

Written by

Monday, 10 September 2012 18:42 - Last Updated Monday, 10 September 2012 20:41

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By JOSEPH G. LARIOS

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CHICAGO (*jGLi*) – If recruiters in the Philippines “would not turn over the (travel) documents,” including passports, to their job recruits for failure of the recruits to pay “their placement fees and airfare” before Dec. 23, 2008, the recruiters could not be charged with violation of the TVPA (Trafficking Victims Protection Act) of the United States.

But if recruiters committed this misconduct after that date (Dec. 23, 2008), the recruiters could be charged not only with “document servitude” but also with extortion and RICO violations.

These were the rulings of Judge John A. Kronstadt of the United States District Court of the Central District of California in Los Angeles, who denied, in part, and granted, in part, Filipino-American defendant Lourdes “Lulu” Navarro’s motion for partial summary judgment.

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Ms. Navarro's lawyer, Don A. Hernandez of Pasadena, California, in an email, said, "the allegations that my clients improperly withheld travel documents from the Plaintiffs (Filipino) teachers class is no longer part of the lawsuit because the Judge has dismissed those claims."

Hernandez added that the Plaintiffs have advised us in writing that they no longer intend to pursue claims for fraud and violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) against my clients. This decision eliminates any claims that my clients intentionally misled the teachers with respect to the amount of money that was being charged as placement fees or those they extorted money from them.

Hernandez also said, "We have filed a number of motions to exclude from trial much of the "evidence" that you have been presented by the Plaintiffs in the past – and which you have freely cited in your past articles – as either irrelevant or unduly prejudicial. In particular, we are seeking to exclude evidence of any past wrongs by my clients. We will advise you of the Court's rulings as soon as we receive them."

Told by this reporter that there was in the court records a "Notice of Lodging of Proposed Final Pretrial Conference Order on Sept. 17 at 3 p.m. and Trial on Oct. 2, 2012 at Courtroom 750" with Judge Kronstadt, Hernandez confirmed that the "remaining claims are set to be tried before Judge Kronstadt on October 2."

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## **PARS WITHHOLDS DOCUMENTS**

In an email, Ms. Lourdes Navarro told this reporter, what "you wrote about UPI contradicted the truth specially after the judge's decision dismissing the document servitude since UPI did not withhold any of these peoples' passports as accused from the very beginning. In fairness to UPI that it's only proper that you retract and correct some of those information that you wrote that are very damaging and have ruined our reputation. I understand you're a reporter and just doing your job. Truth is coming out slowly, it's only fair and proper to ask you to report the truth in favor of UPI. Damaged already done but the public needs to be informed about the truth."

The "withholding of documents" charges arose from a claim of one of the plaintiffs, Mairi Nunag Tanedo, against Navarro and her "alter ego" company in the Philippines, PARS International Placement Agency in Quezon City, that she "obtained at PARS's direction," a \$12,000 in debt beyond the fees she had already paid, and that she obtained this large \$12,000 loan "[e]ven though this was a very large amount of money," because given the amount of money she had already paid, she "felt like [she] had no choice but to pay the additional money . . . and go work in the United States to pay off [her] debt."

Tanedo was one of the 350 Filipino teachers recruited by PARS in the Philippines and were processed at the UPI's office in Los Angeles before being turned over to teach at various public schools in Louisiana.

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When Tanedo arrived at UPI's office in Los Angeles, where she and other Filipino teachers signed contracts, requiring them to pay an additional portion of their salaries to Navarro and UPI, Navarro and UPI "sued and threatened to sue" the Filipino teachers in the U.S. for not paying their fees. This was the basis of the extortion charges against the defendants when they had no standing to sue Tanedo and other Filipino teachers when the "threatened suit was objectively baseless."

"The Defendants allegedly forced Plaintiffs to choose between forfeiting their initial \$5,000 or paying approximately \$10,000 more to join the teaching program," according to court records. Because the alleged misconducts were committed by Navarro and UPI in the U.S.

, "the alleged damages were suffered in the

U.S.

, because plaintiffs performed their labor here,"

Court records added "Plaintiffs have sufficiently alleged the RICO predicate act of extortion against Defendants based on the alleged threats of deportation and severe financial harm."

When the Plaintiffs filed the complaint in 2010, more than 350 highly-skilled Filipino teachers have been trafficked into Louisiana thru federal government's K-1B "specialty occupation" visa programs to serve as teachers in public schools.

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## **SYSTEMATICALLY DEFRAUDED**

The complaint said the teachers were systematically defrauded and exploited in the recruitment and hiring process in the Philippines by Defendants. They were promised a unique opportunity to teach in Louisiana to ensnare teachers in a psychologically coercive and financially ruinous trafficking scheme that subjected the teachers to exorbitant debt and forced labor.

Once in the U.S., the teachers were further abused and exploited by Defendants, who used a variety of coercive tactics, including abuse of legal process, isolation and segregation, and threats of deportation, to attempt to control the teachers' actions. When the teachers organized collectively for better conditions, they were victims of retaliation.

The plaintiffs and class members in this action are victims of human trafficking and were brought to the US to work in different districts in Louisiana.

Aside from Tanedo, the other plaintiffs are Ingrid Cruz, Donnabel Escuadra, Rolando Pascual and Tomasa Mai.

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The defendants are East Baton Rouge Parish School Board, Charlotte D. Placide, former superintendent of EBRPSB; Millie Williams, director of EBRPSB; and Duran Swinford of Mississippi.

The recruiter defendants are Universal Placement International (UPI), Mrs. Lourdes Navarro, owner and president of UPI, of Glendale, California; Hothello "Jack" Navarro, former director of UPI, former husband of Lourdes "though hold himself out as current husband;"

PARS International Placement Agency (PARS) based in Quezon City, Philippines; Emilio Villarba, owner of PARS and brother of Lourdes Navarro;

The Legal Facilitator defendants are Atty. Robert B. Silverman and his associates while the RICO Defendants are Recruiter Defendants and Individual Employer Defendants.

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The class actions allegations include claims for damages; injunctive, declaratory relief on behalf of themselves and all similarly situated persons pursuant to Rule 23; Actual, Punitive and treble damages..# # #

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