

COMMUNITY JOURNAL

Factors that are considered in an award of spousal support

BARRISTER'S CORNER



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As indicated hereinabove, the award of support is in large part based on the facts and circumstances of the particular case. In determining spousal support, the court considers numerous factors, set forth in Family Code Sec. 4320. They include: 1) The extent to which the earning capacity of each party is sufficient to maintain the standard of living established during the marriage, 2) The extent to which the supported party contributed to the attainment of an education, training, a career position, or a license by the supporting party, 3) The ability of the supporting party to pay spousal support, taking into account the supporting party's earning capacity, earned and unearned income, assets, and standard of living, 4) The needs of each party based on the standard of living established during the marriage, 5) The obligations and assets, including the separate property, of each party, 6) The duration of the marriage, 7) The ability of the supported party to engage in gainful employment without unduly interfering with the interests of dependent children in the custody of the party, and 8) The age and health of the parties.

The two situations mentioned hereinabove are extreme cases, on opposite ends of the spectrum. Quite obviously, the facts and circumstances in a particular case may be such which call for some amount of support for some period of time, though not until death of the supported spouse. For example, the court may order support for that period of time required for the supported spouse to obtain or complete an education, to allow the supported spouse to take care of the children until they reach an age where a return to employment would be more feasible, or to become self-supporting within a reasonable time.

Although the use of standard guidelines based on income is encouraged in the award of temporary support, such guidelines cannot be used in awarding permanent spousal support.

The factors set forth hereinabove are only several of the many factors the court will consider in deciding the issue of spousal support. In that the amount and duration of an award is largely based on the facts and circumstances of the case, it is advised that one who is requesting support, or is opposing a request for support, obtain experienced counsel, who will be able to present the facts and circumstances in the best light possible.

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(Advertising Supplement)

IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

(Here's an old favorite excerpted from the book, "The Complete Success Guide for the Immigrant Life.")

THERE are no shortcuts in arriving at a decision to live a simple life. Sometimes, one has to go through a personal hell experiencing an inner fatigue and helplessness over the never-ending chase for the almighty dollar and quality of life in order to come to a conclusion that there has to be a better way than what is commonly believed.

Money is a major consideration in deciding to simplify one's life. Let's face it. Our attitude and relationship towards money have a lot to do with it. If you are always strapped for money because you are too deeply buried in debt, then money has you in a stranglehold. You have to work longer, harder hours in order to pay off the debt. Think of it this way. If you buy a new car which you have to pay on installment for the next five years, you have just signed yourself on to work for the next five years to pay it off. If you love your work and can see yourself doing it for the same company for the next five years, then driving a new car and being able to pay for it are bonuses of the work that you love to do. But if you hate your job, "... aye there's the rub..." as Shakespeare would say. Overwhelming financial problems will prevent you from living simply.

Many who have taken the simple life path will tell you that being relatively debt-free can be very liberating. It will allow you to breathe freely and lead you to appreciate everything with a twinkle in your eyes, about life under these big blue skies. Saved money can give you op-

Money and the simple life

tions to take an extended leave, extended sabbaticals, switch gears to study for a change in career or simply to do the things you have always wanted to do but could not because you have been slaving your life away over things you have bought stashed in the garage, in the closet or in the basement unopened or things you have been maintaining to impress others with how successful you are and create an image.

To be able to save money, you will have to live below your means and pare down to the barest minimum your expenses to cover the basic necessities. Your treacherous, fat ego – the one that keeps wanting to impress others with bogus symbols of power and success – must be cut down to size. If you have neither the motivation nor the discipline to do this, it won't happen.

Ergo, put that big, fat ego on a diet, pronto.

If you begin to understand your attitude about money and how you can make it work for you instead of you spending your life away chasing it and living paycheck to paycheck, then you are on the right track. When it finally hits you that money can either free you or make a slave out of you depending on how you view it and how you use it, you can then begin to exercise the control you never knew you had over it. The reward is tremendous. You begin to experience a rare sense of freedom that only a simple life gives.

Charles Dickens who would probably make a good accountant as well, stated it plainly.

"Annual income twenty pounds, annual expenditure nineteen six, result happiness. Annual income twenty pounds, annual expenditure twenty pounds ought and six, result misery."

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"I owe, I owe.
 So off to work I go."

- Car bumper sticker, taken from the song of Snow White's seven dwarfs, "Hi-ho, hi-ho. It's off to work I go."



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DATELINE USA

Number of child laborers in RP to increase due to financial crisis—ILO

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income," Wirth said. Wirth explained that family income levels, school enrollment, adult literacy, income inequality, structural, ethnic and demographic variables are side factors that contribute to the incidence of child labor.

According to Wirth, household incomes in the Philippines have dropped as 109,529 workers have been permanently displaced or affected due to the crisis since October 2008 and they have had to find means to cope with and meet basic needs.

Workers affected by the crisis cope in different ways, with some cutting their leisure activities, adjusting their expenditures on food, health and education, or

lessening their financial support to extended families.

In a report entitled *A Gender Perspective in Labor Market Governance*, the ILO also reported that companies reeling from the economic crisis would lure child workers because of cheap labor costs.

In 2001, the National Statistics Office (NSO) reported that there are four million working children aged five to seven. Seven out of 10 working children are located in rural areas where child labor is prevalent.

The figure dropped to 2.29 million in 2007 as the government, particularly the Department of Labor and Employment, launched an intensified campaign to elimi-

nate all forms of child labor.

The ILO said child labor is among the "dysfunctional conditions" observed in the Philippine labor market. Two major reasons cited for child labor are low household savings and high poverty incidence rates.

Despite the crisis, the ILO said social security institutions in the Philippines remain.

Wirth said the Social Security System continues to post an increase in collections throughout 2008, except in December, but in January 2009 collections were "higher than usual."

"Perhaps because of the fear and uncertainty, people had increased their contributions," she said. ■

Pacquiao throws ceremonial pitch at SF Giants Game

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really disappointed in the Filipinos. Two weeks ago, Manny was tied with Barack Obama. And now he's nine places back." So he is encouraging the Filipinos to go online and vote to push Pacquiao on top of the list.

Still, popularity is the last thing on Pacquiao's mind as his motivation is thinking about the people he truly cares about. "I think what gives me inspiration is my family, and the Filipino people for their support," he said and added, "I would like to think that I am the most popular boxer in the world, but what I'm trying to do is give good work and train hard for the fight and give the fans what they want."

Roach, who has been Pacquiao's trainer for the last few years, is confident about his ward's chances. He was also coy on what their strategy is for the May 2 fight.

"Hatton's a rough guy. We're working on dealing with that. Manny will show our game plan on May 2. Manny is sparring with fighters who have the same style as Hatton's. So far, of the seven sparring partners he's had, Manny has knocked down four of them," Roach said.

"Manny is an easy guy to train. I even have to slow him down. Like today, for instance, I said 'Let's do one more round, get out of here and have an easy day.' But Manny kept saying, 'one more round, one more round.' He's one of the most dedicated fighters I have worked with, and one of the hardest workers in this sport," Roach added.

Arum, for his part, said that the focus right now is on this fight and not on who's next.

"This will be a difficult fight," Arum stated. "I hope that Manny wins this bout. Whoever wins will have a lot of time to decide the next fight."

"I don't know what will happen on May 2," Pacquiao said, "but I am prepared."

Pacquiao's other appearance around the ballpark was at Seals Plaza near the San Francisco Bay where he greeted the thousands of Filipinos enjoying the festival atmosphere.

Prior to Pacquiao's ceremonial pitch, the pre-game homeplate ceremony included Hydra Mendoza and other community leaders honoring several Filipino American World War II veterans, the handing of a check donation to a few Filipino nonprofit organizations by the SF Giants organization, and a number by the Likha Pilipino Folk Ensemble.

This is the third Filipino Heritage Night conducted by the SF Giants organization. According to Al Perez, Filipino American Arts Exposition president, about 11,000 Filipino Americans bought tickets to this heritage event, exceeding the combined Filipino Heritage Night events total of 6,500 in 2008.

"This is the largest ever event of the San Francisco Giants that is a heritage night," Perez said. "I think they are going to use this as their template for their heritage nights due to the success. The Giants organization is very, very happy, and they are so easy to work with. In fact, during a post-event survey that the Giants conducted last year, it indicated that 30 percent of the people who bought tickets to Filipino Heritage Night were first-time attendees to a Giants baseball game. They are pleased that we are bringing new patrons to the game."

What also makes Perez and other members of the Fil-Am community happy is the fact that Filipino culture is exposed to a wider audience.

"Through events like this, Bay Area baseball fans get to experience and appreciate Filipino culture, and Filipinos who may not have had motivation to go to a baseball game are introduced to one of the greatest American traditions. I am glad that Filipino Heritage Night is a bridge that connects the Fil-Am community to the sports community," Perez explained.

"Filipino Heritage Night gives us a chance to be proudly both Filipino and American," Perez added.

Perez also hinted at another Filipino Heritage Night event scheduled for later in the baseball season. ■

Pilipino po tayo!

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