

Palace Sends \$25,000 as Legal Aid to Accused RNs

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The Philippine Consulate General in New York handed over the \$25,000 assistance by the Office of the President for the Filipino nurses embroiled in legal wrangle with the New York-based SentosaCare. Ten of the 38 embattled nurses personally accepted the check from Consul General Cecilia Rebong on Monday afternoon at the Philippine Center on Fifth Avenue. Also present at the turnover were Deputy Consul General Melita Sta. Maria-Thomeczek and Consul Leandro Lachica.

The money will go to the legal defense trust set up by Fil-Am lawyer Felix Vinluan, a lawyer for the Sentosa nurses, who also has been charged along with his clients, said Rebong.

The monetary help was a result of the private meeting in September between President Gloria Macapagal-Arroyo and the nurses at the Waldorf-Astoria during the President's New York visit to address the United Nations General Assembly.

"We are thankful to the President for giving her immediate approval when the request was presented to her by the nurses," Rebong told the Filipino Reporter. "The Consulate General will continue to do its best to help the Sentosa nurses in whatever way it can," she added.

The nurses accepted the financial assistance on the same day dozens of nurses belonging to the New York State Nurses Association (NYSNA) showed up at the Suffolk County Criminal Courthouse in Riverhead, N.Y. to extend support for 10 indicted Filipino nurses and Vinluan.

The nurses have been charged with conspiracy and endangering the welfare of children in a pediatric ventilator unit at Avalon Gardens Rehabilitation and Health Care Center in Smithtown after they quit en masse in April 2006, over various work disputes. Vinluan was also charged with conspiracy and criminal solicitation allegedly for instructing the defendants to resign without giving notice to Avalon Gardens. He is being represented by Atty. Oscar Michelen. The 10 nurses and Vinluan, collectively called the "Avalon 11," were at the court for a hearing to determine whether all the nurses should be represented by the same defense counsel, James Druker of Garden City, or each should have a separate lawyer. The hearing was postponed and tentatively rescheduled for Dec. 17.

A trial date was tentatively set for Jan. 28. Outside the courthouse, about 50 NYSNA nurses carried signs and wore buttons for the Avalon 11 as they chanted support for their indicted colleagues. "We will be with you on that long twisting road," Barbara Crane, a registered nurse and president of the New York State Nurses Association Delegate Assembly, told the nurses outside the courthouse. "You will be vindicated. We are sure of that."

Lachica, who was also at the courthouse along with members of the Philippines Nurses Association and the U.S.-based advocacy group, National Alliance for Filipino Concerns, expressed hope that the case will have a "fair" outcome.

"We look forward to a fair and speedy resolution of this case," Lachica said. "The career of our nurses are on the line. They are counting the support of the Filipino community in this battle." On Oct. 11, both the NYSNA and the PNA, along with the lawyers of the 10 nurses and Vinluan, wrote New York Gov. Eliot Spitzer urging him to appoint an independent special prosecutor to oversee the case "to ensure a fair hearing."

Tina Gerardi, chief executive of NYSNA, cited Newsday stories that explored political connections of the nursing home's owners and their lawyer. The National Alliance for Filipino Concerns (NAFCON) said the charges are "trumped up and politically-motivated" by Sentosa in retaliation to the 10 nurses standing up for their rights after working under gravely violated contracts for months. "The 10 have documented proof that they did not abandon their shifts midway," NAFCON stated. "They each finished their shifts completely and made sure there were nurses to take over. This does not constitute patient abandonment or endangerment. In fact, it is SentosaCare and [Bent] Philipson that are guilty of endangering patients by understaffing their nursing facilities, coupled with withholding wages from their nurses."

"Patient-to-nurse ratios in Avalon Gardens reached as high as 60:1," NAFCON said. "Under these dangerous conditions, the child patients of Avalon Gardens are in more peak danger than if the nurses had actually walked out midshift." "Sentosa and Philipson are the real criminals because they are in the business of illegal recruitment, human trafficking, and indentured servitude," NAFCON added. "We demand a full investigation of Sentosa's criminal operations by the State of New York." A spokesman for the nursing home told Newsday the nurses' resignations are "a cold and cynical act." "No protest sign, placard or petition can mask the fact that the defendants engaged in a calculated work action that abandoned patients on ventilators," the

spokesman, Gary Lewi, said. "They can try to point the finger anywhere else but walking away from those individuals lying immobile in their beds was a cold and cynical act that put people at risk. Now a jury will be asked to determine if it was also against the law."

Spitzer spokesman Paul Larabee told Newsday that no determination had been made on the requests by NYSNA and PNA.

Meanwhile, an online petition for Sentosa nurses has been set up by supporters to collect signatures condemning the "grave injustice" done on the nurses

(<http://www.petitiononline.com/j4s27/petition.html>). As of Oct. 31, the site has garnered over 2,200 signatures.

The 38 Filipino nurses are involved in three separate lawsuits filed by SentosaCare ? a criminal and civil case in New York, and an administrative case at the Department of Justice in Washington, D.C.