008, 22 were imposed the death penalty, 12 were meted a life sentence, while 11 received prison sentences of

15-16 years' imprisonment.

In this regard, the Department of Foreign Affairs reiterates its earlier warning to all Filipinos traveling abroad to refrain from engaging in drug smuggling activities and also not to accept packages from other people without knowing the contents of the said packages. (DFA)

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