

## **The Case of the 11 Trafficked OFWs in Los Angeles**

Results of an Investigation by Rep. Walden Bello, Chair of the  
Committee on Overseas Workers' Affairs (COWA), House of  
Representatives, Philippines

*May 25, 2011*

## **Acknowledgments**

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W.F.B

Quezon City

May 25, 2011

## Executive Summary

After the referral to the Committee on Overseas Workers Affairs (COWA) of a speech by Deputy Speaker Erin Tanada on the plight of 11 OFWs in Los Angeles, California, USA, the Chair of the Committee conducted an investigation of the case while in the United States during the congressional break.

The Chair's investigation confirmed that the case of the 11 is a clear-cut case of trafficking by a Philippine-based labor recruitment agency, Adman, with the possible connivance of a large Philadelphia-based corporation specializing in labor placement called Aramark.

The Chair found that the cause of the trafficked OFWs was pushed energetically by OWWA Welfare Office Alberto Adonis Duero. However, relations between the Philippine government and the OFWs chilled owing to the latter's perception that the Washington-based Labor Attaché, Luzviminda Padilla, wanted to send them back either to their employer in Mississippi or the Philippines and to their feeling that the government was reneging on promises it had made on their housing arrangements. The Chair found that the OFWs were justified in interpreting the Labor Attaché's position in the way they did owing to the phrasing of an email message she sent to Mr. Duero which was shared with them. After interviewing her, however, the Chair did not feel she intended to send them back to their employer in Mississippi or to the Philippines, but this only emerged from a lengthy clarification. As for the housing issue, the Chair could not arrive at an informed judgment on the matter since most of the OFWs refused to meet with him and he only got the Mr. Duero's account of the dispute.

The Chair found Mr. Duero's handling of the case to be admirable, but he was troubled by the rift that developed between him and his superiors in Washington, DC. Part of Mr. Duero's alienation stemmed from differences he had with Labatt Padilla on how to promote the welfare of the OFWs, part of it from a sense that he was not getting enough support from Manila for his work and his feeling that Manila was not taking the threat to his life seriously. The Chair found that on both counts, there was justification for Mr. Duero's alienation.

As for POEA's response to the case filed by the 11 against Adman, the Chair understands the frustration expressed by one OFW that while the POEA decision was favorable to them, it took over a month for it to be conveyed to them. He also shares the frustration that an appeal by Adman brings with it the prospect that they might not be able to collect the money illegally extorted from them by the agency until after four or five more months and even face the possibility that the decision might be reversed.

The Chair is of the view that the Adman case has brought to light the possible abetting of trafficking and corruption at the POEA, which is involved in all phases of the deployment of OFWs. This should be the subject of thorough investigation

and prosecution, not only to root out corruption but to prevent the Philippines from falling into the “Tier 3” in the US State Department’s classification of countries from which people are trafficked—a status that would deny the country of some foreign assistance programs.

The Chair also feels that the involvement in transnational trafficking of Aramark and other US corporations and of personnel within the consular division of the US Embassy is a very real possibility and should be the subject of thorough investigation by the US government.

The LA 11 case shows that trafficking is big business. Given the continuing attraction of the US as an employment site, despite the current recession there, trafficking to that country has become especially attractive to unscrupulous elements. The enormous amounts charged by Adman from the 11 trafficked victims show the great profits that can be reaped by illegal traffickers working the US market. The death threats received by Welfare Officer Duero underline the extent to which traffickers would go to preserve a lucrative business dealing in human labor.

The report concludes with a set of recommended measures directed at both the Philippine Government and the US Government which, in the Chair’s view, would bring justice to the LA 11 as well as address the broader problems of trans-Pacific trafficking brought to light by their case.

## ***Facts of the Case***

In late August and early September 2010, eleven OFWs arrived in Los Angeles, California, USA, and contacted officials of the Consulate General of the Philippines in that city. They claimed that they were victims of human trafficking.

The OFWs were Rufino de Guzman, Ronilo Cruz, Imelda Nosa, Eutropia Velasco, Arlene Dorotan, Ricardo Jabagat, Manuel Jusayan, Khalid Velasco, Vuenas de la Puerta, Mario Abaday, and Norman Yaranon.

The key details in the story of the 11 OFWs were:

- They had been recruited by an agency called Adman Human Resources Placement and Promotions, Inc., to work for a hotel in Virginia at the rate of US\$7.50 an hour.
- Their temporary work (H2B) visas were sponsored by a US firm, Aramark, a global services and staffing company based in Philadelphia.
- To have their papers and visa processed, the OFWs claimed to have paid exorbitant sums, reaching in some cases P308,400.00 or over US\$7,100.00.
- Upon arrival in the US, their contact there said the original job in Virginia was not available and told them to proceed to Biloxi, Mississippi, to work at a hotel called Royal Hospitality.
- They were told that each of them had to clean up 14-16 rooms daily, with a wage of \$4.75 per room. With hardly any money left, they accepted the terms of employment.
- The work was, however, onerous, with the each worker able to clean only an average of 10-11 rooms a day. To finish the 14-16 rooms stipulated by management, some workers had to miss lunch and begin work 30 minutes before the official start of the working day, a period for which they were not compensated.
- In addition, they were charged double for their living quarters, being compelled to give the management \$1400.00 for two months when the rate agreed upon was only \$700.00.
- The workers were warned by hotel management that any attempt to escape would subject them to a legal suit and reported to US immigration authorities, who would deport them.
- Realizing that they were victims of human trafficking, OFW Rufino de Guzman decided to escape from Royal Hospitality and go to Los Angeles,

where he sought the assistance of the Philippine Consulate General. He was followed shortly by the 10 other workers.

### ***Reactions to the OFWs' Plight***

The case of the "LA 11" (also known as the "Biloxi 11") drew much attention both in the US and the Philippines. The Filipino community in Los Angeles came together to offer both moral and financial support to the trafficked OFWs. The case appeared to underline that labor trafficking from the Philippines to the US had become a major problem. Philippine officials feared that the case would spur the United States government to downgrade the Philippines from the "Tier 2 Watch List" to "Tier 3" in its human trafficking classification—a status that would make the Philippine government ineligible for some \$250 million in non-humanitarian and non-trade-related assistance.

After a trip to the United States, where he met the trafficked workers in Los Angeles, Deputy Speaker Erin Tanada delivered a privilege speech at the House of Representatives on Nov. 30, 2010, where he detailed the ordeal of the 11 workers and asserted that the Philippine government had not been as helpful as it should be. According to Rep. Tanada,

*Labor Attaché Luzviminda Padilla has been showing reluctance in aiding our kababayans in dire need. According to the Federal Bureau of Investigation and the US Department of Homeland Security, it could take more than a year for these workers to file a trafficking case which is currently under investigation. Instead, Ms. Padilla has decided not to grant [OWWA Welfare Officer] Duero's request for assistance because according to her email, there might be a "better way" to spend OWWA funds. Sabi niya, pauwiin na lang daw ang mga kababayan natin imbis na gastusan pa nila. Ms. Padilla has apparently forgotten that these individuals are not only Overseas Filipino Workers, but victims of alleged human trafficking who are seeking justice. Moreover, Mr. Speaker, beyond being victims, they are witnesses to a possible crime who need due protection from our authorities abroad.*

*On one hand, we have Filipinos who victimize fellow Filipinos. On the other, we have a Filipino in a position of power refusing to give aid to fellow countrymen.*

### ***COWA's Action on the Case***

Rep. Tanada's speech was referred to the Committee on Overseas Workers' Affairs (COWA), where it was taken up at the Committee hearing on March 23, 2011. At that meeting, COWA decided to assign priority to the matter.

Since the COWA Chair was going to the United States anyway during the congressional break on other matters, he decided to personally investigate the

Biloxi trafficking case. The Speaker agreed to make the COWA chairman's visit to Los Angeles an official investigating mission.

The COWA Chair was in Los Angeles on April 18 to 22. While there he was able to meet with OWWA Welfare Officer Alberto Adonis ("Don") Duero, Consul General Mary Jo Bernardo Aragon and other members of the Consulate General, and officials of the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE) of the Department of Homeland Security.

The main purpose of the trip to Los Angeles was to meet with the 11 OFWs. The COWA chair was able to meet with only one of them, Rufino de Guzman. Persistent efforts to meet with the other 10 were rebuffed, for reasons that were not clear. Two individuals acting as the spokespeople for the 10, Mr. Antonio Dorotan and Atty. Alberto Mendoza, told me, either by text or phone, that their efforts to convince the 10 to talk to me proved fruitless, though the reasons for their refusal remained unclear. This proved very frustrating to the COWA chair since he wanted to get first-hand the opinions of the OFWs, especially with respect to the handling of their case by the Philippine Government.

Feeling that he needed more facts, the COWA Chair went to Washington, DC, on April 27-28, 2011, to meet with Labor Attaché Luzviminda Padilla.

### ***POEA's Response***

Upon the arrival of the first OFW, Rufino de Guzman, in Los Angeles, OWWA Welfare Officer Alberto Adonis ("Donn") Duero assisted them in various ways: getting their sworn statements, getting legal help to legalize their immigration status, getting their story out to the public, acquiring funds from OWWA to support them, and assisting them in finding lodging.

Based on a sworn statement made by OFW Rufino de Guzman, the POEA issued an Order of Preventive Suspension against Adman on August 31, 2010.

Additional evidence on Adman's violations of POEA rules came in the form of sworn statements from de Guzman and the 10 other OFWs that were turned over to POEA by Administrator Carmelita Dimzon of OWWA on Nov 23, 2010.

Nearly seven months after the issuance of the Preventive Suspension Order, on March 23, 2011, the POEA Adjudication Office found Adman in violation on:

- 14 counts of Section 2 (c), Rule 1, Part VI of the Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers ("Charging or collecting placement fees for deployment to countries where the prevailing system, either by law, policy or practice, do not allow the charging or collection of placement and recruitment fees");
- 14 counts of Section 2 (e) ("Engaging in acts of misrepresentation in connection with recruitment and placement of workers, such as

furnishing or publishing any false notice, information, or document in relation to recruitment or employment”); and

- 14 counts of Section 2 (q) (“Deploying workers to principals not accredited/registered by the Administration”).<sup>1</sup>

As penalty, the license of Adman has been cancelled, prohibiting its officers and directors from engaging in the business of recruitment of overseas workers. In addition, the agency was ordered to return the amounts it collected illegally from the workers to them.

Adman has appealed the ruling before the Office of the Secretary of Labor and Employment, preventing, among other things, the immediate return to the OFWs of the amounts illegally collected from them. Though the POEA adjudication favored him and his co-workers, OFW Rufino de Guzman was critical of the fact that it took almost a month after the signing of the decision by Administrator Sergio Cao on March 23 for the results to be disseminated to them and for them to learn that Adman had appealed the case, which not only prevented them from immediately collecting money illegally taken from them but raised the possibility that the original decision in their favor might be reversed. The Chair understands the frustration of OFW de Guzman, since according to the POEA Adjudication office, the normal length of time for the appeals process is about six months.

During the Chair’s investigation of Adman, it came to light that Adman has had 31 cases filed against it. Ten of these cases have been decided, all of them against Adman.<sup>2</sup> With this record, the question is raised why Adman was able to retain its license to operate for so long.

### ***Tensions between the OFWs and the Philippine Government***

While relations between the OFWs and the Philippine government started off on a good footing, relations turned sour on two issues: First, the OFW’s claimed that Labor Attaché Padilla wanted them to return to the Philippines or to Mississippi, a charge they conveyed to Rep. Tanada during his visit. Second, a number of the OFWs feel that the government went back on its word to find hotel accommodations for them while they regularized their status.<sup>3</sup> The OFWs felt

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<sup>1</sup> In addition to the 11, three hires by Adman who remained behind in Biloxi were included in the complaint: Nicomedes Maceda, Jr., Marites Awatin, and June Agon, resulting in total violations of 14 counts on three provisions of the Recruitment Rules.

<sup>2</sup> POEA, Adjudication Office, May 24, 2011.

<sup>3</sup> Regularization involves getting an immigration status called “Continued Presence” which would allow the OFWs to remain in the US while their claim of being trafficking victims was being adjudicated. A status of Continued Presence comes with a Work Permit. A determination that someone is a trafficked victim by the Immigration and Customs Enforcement (ICE) entitles one to a T Visa (or Trafficked Visa). It is not easy to obtain a T Visa; according to a Federal Bureau of

that these two incidents showed the government did not sympathize with their plight.

On the first issue, the source of the OFWs' resentment was apparently a message from Labatt Padilla conveyed to them by OWWA Welfare Officer Duero. The message, dated Oct 28, 2010, read in part:

*Dear Donn:*

*May I just put in my thoughts about your request to OWWA for a US \$30,000 budget for the food and accommodation of the 11 victims of trafficking by Adman agency.*

*I hope you do not take this the wrong way as I have absolutely no intention of interfering in your job. I just thought that perhaps OWWA need not spend that much if the victims were in Mississippi or if they are repatriated back to the Philippines.*

*I emailed a query to Atty. Elaine Carr requesting for more information and clarification on the Continued Presence process and the trafficking case. I also asked hypothetically what assistance the Adman guys would get if they were to return to Mississippi. [The forwarded exchange between Labatt Padilla and Atty. Carr was attached to this note.]*

During my interview with her in Washington, DC, on April 27, Labatt Padilla explained that she did not mean to suggest that OWWA Officer Duero send the workers back to their employer in Mississippi or to the Philippines. All she wanted to show, she said, was that there might be "a better way to spend the OWWA funds" requested by Duero by "dramatizing that [the sum requested was] bigger than the repatriation cost" to the Philippines. She also said in a note to me that "there should be no need for OWWA to spend that amount for services that are available anyway without cost to it." She was referring here to the services by Catholic Charities of Biloxi funded by the US government that the trafficked victims could have access to should they return to Biloxi and follow up the regularization of their immigration status from there. There was no question of sending them back to work at Royal Hospitality, she said, since they would only be eligible for assistance from Catholic Charities if they had left their employer.

The Chairman is inclined to believe that Labatt Padilla had no intention to send the workers back to their employer in Mississippi or to the Philippines. However, this only became clear when she explained her intention at length to me. *From the formulation of her email message to Mr. Duero, however, one cannot blame Mr. Duero, the OFWs, and Rep. Tanada for inferring that she either wanted them back in the Philippines or in Mississippi, despite all the dangers and uncertainties that the OFWs would naturally feel such a return to the Deep South*

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Investigation officer, Leah Marx, whom we interviewed, only some 2,000 of 45,000 allowable T Visas were granted in 2010.

*would subject them to, in contrast to the more liberal atmosphere of Los Angeles. Given the sensitivity of the case, it was incumbent on her to make crystal clear what she meant.*

On the second issue, the housing question, Mr. Duero told me that the OFWs felt that during a meeting on November 15, 2010, in Los Angeles with DOLE Undersecretary Danilo Cruz, OWWA Administrator Carmelita Dimzon, and Labatt Padilla, Mr. Cruz promised that the government would assist them in meeting their needs as well as *house them in a hotel within the city that would be relatively accessible*, to be funded with \$5,000.00 from OWWA.

The consular staff tasked with finding an affordable hotel within the city center apparently could not immediately find a reasonably priced one, prompting them to look for alternatives. A vacant house in Riverside, about 65 miles away from the Consulate General, was rejected as being too distant by most of the OFWs, and another house in Pasadena, about 15 miles away, was also vetoed as inconvenient. Two apartments in the vicinity of the consulate, one renting for \$950 .00 a month, the other for \$1,250.00, were also eliminated as alternatives since both were leased on a yearly basis. Nine of the OFWs eventually accepted housing offered by some people in the Filipino community, while two, Rufino De Guzman and Manuel Jusayan, chose to stay at the house in Riverside offered by the consular staff.

The failure to agree on housing was apparently the key factor that led to a chill in the relations between most of the OFWs and the consulate, and this was followed by a dispute over the release of bus passes to seven of the OFWs. Mr. Duero's side of the story is that the hotel option was not really an option at all owing to the high cost of hotel lodging and that he did not withhold bus passes to the seven OFWs. It is regrettable that I could not get the side of the OFWs that rejected the options offered by the consular staff owing to their refusal to see me, thus making it difficult for me to arrive at an informed judgment on the matter.

### ***Frictions between OWWA Officer Duero and his Superiors***

A chilling of relations between the 11 OFWs and the Philippine Government was not the only unfortunate dimension of the case. Mr. Duero and his superiors also had a falling out.

By most accounts, Duero handled the case in an energetic manner. His advocacy of the OFW's rights and trouble-shooting activities not only in this case but in related cases has been widely reported on. His efforts elicited praise from the US-based Filipino media, in the internet, as well as from individuals I met at a consular function on April 21. Labatt Padilla, with whom Duero has had rocky relations, herself told me later in Washington, DC, "In terms of his performance, I have no cause to complain."

Duero has achieved prominence (or notoriety, from the point of view of the recruitment agencies) owing to his strong recommendation that the DOLE stop the direct-hire policy. According to him, direct-hire allows private companies

and labor recruiters to hire workers with minimal supervision by DOLE. At the very least, he wrote DOLE Secretary Rosalinda Baldoz, Philippine labor offices abroad or consulates should be required to verify advertised job vacancies before applications are processed and before workers are eventually deployed to fill them. In this regard, Duero was critical of the POEA website's periodic posting of what he felt were non-existent jobs. As an example he pointed to the POEA posting of "Approved Job Orders for Haiti as of April 14, 2011." The positions being recruited for were six engineer positions, one senior accountant position, one surveyor position, and one cook position. Having helped manage the repatriation of Filipino nationals from Haiti,<sup>4</sup> Duero was sure the positions were nonexistent since the country "is still recovering from a devastating earthquake, and no firms there are hiring." He was strongly of the opinion that there should be verification before such posts are advertised."

Duero felt that his high-profile fight against illegal recruitment was not getting the support it deserved from his superiors and sensed there was some reason for this. He felt that Labatt Padilla was, from the very beginning, trying to keep him away from the Mississippi trafficking case, telling him, in his words, that "the case being highly sensitive...she alone must handle it or attend to it." He felt that the timing of a message from Secretary Baldoz directing him to return to Washington, DC, from Los Angeles and ending his tour of duty on Dec 31, 2010, was related to his active engagement with the Biloxi trafficking case. He received this message on August 5, 2010, though it was dated July 27—an indication, he said that, it was deliberately antedated to conceal the fact that it was occasioned by his engagement with the Mississippi case that began on August 3.

When he was advised by Labatt Padilla that the LA 11 could return to Mississippi, where they could allegedly pursue their efforts to regularize their immigration status while enjoying the support of Catholic Charities, he interpreted this to mean that "she wanted the victims to go back to Mississippi to silence them."

What is one to make of these fears? Labatt Padilla asserted that, far from obstructing Duero's work, she supported his request to stay in Los Angeles to pay attention to the LA 11, a contention that is borne out by the record. From her account, her differences with Duero appeared to stem from differing assessments of how best to serve the interests of the LA 11 while limiting the financial commitments of the Philippine government. Her suggestion that the LA 11 return to Mississippi appears to have been motivated by the offer of Catholic Charities to fund their stay there while they regularized their immigration status and by the proximity of a lawyer, Atty. Elaine Carr, with whom the government had worked in other cases. *The Chairman feels that Labatt Padilla may have committed an error in judgment in underestimating the difficulty of obtaining the*

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<sup>4</sup> Under Mr. Duero's jurisdiction as OWWA Welfare Officer were 23 countries including 1) USA Mainland, 2) Argentina, 3) Bahamas, 4) Belize, 5) Brazil, 6) Bolivia, 7) Chile, 8) Columbia, 9) Costa Rica, 10) Cuba, 11) Dominican Republic, 12) Guatemala, 13) Haiti, 14) Honduras, 15) Jamaica, 16) Mexico, 17) Nicaragua, 18) Paraguay, 19) Peru, 20) Puerto Rico, 21) Turks and Caicos, 22) Uruguay, and 23) Venezuela. This is an extraordinarily large area, containing millions of Filipino migrant workers and residents prompting the Chair to question the wisdom of having only one labor attaché and one OWWA officer assigned to the jurisdiction.

*status of Continued Presence and a work permit in Mississippi--as opposed to the more liberal political context of Los Angeles--but there was no ill intention on her part.*

Mr. Duero never quite explicitly made the link, but he seemed to think that what he saw as efforts to exclude him from the case might have something to do with corruption in the higher rungs of the POEA, which led to tolerance of and weak action on illegal recruitment. As an example of irregularities at the POEA, he cited the fact that while Adman was suspended, its operations were merely transferred to an agency called 168 Ye Lu Fa International Man-Power Promotion Services, Inc., which he and others claim has on its Board of Directors the same Rebecca Najilum who owns Adman, the license of which has been cancelled.<sup>5</sup> This was, he said, a violation of the POEA ruling on the LA 11 case, which stated that the officers and directors of Adman “at the time of the commission of the offense are hereby disqualified to engage in the business of recruitment of overseas Filipino workers.”

Interestingly, both Duero and Labatt Padilla were concerned with the activities of 168 Ye Lu Fa: according to one reliable source, Padilla called POEA at one point to express concern and seek an explanation about the “great number of job orders being filled by 168 Ye Lu Fa.”

Mr. Duero also called attention to the filing of charges before the Department of Justice of human trafficking and violation of the Anti-Graft and Corruption Practices Act against five high executives of the POEA in early January 2011. The complainant accused the five of non-implementation or late implementation of a POEA decision to cancel the licenses of three agencies, resulting in a total of 100 OFWs being deployed after the cancellation of the licenses.<sup>6</sup>

The five had earlier been reassigned within POEA by then Administrator Jennifer Manalili to take them away from positions from which they allegedly abetted trafficking and facilitate investigation of their activities. This order was, however, revoked by DOLE Secretary Baldoz, a move that Duero interpreted as an attempt to protect former subordinates by the Secretary, who was Administrator of POEA before she became an Undersecretary of Labor under the previous administration.

Consultation by the Chair upon his return to Manila with a number of people who are very familiar with the case appeared to confirm Duero’s fears. According to these sources, who requested confidentiality, the five were actively abetting trafficking, prompting Manalili not only to reshuffle them but to invite the National Bureau of Investigation (NBI) to look into their activities. Owing to her role in reversing Manalili’s decision, the Chair also intended to speak with

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<sup>5</sup> See <http://pusongpinoytayo.blogspot.com/2010/12/update-on-illegal-recruitment-case.html>

<sup>6</sup> According to the news story “POEA officials charged with human trafficking, corruption,” published at [www.abs-cbnnews.com](http://www.abs-cbnnews.com) (01/10/2011 9:12 OM), the following officials were charged: Atty. Alejandro Padaen, Director IV for Adjudication; Atty. Jesus Gabriel Domingo, Director II for Legal Research; Atty. Marietta Labong de la Cruz, Attorney V, of the Docket and Enforcement Division; Ernesto Vistro, Administrative Aide VI (Sheriff); and Nascel Gabito, Web Administrator. In a letter to Abs-Cbn, those accused vehemently denied the allegations and decried what they described as “trial by publicity.”

Secretary Baldoz, but she had already left the country to attend the International Labor Organization's negotiations to craft a domestic workers' convention in Geneva.

To pay attention to the LA 11 and other cases, Duero appealed the shortening of his tour of duty to Dec 31, 2010, from the original completion date of April 26, 2011, and his being sent back from Los Angeles to the Philippine Overseas Labor Office (POLO) in Washington, DC, to his superiors in OWWA and DOLE.

In this regard, it might be noted that Oliver Flores, a member of the staff of the Labor Attaché, commented that one reason Duero preferred to be in Los Angeles rather than his official post in Washington, DC, was "to be with his family" who lived in the Los Angeles metropolitan area.

Mr. Duero's anxieties were heightened by death threats he received after he took up the cause of the LA 11 and ensured that it would have widespread media coverage. He received a total of seven death threats between October 6, 2010, and March 10, 2011. All were variants of this message, which he received on October 7: "*Purwesyo ka sa negosyo naming hanggang airport ka lng tarantado ka alam naming malapit ka nang umuwi masyado ka kasing nagpakabayani gago ka....*" ("You've made things difficult for us...You won't get past the airport, you fool...We know you're about to come home...This is what you'll get for trying to be a hero, you fool.")

Duero's superiors in Manila eventually relented and extended his tour of duty in North America to the original end date of April 26, 2011, and permitted him to be based in Los Angeles till that date. But that a request he made for indefinite leave of absence in consideration of the threats was not granted was an indication to him that his superiors in Manila were not taking the threats to his and his family's physical well being seriously. According to him, the only guidance he received on the matter was the advice of OWWA Administrator Dimzon to report the death threats to the FBI, with which he complied. The FBI referred him to the Department of State Diplomatic Security Section, whose agents told him they could not really do anything since the text threats came from the Philippines.

Asked about his opinion on the death threats, Oliver Flores said "*lagi siyang may kaaway*" ("He always has enemies."). Labatt Padilla, for her part, commented, "I share his apprehensions, but the matter of extension is at the discretion of the Department of Labor and Employment and OWWA."

In response to his continuing request for guidance on the matter, Duero received this final note, dated April 18, 2011, from Mr. Allan Ignacio, director of OWWA's Overseas Operations Coordination Service (OOCs)/Operations Center:

*"In view of your impending return to Home Office after the completion of tour of duty as Welfare Officer, and the alleged threats you received relative to the illegal recruitment cases involving the 11 OFWs you have handled in your Post, may we reiterate our earlier advise to you during our telephone conversation to prepare and submit a statement and comprehensive narration of facts describing the threats you received.*

*“The Home Office will endorse these documents to the National Bureau of Investigation (NBI) and the Interpol, and in requesting assistance in ensuring your safety upon arrival at NAIA. You may wish to include in your statement your compliance to the Administrator’s instruction to report the threats to the Federal Bureau of Investigation.”*

OWWA Officer Duero apparently felt that his security was not assured by these suggested measures, and he resigned from OWWA on May 16, 2011.

### ***US Actors in the Case***

The focus on the investigation of Adman has taken attention away from the US firm Aramark. Yet it was Aramark that sponsored the visas of the 11 OFWs. The official story from Aramark is that it was not involved in the scam. An inquiry by Duero elicited the following message left on his voice mail by Atty. Laura Reiff of Greenburg Traurig LLP, the largest law firm in the US, representing Aramark: “I am responding to you on behalf of Aramark...Just wanted to let you know that we've conducted an investigation and [found that] the letters that they [the OFWs] have received are fraudulent, they are fabricated, they are not authentic and that somebody is using Aramark as immigration petition. We are very much upset about this and we are going to deal with the authorities on this and actually we began talking with them about the misuse of our immigration documents and the forged documents.”

Given the controversy around the case, this denial was not unexpected.

In our meeting with Special Agent Miguel Palomino of the Immigration and Customs Enforcement (ICE) Division of the Department of Homeland Security, he agreed that Aramark must be investigated. He informed us, however, that such an investigation could only be conducted by the ICE unit in the state where the trafficking took place, in this case, Mississippi. The Chair was assured that the ICE investigation headed up by Special Agent Jason Elder would encompass Aramark.

Along the same lines, the consular division at the US Embassy might merit investigation. In our talk with FBI Agent Leah Marx of the agency’s Anti-Trafficking unit in Los Angeles, C1 visas (allowing transit in the US) are difficult to get, yet holders of C1 visas issued in the Philippines have figured in a good number of trafficking cases involving Filipinos entering the US. The relative ease with which C1 visas were obtained apparently alarmed the FBI, with Agent Marx saying “we don’t know if there’s someone” facilitating trafficking within the consular division.

In our talks with US law enforcement officers, the impression is that they regard trafficking as being still at the level of small-scale operations involving nursing homes, local educational institutions, and small hotels. Most of it appears to involve, as one FBI agent put it, “Filipinos-trafficking-Filipinos.” If Aramark and/or persons within the US Embassy consular division in Manila are involved,

this would mean that trafficking of people into the United States is becoming a bigger, highly organized, and sophisticated operation.

### ***Conclusion and Recommendations***

Trafficking is big business. Given the attractiveness of the US as an employment site, despite the current recession there, trafficking to that country is especially attractive. The enormous amounts charged by Adman from the 11 trafficked victims show the great profits that can be reaped by illegal traffickers working the US market. The death threats received by Welfare Officer Duero underline the extent to which traffickers would go to preserve a lucrative business dealing in human labor.

While it is the trafficking of women and children for prostitution that makes the headlines, trafficking in labor is just as widespread and involves the victims in relations with traffickers and employers that border on slavery, indeed, in many cases, constitute slavery.

The two conditions that will end or very significantly reduce trafficking of labor into the United States are a deep recession or depression in the US or significant improvement in the employment situation in the Philippines. Without either condition obtaining, employment in the US will remain an attractive option that traffickers will manipulate to seduce victims. Thus, effective law enforcement must be relied on to contain and roll back trafficking. The law must be firm with traffickers. At the same time, it must be sensitive to the plight of trafficked victims, who intend to come into the US under perfectly legitimate conditions but fall into the clutches of smooth operators that take their money after being contracted in good faith to facilitate the workers' entry into the US.

There are many recommendations we can make to address the problem of labor trafficking. However, the following recommendations will be limited to those relating to the case of LA 11. The first set of recommendations is addressed to officials and agencies of the Philippine Government, the second to officials and agencies of the US government.

#### *Recommendations to Philippine Government*

1. The POEA should immediately complete processing the appeal of Adman, affirm its cancellation of Adman's license, and order the agency to promptly return to the OFWs the money it illegally collected from them.
2. The POEA should preventively suspend the agency 168 Ye Lu Fa from engaging in labor recruitment, launch an investigation into its links to Adman, and cancel its license should it be found that it is run by individuals connected with Adman.
3. The Department of Justice should move swiftly on the case of the five high POEA officials accused of abetting trafficking. While their guilt or

innocence is being determined, POEA Administrator Carlos Cao should place the accused on preventive suspension. This move is needed not only to root out corruption at the agency but also to serve as a signal that the Philippine government is willing to take the tough measures against trafficking that will prevent it from falling into the US State Department's Tier 3 status on human trafficking. The government, warns the State Department, still has to secure a conviction for labor trafficking.

4. OWWA should retain Welfare Officer Donn Duero on its overseas staff but not compel him to return to the Philippines while the threats to his life remain credible. Mr. Duero's tour of duty in North America has come to an end, but his energy and commitment to the welfare of OFWs would be an asset in other critical overseas postings, for instance, in the troubled Middle East.
5. DOLE should add another labor attaché and at least one more Welfare Officer to cover the 23 countries in North and South America covered by its staff posted with the Washington, DC, Embassy, with the two additional personnel to be based on the West Coast of the US.
6. POEA must verify that job vacancies really exist and have not been filled before it posts them on its website.
7. DOLE must review the direct-hire policy and seriously consider phasing it out if it is found to be prone to abuse.

#### *Recommendations to the US Government*

1. The Immigration and Customs Enforcement (ICE) section of the Department of Homeland Security should speed up its investigation of the role of Aramark in the trafficking incident and prosecute it if it determines the company was an accomplice in the LA 11 case.
2. ICE should grant T visas to the OFW victims in the trafficking incident, which will permit them to reside and work in the US.
3. The State Department should launch an investigation of possible connivance in trafficking by personnel connected with the consular division of the US Embassy in Manila.

