

**IMMIGRANT LIVING: 101 AND BEYOND**



MONETTE ADEVA MAGLAYA

(Part 4 of 7: A Case for Coming Home ...)

VIGAN has pedigree. And tons of character. It was founded 436 years ago in 1572, a half century after Magellan first stumbled onto our shores and made the fatal mistake of messing with the feisty Lapulapu. But I digress and proffer my apologies for sounding flippant about history.

Vigan's name is derived from "bigaa", a tuberous root plant related to the edible "gabi" with big, bright green fronds common to the place. Vigan is the third Spanish city to be built in the Philippines, after the first one in Cebu and the second, in what is now Manila. Once in Vigan, you can take a calesa just for the experience but a hale and hearty visitor equal to the task, can do a walkabout in comfy sandals, shorts and T-shirt, an anahaw fan, a bottle of water, a camera, a cellphone and a wide-brimmed hat. Nearly all the points of interest, are within walking distance of each other: the St. Paul's Metropolitan Cathedral; Plaza Salcedo; the Burgos House—the best by far in the region—which was also called the Ayala Museum at one point for the family's role in its preservation; the Archbishop's Palace; the Crisologo Museum; Plaza Burgos, Syquia Mansion among others.

But the core of a visit to Vigan must be focused on the Kamestizoan district, also known as Heritage Village, along Calle Crisologo where one will find the few remaining ancestral houses on a street showing the classic lines of Spanish architecture. On the street level are shops and

# Begin the Beguine with Vigan

*"Lay out all your clothes and all your money. Then take half the clothes and twice the money."*

— Susan Butler Anderson

persuasive sellers peddling souvenirs, local crafts and antiques. Of the goods available, the cotton Ilocano blankets locally woven in simple plaid patterns and in varying thread counts and quality deserve some attention. They are not as collectible as the handmade, colorful Amish quilts that command top dollar but these are blankets that are meant to be used to give one a warm, fuzzy feeling, not unlike Linus' security blanket, on a hot summer's day or blustery winter's night. These pure organic cotton blankets woven the old fashioned way is breathable fabric that loses its form and sheen when washed but sure feels wonderful on the skin after repeated uses. Perhaps only India and other cotton-growing countries have something similar. Burnay pottery in natural or stained earth tone colors has primitive appeal and is perfect for homes and gardens but quite cumbersome to lug around if you're traveling light. Leave them for the locals instead.

Find delight in Ilocano cuisine. Like the people in the region, there is nothing bland or tentative about it. It either grabs that part of the brain that controls your taste buds or not at all. A trip to Vigan is not complete without tasting its famous langonisa, tiny bite-sized pork links with distinctive vinegar, garlicky taste that puts the *kielbasa* in the dust. Then there is delicious *bagnet*, Ilocano *chicharon*, deep fried pork meat, best eaten with garlic rice, big red tomatoes with pure *Sukang Iloko* as dipping sauce while other food fanciers use freshly cooked *bagnet* crushed and sprinkled generously on top

of any *pancit* recipe "to kick it up a notch", as Emeril would say; *chichacorn* for snacking, tastes very much like the commercial Boy Bawang brand; crunchy *empanada*—Vigan style—is not the regular *empanada* you know and scrumptious *okoy* prepared fresh and deep fried in black woks in the many tiny food stalls in Plaza Burgos is something you have to check out while sitting on the park benches as you chow down on your order hiding behind huge Jackie O sunglasses. You pretend to be oblivious of the townspeople openly gazing at you with wide-eyed curiosity while you fumble in your purse for some chump change, feeling guilty about panhandlers with babies in their arms asking for money or food.

Counterbalance all that cholesterol by dipping everything dripping in fat that you put in your mouth in genuine *Sukang Ilokos* much like Drano's action to clogged plumbing. Or chase it down with jasmine or green tea as the Chinese do after a 10-course *lauriat* banquet. For added measure, be sure to sweat out all those nasty cloggers with aerobics exercise. If not, eat in moderation following the RULE OF PALM, which the dietary experts say, is to eat only what you can fit in the palm of one hand. Sigh ... (unless you can wear Babe Ruth's baseball mitt on that palm). Okay, I'm being facetious.

You can dine alfresco on a moonlit night at Café Leona. The café is named after Leona Florentino, the creative dame who lived centuries ahead of her time. She has the distinction of being a

noted poetess, the product of an educated, illustrious family headed by Isabelo delos Reyes, with a verifiable claim to being a distant relative of Jose Rizal. Her statue with a sprig of laurel on her head and garbed in native "saya" sits pensively in front of Max's Restaurant.

The famous fried chicken restaurant which has gone global following the hordes of Filipinos who have left the country for greener pastures, is housed in a modern, stylized version of a Vigan House right down to the capiz windows—a deliberate effort to blend in with the Vigan character—but more than likely, in compliance with a mandated city ordinance. For those leery of leaving the tech world for protracted periods of time, it is comforting to know that Max's Vigan is a wi-fi zone, combining the best of the old and new worlds. Transients like myself and my tekkie daughter, who need to go wireless to periodically check on work, school or personal matters online, while vacationing halfway around the globe, definitely welcome this tech access that acts as a portal with swing doors between two divergent worlds.

Of course, you can find the omnipresent McDonald's, Jollibee's, Greenwich Pizza and a few well-known restaurant chain branches that jockey for position and market share in Vigan. Many visitors with less than adventurous taste buds and a hankering for what's safe and familiar, can simply go to these restaurants for predictable, affordable fastfood fare and come out happy.

(To be continued ...)

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# Resurrecting the dead: Humanitarian reinstatement of I-130 petitions

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ATTY. JOEL R. BANDER

have been approved prior to the death of the petitioner. To invoke this benefit, the principal beneficiary of the visa petition has to request for reinstatement of the approval of the petition and establish that a substitute sponsor is willing to file an affidavit of support and the particular circumstances of the case warrant the reinstatement of the petition.

THE long waiting time for immigrant visa processing is an issue of important interest to Filipinos. The Philippines is one of the countries with the highest numbers of immigrants in the United States and longest waiting time period for immigrant visa processing. While visa numbers are immediately available to spouses, parents, and minor children of US citizens, other relatives of citizens and immigrants generally wait several years ranging from five to 22 years before they could immigrate into the United States.

A serious problem posed by the lengthy visa processing is the possibility of losing the petition when the petitioner dies before the beneficiary is granted the visa. Under the regulations, when the petitioner dies, an approved I-130 petition is automatically cancelled by operation of law. Thus, even if the petition has been approved and the beneficiary is only waiting to receive the immigrant visa, the petition automatically dies with the death of the petitioner.

However, this problem is ameliorated by an exception provided by the regulations that allows the US Citizenship and Immigration Services (USCIS) to grant discretionary reinstatement of "dead" I-130 petitions based on humanitarian reasons. To qualify for reinstatement, the petition must

either be a citizen or national or a legal permanent resident who is at least 18 years of age and have a domicile in the United States. A spouse, parent, mother-in-law, father-in-law, sibling, child at least 18 years of age, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, or grandchild of the beneficiary may qualify as a substitute sponsor.

There are no clear rules as to what the USCIS must look at in exercising this discretionary authority. However, there is a clear intent that this authority should be used in those cases where revocation would be clearly contrary to the furtherance of justice. The following factors have been considered:

- (1) Disruption of an established family unit;
- (2) Hardship to US citizens or lawful permanent residents;
- (3) If beneficiary is elderly or in poor health;
- (4) If beneficiary has had lengthy residence in the United States;
- (5) If beneficiary has no home to go to;
- (6) Undue delay by DHS or consular officer in processing petition and visa; and
- (7) If beneficiary has strong family ties in the United States.

It is worth emphasizing that there is no appeal from a denial of a request for reinstatement.

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**HOMEOWNERS' HIGHLIGHTS**



ATTY. CRISPIN LOZANO

TWO months ago, Mr. R of Santa Clara County came to my office after a Notice of Default has been filed but before the date of Trustee Sale. We immediately contacted the lender and we submitted the required documents. We requested a reduction in interest rate from 7 percent to 4 percent; a reduction in principal to current fair market value and a forgiveness of all missed payments and late fees. After interview by the lender, Mr. R was granted a forgiveness of all missed payments and penalties, a reduction in interest rate to 4 percent and a reduction in the principal balance of the loan by \$102,000. In this case, Mr. R made the right decision to request for loan modification before the date of Trustee sale.

**Question: What is a Notice of Trustee Sale?**

Answer: A Notice of Trustee Sale informs the borrower that his or her house will be sold at public auction by the lender (the Trustee) on the date specified in the notice. Usually, the lender is also the buyer in public auction.

**Question: When is the Notice of Trustee Sale sent to borrower?**

# Modify your loan before the Date of Trustee Sale

Answer: The Notice of Trustee Sale is usually sent to the borrower at the end of the 90 days period given to the borrower on the Notice of Default to make his payment on the loan current. By the time the Notice of Trustee Sale is received by the borrower he has only 20 days to redeem the property by paying all missed payments plus costs.

**Question: How do I know that a Notice of Trustee Sale has been sent to me?**

Answer: You should receive the notice in the mail. In addition, the lender is required to post in a conspicuous place in your property the Notice of Trustee Sale.

**Question: Is there a need for the lender to go to court to foreclose my residence?**

Answer: No. In California, most foreclosure is non-judicial which means outside the court. The property is sold at an auction to the highest bidder.

**Question: Can I redeem the property after the auction date?**

Answer: In California non-judicial foreclosure, there is no right to redeem the property after the auction date. Once the sale of the defaulted property is complete, the sale is final.

**Question: What happen to the additional 90 days stay under the Foreclosure Prevention Act approved in California?**

Answer: The 90 days given to borrower will apply if the lender was not granted exemption from the stay by the Dept. of Corporations. Generally most lenders were granted an exemption because they undertook to modify loans for qualified applicants.

**Question: What should a borrower do to avoid situations where the property is sold at auction without his knowledge?**

Answer: It is very important that whenever a borrower missed a payment to contact an attorney whom they can speak directly to avoid these situations.

**Question: How do I know that I am dealing directly with an attorney?**

Answer: The State Bar of California requires attorneys to have a face to face consultation with clients on loan modification. If you cannot talk directly to your attorney you may contact the State Bar of California at (415) 538-2028.

**Question: Can a homeowner apply for loan modification after a debtor is discharged in Chapter 13 bankruptcy?**

Answer: Yes. However, it is better to apply for loan modification before filing Chapter 13 bankruptcy because you have a better chance of getting better terms in modifying your loan. Once you filed for bankruptcy and still you

cannot pay your mortgage after your discharge, you have lesser chance of getting the best terms of modification.

Note: This is not a legal advice. You need to talk to an attorney about your case. Our office offer FREE initial consultation on Loan Modification only.

Crispin Caday Lozano is an active member of the State Bar of California since 1999. He graduated Juris Doctor (Law Degree) from Western State University School of Law in Fullerton, California. He is a licensed Real Estate

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ATTY. JOHNSON LAZARO

IT'S time to crunch some numbers. Check if these statistics on foreclosure to make you a more aware about foreclosure. If you are a current homeowner, beat the odds and do everything in your power not to become another number. Consider the pros and cons of taking out a new mortgage if you wish to upgrade from renting to owning. Ask yourself these questions:

How strong is my credit history?

How good am I at paying off debt?

Do I keep my promises?

How steady is my current job situation?

Do I have an opportunity to earn a promotion and/or raise in the next year?

Is my spouse or partner also committed to paying off the mortgage?

# Cold hard facts: The numbers behind foreclosure

percentage of Americans who ignorantly started a new mortgage only to find out months, or a year later that they could not afford the payments. Banks and lenders are becoming stricter and now ask tougher questions for new mortgage applicants.

While this may sound like tough love from the lenders, consider these facts about foreclosure:

- 1 out of every 200 homes will be foreclosed upon. For a city like Washington, DC, that translates to 3,000 Washingtonians losing their homes to foreclosure each year. (Mortgage Bankers Association)
- Every three months, 250,000 new families enter into foreclosure. (Mortgage Bankers Association)
- One child in every classroom in America is at risk of losing his/her home because their parents are unable to pay their mortgage. (Mortgage Bankers Association)
- A slower real estate market can translate into falling prices and home values. As a result, homeowners who opted for adjustable rate mortgages may now find that as their mortgage rate adjusts higher, their home value is lower and therefore refinanc-

ing is no longer an option.

- Six in 10 homeowners wish they understood the terms and details of their mortgage better. (Freddie Mac/Roper poll of 2,031 U.S. homeowners, conducted 2005.)
- More than 6 in 10 homeowners delinquent in their mortgage payments are not aware of services that mortgage lenders can offer to individuals having trouble with their mortgage. (Freddie Mac/Roper poll of 2,031 US homeowners conducted 2005.)

The statistics are alarming. Even more alarming are the studies below, which include statistics on the current financial state of homeowners:

- Homeowners fail to contact their lender because they are embarrassed, don't believe the lender can help, and/or believe it would cause them to lose their home more quickly. (Freddie Mac/Roper poll of 2,031 US homeowners, conducted 2005.)
- 43 percent of American households spend more than they earn each year. (Homeownership Preservation Foundation data of 60,000 homeowners)

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